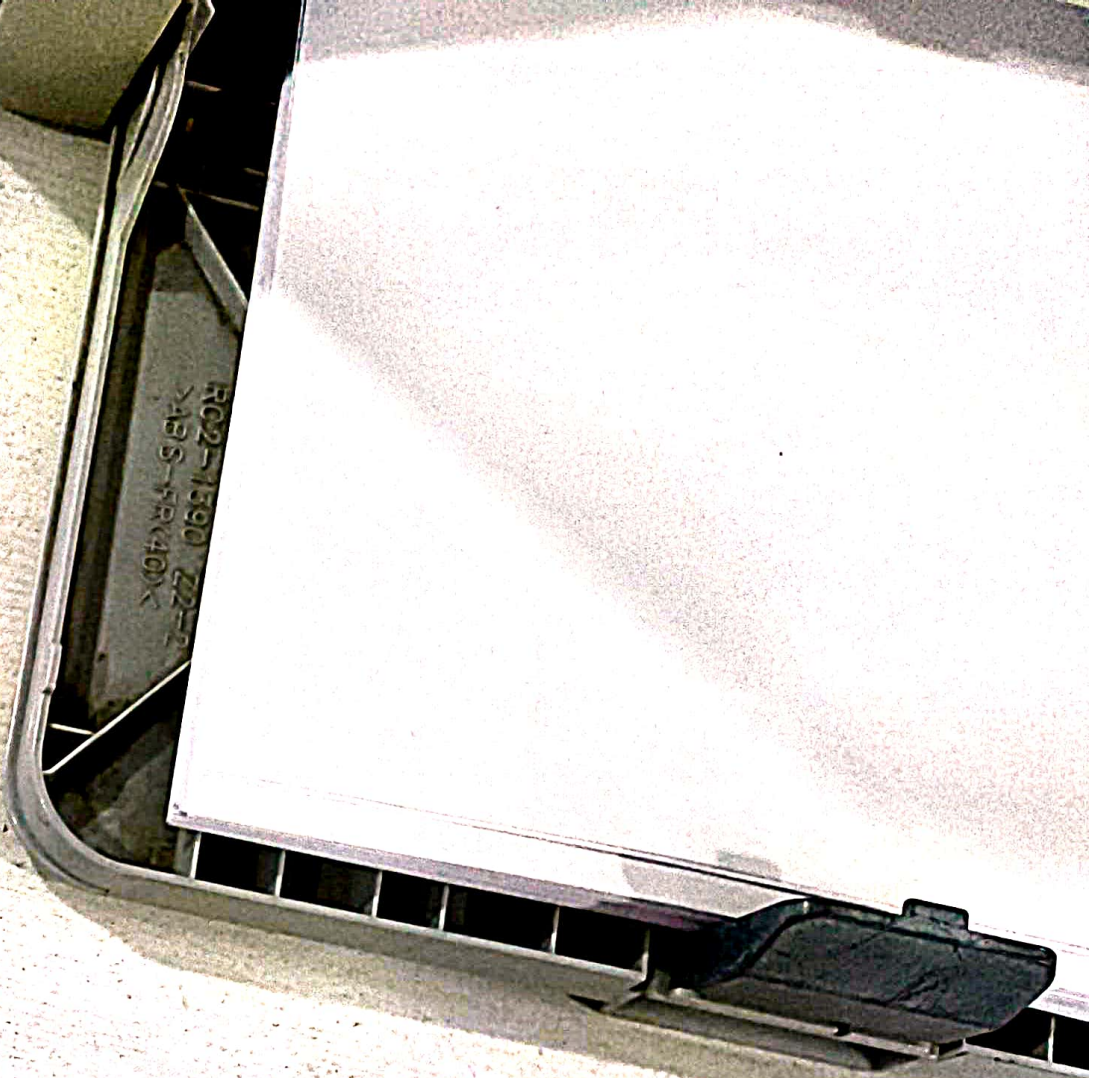
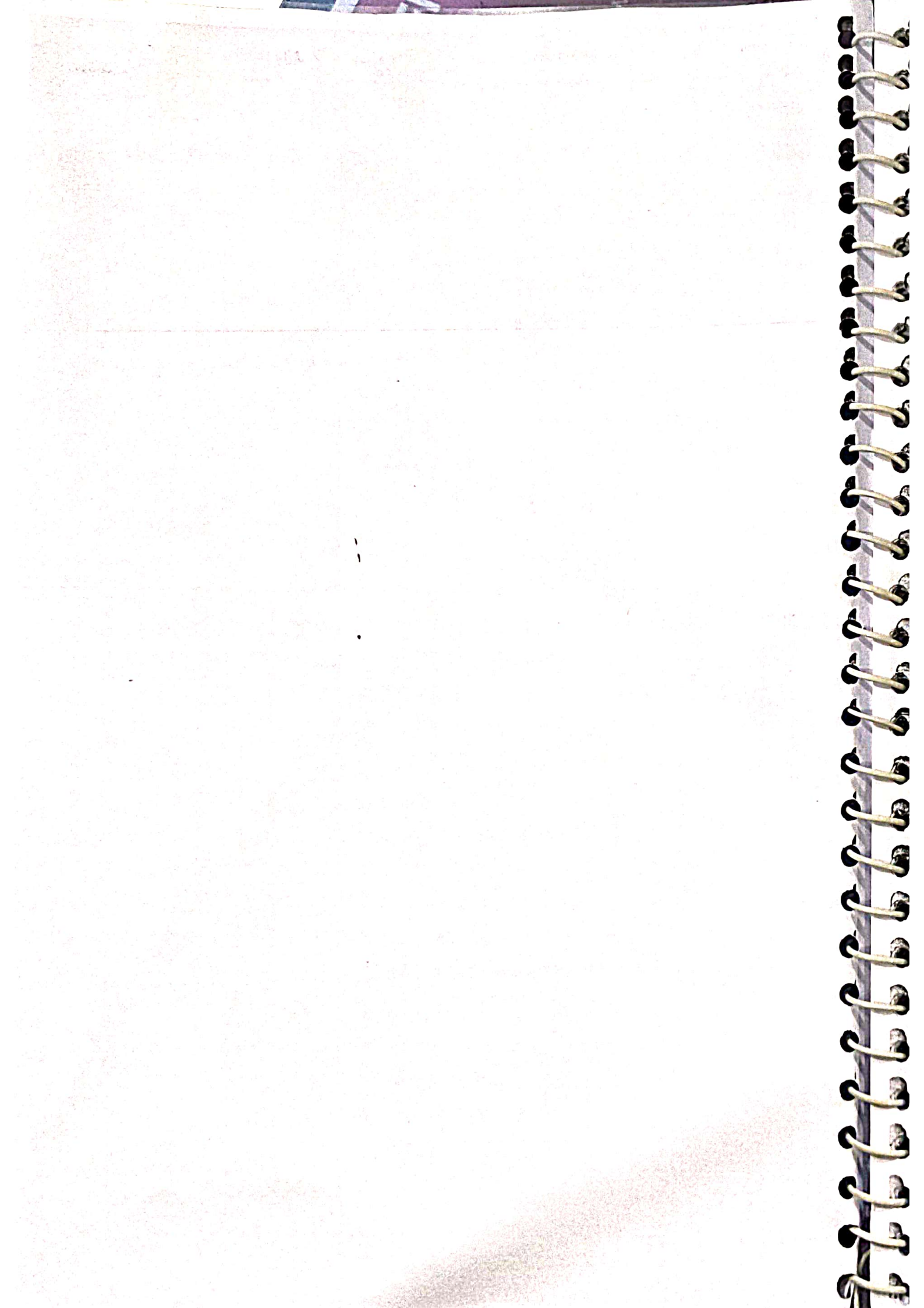


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CHAPTER – 1

INTRODUCTION

Constitutional and Legal Provisions

1.1 Objective of providing reservations to the Scheduled Castes(SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) in services is not only to give jobs to some persons belonging to these communities. It basically aims at empowering them and ensuring their participation in the decision making process of the State. Justice B.P. Jeevan Reddy, while delivering the majority judgement in the matter of Indra Sawhney & Ors Vs. UOI & Ors, observed that public employment gives a certain status and power, besides the means of livelihood. The Constitution has, therefore, taken special care to declare equality of opportunity in the matter of public employment. Keeping the broader concept of equality in view, Clauses (4) and (4A) of Article 16 of the Constitution declare that nothing in the said Article shall prevent the State from making any provision for reservation of appointments or posts in favour of backward class of citizens which in the opinion of the State is not adequately represented in the services under the State. Article 16 of the Constitution and also Article 335 which have direct bearing on reservation in services are reproduced below:

16 (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which in the opinion of the State, is not adequately represented in the services under the state.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favor of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

335. The claims of the member of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently, with the maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

Provided that nothing in this article shall prevent in making of any provision in favor of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.

1.2 Besides, Article 46 provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

1.3 Articles 341 and 342 of the Constitution which define as to who would be Scheduled Castes and Scheduled Tribes with respect to any State or Union Territory are quoted below:

341. (1) The President may with respect to any State or Union territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342(1) The President may with respect to any State or Union Territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purpose of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be.

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1.4 The Constitution does not define Other Backward Classes. However, in pursuance of the judgment of Supreme Court in Indira Sawhney's case, the Government enacted the National

Commission for Backward Classes (NCBC) Act in April, 1993. As per Section 2 of the NCBC Act, "Backward classes" means such backward classes of citizens, other than the Scheduled Castes and Scheduled Tribes, as may be specified by the Central Government in the lists. For the above purpose, Section 2 also defines "lists" as lists prepared by the Central Government for providing reservation in appointments to backward classes of citizens, which, in its opinion are not adequately represented in services, under the Government of India and any local or other authority. The Ministry of Social Justice and Empowerment has notified the lists of Castes / Communities which are treated as Other Backward Classes.

1.5 It may be noted that the Constitution imposes inter-state area restrictions so that the people belonging to the specific community residing in a specific area, which has been assessed to qualify for the Scheduled Castes or Scheduled Tribes status, only benefit from the facilities provided for them. Similar restrictions are applicable to the OBCs also. Since the people belonging to the same caste but living in different States / Union Territories may not necessarily suffer from the same disabilities, it is possible that two persons belonging to the same caste but residing in different States/ U.Ts may not both be treated to belong to SC/ST/OBC. Thus the residence of a person in a particular locality assumes a special significance. This residence has not to be understood in the literal or ordinary sense of the word. On the other hand it connotes the permanent residence of a person on the date of the notification of the Presidential Order scheduling his caste/tribe in relation to that locality.

1.6 The Constitution (Scheduled Castes) Order, 1950 (as amended from time to time) states that no person professing a religion different from Hindu or Sikh or Buddhist religion can be deemed to be a member of a Scheduled Caste. There is, however, no religious bar for being treated as Scheduled Tribe or Other Backward Class.

Evolution of the Scheme of Reservation

1.7 On attainment of Independence, instructions were issued on 21-9-47 providing for reservation of 12 ½ per cent of vacancies for SCs in respect of recruitment made by open competition. In case of recruitment otherwise than by open competition this percentage was fixed at 16²³ per cent. Difference between recruitment by open competition and otherwise then by open competition has been explained in Chapter-II. After the Constitution was promulgated, MUA, in its

Resolution of 13-9-50, provided 5 per cent reservation for STs apart from the percentage fixed for SCs already in force. The 1951 Census showed that the percentage of SCs in the total population was 15.05 per cent and that of ST 6.31 per cent. The percentages were not revised at the time as a comprehensive bill revising the lists of SCs and STs was under consideration. The other reason for not revising the percentage was that reservation had already been provided for SCs in posts filled otherwise than by open competition to the extent of 16.66 per cent and instructions had also been issued for following a regional and local percentage for Class III and Class IV posts attracting candidates from a locality or a region. The 1961 Census revealed that the SC and ST population in proportion to the Indian population stood at 14.64 per cent and 6.80 per cent respectively. Accordingly, the percentage of reservation for SCs and STs was increased from 12 ½ and 5 per cent to 15 per cent and 7 ½ per cent respectively on 25-3-70. The 1971 Census did not warrant any such review. The actual impact of 1981 Census figures on all India percentages could not be known because the Census of 1981 could not be carried out in the State of Assam. The Government in 1993 introduced reservation for Other Backward Classes in direct recruitment broadly at the rate of 27%. After introduction of reservation for OBCs, total reservation for SCs, STs and OBCs comes to 49.5% in case of direct recruitment on all India basis by open competition and 50% in case of otherwise than by open competition. As per various judgments of the Supreme Court, total reservation for these communities cannot exceed the limit of 50%.

1.8 Reservation has been extended to different modes of promotion in stages. In 1957, reservation was provided for SC & ST in departmental competitive examinations. Reservation in promotion by selection in Group C and Group D was provided in 1963 and in the same year reservation in departmental competitive examination was limited to Class III and Class IV only. The position was slightly changed in 1968 when reservation in limited departmental examination to Class II, III and IV and promotion by selection 'to Class III and IV was subjected to a condition that element of direct recruitment should not exceed 50 per cent. Reservation in promotion by 'seniority subject to fitness', came in force in 1972 subject to the condition that the element of direct recruitment does not exceed 50 per cent. In 1974, reservation in promotion by selection from Group C to Group B, within Group B and from Group B to the lowest rung of Group A was introduced subject to the condition that the element of direct recruitment, if any, does not exceed 50 per cent. The limitation of the direct recruitment not exceeding 50 per cent was raised to 66 ²/₃ per cent in 1976 and to 75% in 1989.

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1.9 Reservation till 1.7.1997 was computed on the basis of number of vacancies filled. The Supreme Court in the case of R.K. Sabharwal Vs. State of Punjab held that the reservation should be determined on the basis of number of posts in the cadre and not on the basis of vacancies. Accordingly post based reservation was introduced w.e.f. 2.7.1997. The basic principle of post based reservation is that the number of posts filled by reservation by any category in a cadre should be equal to the quota prescribed for that category. Prior to introduction of post based reservation, there was a provision of exchange of reservation between SCs and STs. After implementation of the post based reservation such exchange is no more permissible.

1.10 Prior to 1975, scientific' and technical posts required for conducting research or for organizing, guiding and directing research were exempted from the purview of orders relating to reservation for Scheduled Castes and Scheduled Tribes. In 1975 however, the above orders were modified and it was decided that the scheme of reservations for Scheduled Castes and Scheduled Tribes should also cover appointments made to scientific and technical posts up to and including the lowest grade of Class I in the respective services wherever they were exempt from the purview of the scheme of reservations. The amended orders were however not made applicable to Department of Space, Department of Electronics, and in regard to recruitment of trainees to the training school of the Department of Atomic Energy. In the case of these latter departments, the orders in force prior to 1975 continue to apply.

1.11 Various relaxations and concessions are given to SC/ST candidates like relaxation in upper age limit, exemption from payment of examination/application fees, relaxation in qualification of experience at the discretion of the UPSC/competent authority, relaxations in standard of suitability etc. Some relaxations like in upper age limit are also available to OBCs.

Institutional Safeguards

1.12 Each Ministry / Department is required to nominate officers of the rank of Deputy Secretary or above to work as Liaison Officer who take care of implementation of instructions relating to special representation of SCs/STs/OBCs in their respective Ministries and attached and subordinate offices. The system of nominating Liaison Officers has also been extended to the offices under the Heads of Departments. Ministries/Departments have been asked in 1969 to set up a small Cell

within each Ministry/Department under the direct control of Liaison Officer to assist him to discharge his duties effectively.

1.13 The Constitution provides for the **National Commission for Scheduled Castes and the National Commission for Scheduled Tribes** which have wide ranging powers and functions in regard to matters pertaining to Scheduled Castes and Scheduled Tribes respectively. The Government has also set up the **National Commission for Other Backward Classes**. Besides, there is a Committee of Parliament on the Welfare of Scheduled Castes/Scheduled Tribes. The Committee *inter-alia* examines the position regarding representation of Scheduled Castes/Scheduled Tribes in the services under the various Ministries and other Government organizations and makes suitable recommendations for bringing about improvement therein or removing bottlenecks detected by it during the course of a study.

Impact of Reservation

1.14 Representation of SCs/ STs has increased in all the Groups viz. A, B, C and D during last six decades. At the dawn of independence representation of SCs/STs in services was very little. As per available information, representation of SCs in Groups A, B, C and D as on 1.1.1965 was 1.64%, 2.82%, 8.88% and 17.75% respectively which has increased to 12.5%, 14.9%, 15.7% and 19.6% respectively as on 1.1.2008. Likewise while representation of STs as on 1.1.1965 in Group A, B, C and D was 0.27%, 0.34%, 1.14% & 3.39% respectively, it has increased to 4.9%, 5.7%, 7.0% and 6.9% respectively as on 1.1.2008. Total representation of SCs and STs as on 1.1.1965 was 13.17% and 2.25% respectively, which has increased to 17.51% and 6.82% respectively on 1.1.2008. Group-wise and total representation (in percentage) of SCs/STs in different years is given in the following table:

As on 1 st of January	Group A		Group B		Group C		Group D		Total	
	SCs	STs	SCs	STs	SCs	STs	SCs	STs	SCs	STs
1965	1.64	0.27	2.82	0.34	8.88	1.14	17.75	3.39	13.17	2.25
1970	2.36	0.4	3.84	0.37	9.27	1.47	18.09	3.59	13.09	2.4

1975	3.43	0.62	4.98	0.59	10.71	2.27	18.64	3.99	13.84	2.94
1980	4.95	1.06	8.54	1.29	13.44	3.16	19.46	5.38	15.67	3.99
1985	7.3	1.73	10.03	1.57	14.87	4.2	20.8	5.70	16.83	4.66
1990	8.64	2.58	11.29	2.39	15.19	4.83	21.48	6.73	16.97	5.33
1995	10.15	2.89	12.67	2.68	16.15	5.69	21.26	6.48	17.43	5.78
2001	11.42	3.58	12.82	3.7	16.25	6.46	17.89	6.81	16.41	6.36
2002	11.09	3.97	14.08	4.18	16.12	5.93	20.07	7.13	16.98	6.11
2003	11.93	4.18	14.32	4.32	16.29	6.54	17.98	6.96	16.52	6.46
2004	12.2	4.1	14.5	4.6	16.9	6.7	18.4	6.7	17.05	6.54
2005	11.8	4.3	13.7	4.5	16.4	6.5	18.3	6.9	16.62	6.42
2006	12.9	3.9	15.0	5.7	16.4	6.9	18.6	7.1	16.75	6.75
2008	12.5	4.9	14.9	5.7	15.7	7.0	19.6	6.9	17.51	6.82

CHAPTER -2

SCOPE OF RESERVATION

Quantum of Reservation in Direct Recruitment

2.1 There shall be a reservation of 15 per cent for the members of the Scheduled Castes, 7.5 per cent for the members of the Scheduled Tribes and 27 per cent for the members of the Other Backward Classes in the matter of appointment by direct recruitment to civil posts and civil services on all India basis by open competition. [36011/33/1981-Estt.(SCT) 5/10/1981]

2.2 There shall be a reservation of 16.66 per cent for the members of the Scheduled Castes, 7.5 per cent for the members of the Scheduled Tribes and 25.84 per cent for the members of the Other Backward Classes in the matter of appointment by direct recruitment to civil posts and civil services on all India basis otherwise than by open competition.

2.3 Except in Delhi, reservation for the Scheduled Castes and Scheduled Tribes in case of direct recruitment to Group C and Group D posts normally attracting candidates from a locality or a region is generally fixed on the basis of proportion of their population in the respective States/UTs. Reservation for Other Backward Classes in such cases is fixed keeping in view the proportion of their population in the respective States/UTs subject to a limit of 27% and total reservation for SCs, STs and OBCs should not exceed 50%. Quantum of reservation fixed for SCs, STs and OBCs in such cases is indicated below [36017/2/2004-Estt.(Res) dated 5/7/2005]:

Sl.No.	Name of the State/UT	Percentage of Reservation		
		Scheduled Castes	Scheduled Tribes	Other Backward Classes
(1)	(2)	(3)	(4)	(5)
01	Andhra Pradesh	16	7	27
02	Arunachal Pradesh	1	45	0
03	Assam	7	12	27
04	Bihar	16	1	27
05	Chhattisgarh	12	32	6
06	Goa	2	12	18
07	Gujarat	7	15	27
08	Haryana	19	0	27

09	Himachal Pradesh	25	4	20
10	Jammu & Kashmir	8	11	27
11	Jharkhand	12	26	12
12	Karnataka	16	7	27
13	Kerala	10	1	27
14	Madhya Pradesh	15	20	15
15	Maharashtra	10	9	27
16	Manipur	3	34	13
17	Meghalaya	1	44	5
18	Mizoram	0	45	5
19	Nagaland	0	45	0
20	Orissa	16	22	12
21	Punjab	29	0	21
22	Rajasthan	17	13	20
23	Rajasthan	5	21	24
24	Sikkim	19	1	27
25	Tamil Nadu	17	31	2
26	Tripura	17	3	13
27	Uttaranchal	18	3	27
28	Uttar Pradesh	21	1	27
29	West Bengal	23	5	22
30	Andaman & Nicobar Islands	0	8	27
31	Chandigarh	18	0	27
32	Dadra & Nagar Haveli	2	43	5
33	Daman & Diu	3	9	27
34	Delhi	15	7.5	27
35	Lakshadweep	0	45	0
	Pondicherry	16	0	27

2.4 Where recruitment is made for zones or circles or regions consisting of more than one State, the percentages of reservation for SCs and STs is generally fixed on the basis of the proportion of SCs and STs in the respective zones/circles/regions and reservation for OBCs is fixed keeping in view their proportion in the population of the respective zones/circles/regions subject to a limit of 27% and total reservation for SCs, STs and OBCs should not exceed 50%.

Illustration: Suppose direct recruitment to a Group C post in an organization is made on the regional basis for the region consisting of the 8 States of the North East namely, Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. Total population of these States and population of the Scheduled

Castes and Scheduled Tribes in these States as per Census 2001 is 38,857,269; 2,486,474, and 10,465,898 respectively. Thus, the proportion of Scheduled Castes and Scheduled Tribes in the region is 6.39% and 26.93%. Estimated population of Other Backward Classes in the region is more than 27% of the total population of the region. Keeping all aspects in view, percentage of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes for the region may be fixed as 6%, 27% and 17% respectively.

Note 1: The expression 'by open competition' means all recruitments by Union Public Service Commission (UPSC) whether through written examination or by interview or by both; and recruitments made by other authorities including Staff Selection Commission or any other appointing authority through written competitive examination or tests (but not by interview alone). Any recruitment not made by the UPSC or not made through written competitive test held by any other authority would mean direct recruitment otherwise than by open competition.

Note 2: In case of recruitment on local/regional/zonal/circle basis, SC/ST/OBC candidates not belonging to the concerned locality/region/ State/ zone/ circle shall also be eligible to get the benefit of reservation.

2.5 The members of the Other Backward Classes who fall in creamy layer shall not get the benefit of reservation. Criterion for determining creamy layer status amongst Other Backward Classes is given in the Annexure to this Chapter.

Quantum of Reservation in Promotion

2.6 Reservation to the members of the Scheduled Castes and the Scheduled Tribes shall be provided in the matter of promotion when promotion is made:

- (a) through Limited Departmental Competitive Examination in Group B, Group C and Group D posts;
- (b) by selection from Group B post to a Group A post or in Group B, Group C and Group D posts; and
- (c) by non-selection in Group A, Group B, Group C and Group D posts.

2.7 Reservation in all the above cases shall be given at the rate of 15 per cent for the Scheduled Castes and 7.5 per cent for the Scheduled Tribes. However, reservation in promotion is not given in the grades in which the element of direct recruitment, if any, exceeds 75 per cent [36012/17/88-Estt.(SCT) dated 25/4/1989].

Reservation in Scientific and Technical Posts

2.8 Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes apply to appointments made to "scientific and technical" posts up to and including the lowest grade of Group A in the respective services.

2.9 Such 'scientific and technical' posts which satisfy all the following conditions can be exempted from the purview of the reservation orders by the Ministries/Departments:

- (i) The posts should be in grades above the lowest grade in Group A of the service concerned.
- (ii) They should be classified as 'scientific or technical' in terms of Cabinet Secretariat (Department of Cabinet Affairs) [O.M. No. 85/11/CF-61(1) dated 28-12-1961] according to which scientific and technical posts for which qualification in the natural sciences or exact sciences or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties.
- (iii) The posts should be 'for conducting research' or 'for organizing, guiding and directing research'.

2.10 Orders of the Minister concerned should be obtained before exempting any posts satisfying the above conditions from the purview of the scheme of reservation.

2.11 In the case of scientific and technical posts required for research up to and inclusive of lowest grade of Group A of a service which are not exempt from the purview of reservation orders, reservation should be provided for Scheduled Castes, Scheduled Tribes and Other Backward Classes as per the scheme of reservations, except that:

- (i) reserved vacancies in such posts need be advertised only once and not twice;
- (ii) In the event of non-availability of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, vacancies in such posts may be de-reserved by the administrative Ministry/Department concerned. However, the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes or the National Commission for Backward Classes, as the case may be, and the Department of Personnel and Training should be informed about the de-reservation together with the details and reasons necessitating de-reservation.

[O.M.No.9/2/73-Estt(SCT) dated 23/06/75 and O.M.No.36012/27/1994-Estt(SCT) dated 13/5/1994]

Reservation in Posts of Industrial Workers

2.12 The industrial establishments of the Government of India and the posts and grades in such establishments, whether these have been classified as group A, B, C and D or not, are covered by the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes.

[O.M.No.8/7/1974-Estt.(SCT) dated 22/08/1975]

Reservation in Work-Charged Posts

2.13 The principle of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes should generally be suitably applied to the extent possible, to work-charged posts also except those required for emergencies like flood relief work, accident restoration and relief etc. The percentages of reservation in such appointments may correspond to what is applicable to Group C and Group D posts. [O.M.No.36021/9/1976-Estt.(SCT) dated 10/02/1977]

Reservation in Appointments of Daily Rated Staff

2.14 While it may not be practical to apply the reservation orders in toto in respect of daily rated staff, it should be ensured that persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes are recruited in such manner as their overall representation does not go below the prescribed percentage of reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes respectively. [O.M.No.36011/18/81-Estt.(SCT) dated 16/07/1981]

Reservation in Appointments of Casual Workers to Regular Posts

2.15 Appointment of casual workers against regular posts will be a case of direct recruitment. Hence all statutory requirements relating to filling up of posts by direct recruitment should be followed while regularizing the services of casual workers. General orders relating to reservation for persons belonging to SCs, STs and OBCs will be applicable in cases relating to regularization of casual workers. Vacancies meant for these categories of persons should be filled up by casual workers of respective reserved categories and the balance, if any, may be filled up by outsiders belonging to these categories, who are not casual workers. Casual workers, who do not belong to the

reserved categories, can be appointed against unreserved vacancies only. O.M.No.49014/12/1988-Estt(C) dated 22/08/1988]

Reservation in Ad-hoc Promotions

2.16 As a matter of basic approach, ad-hoc promotions should be avoided.. However, if ad-hoc promotions are to be made in exceptional circumstances, such as during pendency of court cases, protracted seniority disputes, non-framing of recruitment rules, unforeseen delay in direct recruitment or convening of DPCs for reasons beyond the control of the appointing authority etc., following guidelines may be followed on every occasion when ad-hoc promotions are resorted to so as to ensure that the claims of eligible officers belonging to Scheduled Castes and Scheduled Tribes are also duly considered:

- (i) In cases where reservation orders for SCs and STs are applicable, the number of vacancies falling to the share of SCs and STs would be the same if the vacancies were to be filled on regular basis.
- (ii) Since ad-hoc promotions are made on the basis of non-selection, all the Scheduled Caste/Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which ad-hoc promotions are to be made, should be considered in the order of their general seniority as per the gradation list, on the principle of seniority-cum-fitness and if they are not adjudged unfit, they should all be promoted on ad-hoc basis.
- (iii) If the number of SC/ST candidates found fit within the range of actual vacancies is less than the number of vacancies identified as falling to their share if the vacancies were filled on a regular basis, additional SC/ST candidates to the extent required should be located by going down the seniority list, provided they are eligible and found fit for such ad-hoc appointment.
- (iv) All ad-hoc appointees have to be replaced by regular incumbents at the earliest opportunity. When regular promotions are made subsequently, reversion of the ad-hoc appointees should take place strictly in the reverse order of seniority, the junior-most candidate being reverted first. No special concessions are to be given to SC/ST candidates at the time of such reversion.

- (v) There is no need for maintaining any separate formal register or roster register for ad-hoc promotions. The concept of de-reservation, carrying forward of reservation etc. will also not be applicable in the case of ad-hoc appointments. However, a simple register called Ad-hoc Promotions Register may be maintained for different categories of posts for which ad-hoc appointments are made to facilitate a record being kept of the ad-hoc appointments and for ensuring reversion in the proper order on regular promotions being made to the posts in question.

[No. 36011/14/83-Estt.(SCT) dated 30-4-1983 and O.M. No.36011/13/83-Estt.(SCT) dated 30/09/1983]

Reservation in case of a Single Vacancy

2.17 In cases where only one vacancy occurs in the initial recruitment year and it, according to the scheme of reservation, is reserved for Scheduled Castes or Scheduled Tribes or OBCs, it should be treated as unreserved and filled accordingly and the reservation should be carried forward to subsequent recruitment year. In the subsequent recruitment year, even if there is only one vacancy, it should be treated as "reserved" against the carried forward reservation from the initial recruitment year, and a Scheduled Caste/ Scheduled Tribe/OBC candidate, if available, should be appointed in that vacancy, although it may happen to be the only vacancy in that recruitment year. This provision applies to direct recruitment as well as promotion. When the vacancy is treated as reserved, it shall be filled up as per the procedure prescribed for filling up of reserved vacancies. [36011/39/81-Estt.(SCT) dated 30/11/1981]

Reservation in PSUs, Autonomous Bodies etc

2.18 Instructions contained in this Compendium relate to reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in posts/services under the Government of India. The Public Sector Undertakings, Statutory and Semi-Government Bodies, Autonomous Bodies/Institutions including Municipal Corporations, Cooperative Institutions, Universities etc. under the control of the Government, may make reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services on the lines of the reservations in services under Government. The Department of Public Enterprises, Ministry of Heavy Industries and Public Enterprises may arrange for issue of suitable directives to the various public sector undertakings,

through the administrative Ministries concerned for making reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services. The Ministries/Departments should take suitable action to provide for reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the services of the autonomous bodies/institutions which are receiving grants-in-aid from the Government of India by making suitable provision in the relevant statutes or in the Articles of Association of the respective bodies. [O.M.No.39/40/74(SCT)(I) dated 30/09/1974]

Reservation in Voluntary Agencies

2.19 The Ministries/Departments should insist as a pre-condition to the sanction of grants-in-aid from Central Government to a non-Government organizations/ voluntary agency etc. that it shall provide reservation to the extent of 15% to SCs, 7.5% to STs and 27% to OBCs in case of direct recruitment on all India basis and as shown in the table under Para 2.1 (c) in case of direct recruitment to posts normally attracting candidates from a locality or region where:

- (a) The recipient body employs more than 20 persons on a regular basis and at least 50 percent of its recurring expenditure is met from grants-in-aid from the Central Government; and
- (b) The body is a registered society or a cooperative institution and is in receipt of a general purpose annual grants-in-aid of Rs.2lakh and above from the Consolidated Fund of India.

2.20 A clause providing for reservations in the services under the voluntary agencies should be included in the terms and conditions under which such voluntary agencies /organizations etc. are given grants-in-aid by Government, somewhat on the following lines:

“.....(Name of Organization/ Agency etc.) agrees to make reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the posts/services under its control on the lines indicated by the Government of India.”

2.21 While sanctioning grants-in-aid to various voluntary agencies the progress made by such agencies in employing Scheduled Caste, Scheduled Tribe and Other Backward Class candidates in their services should be kept in view by the administrative Ministries/Departments. The voluntary

agencies etc. should be informed that the progress in respect to the employment by them of Scheduled Castes, Scheduled Tribes and OBCs in the services under them would be taken into account by Government while sanctioning future grants-in-aid to them. [O.M.No.27/12/73-Estt.SCT] dated 7/10/1974]

Non-Applicability of Reservation

2.22 Reservations do not apply to:

- (i) Temporary appointments of less than 45 days duration; [O.M.No.27/4/67(II)-Estt.(SCT)] dated 24/09/1968]
- (ii) Work-charged posts which are required for emergencies like flood relief work, accident restoration and relief etc. [36021/9/76-Estt.(SCT)] 10/2/1977]
- (iii) Promotions by selection method from a Group 'A' post to another Group 'A' post. [36028/21/7/2003-Estt.(SCT)] dated 29/01/2004]
- (iv) Appointments to Scientific and Technical posts which are above the lowest rung of Group 'A'. [O.M.No.36012/27/1994-Estt(SCT)] dated 13/05/1994
- (v) Deputation/Absorption. [O.M.No.36012/7/77-Estt(SCT)] dated 21/01/1978]
- (vi) Single post cadres

Relevant Office Memoranda etc.

1.	<u>MHA O.M. No.42/21/49-NGS</u>	28.1.1952
2.	<u>MHA O.M. No.16/2/54-(SCT)</u>	23.11.1954
3.	<u>MHA O.M. No.5/1/63-SCT(I)</u>	4.3.1964
4.	<u>MHA O.M. No.16/2/67 -Est.(C)</u>	27.9.1967
5.	<u>MHA O.Ms. No. 1/12/67-Est.(C)</u>	11.7.1968
6.	<u>No.17/4/69-Estt.(SCT)</u>	3.2.1970
7.	<u>MHA OM No.27/25/68-Est.(SCT)</u>	25.3.1970
8.	<u>DP&AR O.M. No.27/2/71-Est. (SCT)</u>	27.11.1972
9.	<u>DP&AR O.M. No.10/41/73-Est.(SCT)</u>	20.7.1974
10.	<u>MHA O.M. No.39/40/74-SCT(I)</u>	30.9.1974
11.	<u>DP&AR O.M. No.27/12/73-Estt.(SCT)</u>	7.10.1974
12.	<u>DP&AR O.M. No.9/2/73-Est. (SCT)</u>	23.6.1975
13.	<u>DP&AR O.M. No.8/7/74-Est.(SCT)</u>	22.8.1975
14.	<u>DP&AR O.M. No.36021/9/76-Estt.(SCT)</u>	10.2.1977
15.	<u>DP&AR O.M. No.36012/7/77-Est.(SCT)</u>	21.1.1978

		16.7.1981
16.	<u>DP&AR O.M. No.36011/18/81-Est.(SCT)</u>	30.11.1981
17.	<u>DP&AR OM No.36011/39/81-Estt.(SCT)</u>	30.4.1983
18.	<u>DP&AR OM No.36011/14/83-Estt.(SCT)</u>	30.9.1983
19.	<u>Dep. Per &AR O.M. No.36011/13/83-Est.(SCT)</u>	30.4.1983
20.	<u>Dep. Per &AR O.M. No.36011/14/83-Est.(SCT)</u>	22.8.1988
21.	<u>Dep. Per & Trg OM No. 36011/13/88-Estt(SCT)</u>	22/08/1988
22.	<u>O.M.No.49014/12/1988-Estt(C)</u>	1.6.1993
23.	<u>DOP&T O.M. No.36022/4/93-Estt.(SCT)</u>	7.6.1993
24.	<u>DOP&T O.M. No.41015/9/93-Estt.(SCT)</u>	8.9.1993
25.	<u>DOPT OM No. 36012/22/93-Estt(Res)</u>	15.11.1993
26.	<u>DOPT OM No.36012/22/93-Estt(Res)</u>	13.5.1994
27.	<u>DOPT OM No. 36012/27/94-Estt(SCT)</u>	13.8.1997
28.	<u>DOPT OM No. 36012/18/95-Estt(Res) Pt.II</u>	15.3.2002
29.	<u>DOPT OM NO. 36012/27/2000-Estt(Res)</u>	14.10.2008
30.	<u>DOPT OM NO. 36033/3/2004-Estt(Res)</u>	

CRITERION FOR DETERMINING CREAMY LAYER

[O.M.No.36012/22/93-Estt(SCT) dated 08/09/1993]

Category	Description of Category	Who will fall in Creamy Layer
1.	2	3
I.	CONSTITUTIONAL POSTS	Son(s) and daughter(s) of (a) President of India; (b) Vice President of India; (c) Judges of the Supreme Court and of the High Courts; (d) Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India; (e) Persons holding Constitutional positions of like nature.
II.	SERVICE CATEGORY A. Group A / Class I officers of the All India Central and State Services (Direct Recruits)	Sons(s) and daughter(s) of (a) parents, both of whom are Class I officers; (b) parents, either of whom is a Class I officer; (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation. (d) Parents, either of whom is a Class I officers and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years. (e) Parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years. Provided that the rule of exclusion shall not apply in the following cases: (a) Sons and daughters of parents either of

		<p>whom or both of whom are Class I officers and such parent(s) dies / die or suffer permanent incapacitation.</p> <p>(b) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for a job.</p>
	<p>B. Group B/Class II officers of the Central & State Services (Direct Recruitment)</p>	<p>Son(s) and daughter(s) of</p> <p>(a) Parents both of whom are Class II officers.</p> <p>(b) parents of whom only the husband is a Class II officers and he gets into Class I at the age of 40 or earlier.</p> <p>(c) Parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation;</p> <p>(d) Parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officers and the wife dies; or suffers permanent incapacitation; and</p> <p>(e) Parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation</p> <p>Provided that the rule of exclusion shall not apply in the following cases:</p> <p>Sons and daughters of</p> <p>(a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.</p> <p>(b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.</p>
	<p>C. Employees in Public Sector Undertakings etc.</p>	<p>The criteria enumerated in A&B above in this Category will apply mutatis mutandis to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI</p>

		below will apply to the officers in these Institutions.
III.	ARMED FORCES INCLUDING PARAMILITARY FORCES (Persons holding civil posts are not included)	<p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces;</p> <p>Provided that :-</p> <ul style="list-style-type: none"> (i) If the wife of an Armed Forces Officers is herself in the Armed Forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel; (ii) The service ranks below Colonel of husband and wife shall not be clubbed together; (iii) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No.II in which case the criteria and conditions enumerated therein will apply to her independently.
IV	<p>PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY</p> <ul style="list-style-type: none"> (I) Persons, engaged in profession as a 'doctor, lawyer, chartered accountant, Income Tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status. (II) Persons engaged in trade, business and industry. 	<p>Criteria specified against Category VI will apply:-</p> <p>Criteria specified against Category VI will apply: Explanation:</p> <ul style="list-style-type: none"> (i) Where the husband is in some profession and the wife is in Class II or lower grade employment, the income / wealth test will apply only on the basis of the husband's income. (ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income / wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.
V.	<p>PROPERTY OWNERS</p> <p>A. Agricultural holdings</p>	Son(s) and daughter(s) of persons belonging to a

		<p>family (father, mother and minor children) which owns</p> <p>(a) Only irrigated land which is equal to or more than 85% of the statutory area, or</p> <p>(b) Both irrigated and unirrigated land, as follows:-</p> <p>(i) The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.</p> <p>(iii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.</p>
	<p>B. Plantations</p> <p>(i) Coffee, tea, rubber, etc.</p> <p>(ii) Mango, citrus, apply plantations etc.</p>	<p>Criteria of income / wealth specified in Category VI below will apply.</p> <p>Deemed as agricultural holding and hence criteria at A above under this Category will apply.</p>
	<p>C. Vacant land and / or buildings in urban areas or urban agglomerations</p>	<p>Criteria specified in Category VI below will apply.</p> <p>Explanation: Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.</p>
VI.	<p>INCOME / WEALTH TEST</p>	<p>Son(s) and daughter(s) of</p> <p>(a) Persons having gross annual income of Rs.6 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years</p> <p>(b) Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income / wealth criteria mentioned in (a) above.</p>

		<p>Explanation:</p> <p>(i) Income from salaries or agricultural land shall not be clubbed;</p> <p>(ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.</p>
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Explanation: Wherever the expression "permanent incapacitation" occurs in this statement, it shall mean incapacitation which results in putting an officer out of service.

Note 1: Sons and daughters of:

- (a) parents either of whom or both of whom are directly recruited Class I/Group A officers and such parent(s) dies/die or suffers/suffer permanent incapacitation while in service;
- (b) parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffers permanent incapacitation while in service; and
- (c) parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation while in service, even though either of them has had the benefit of employment in any International Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

shall not be treated to be falling in creamy layer. But if the parent(s) dies/die or suffers/suffer permanent incapacitation in such cases after retirement from service, his/their sons and daughters would be treated to be falling in creamy layer and would not get the benefit of reservation.

Note 2: Sons and daughters of parents who are included in the creamy layer on the basis of service status of their parents shall continue to be treated in creamy layer even if their parents have retired or have died after retirement.

Note 3: Sons and daughters of parents of whom only the husband is a directly recruited Class II/Group B officer who gets into Class I/Group A at the age of 40 or earlier are treated to be in creamy layer. If the father is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier, his sons and daughters shall not be treated to be falling in creamy layer.

Note 4: The creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the candidate himself or of his/her spouse shall not be taken into account.

Note 5: The creamy layer status of sons and daughters of persons employed in organizations where equivalence or comparability of posts vis-à-vis posts in Government has not been evaluated is determined as follows:

"Income of the parents from the salaries and from the other sources [other than salaries and agricultural land] is determined separately. If either the income of the parents from the salaries or the income of the parents from other sources

[other than salaries and agricultural land] exceeds the limit of Rs.6 lakh per annum for a period of three consecutive years, the sons and daughters of such persons shall be treated to fall in creamy layer. But the sons and daughters of parents whose income from salaries is less than Rs. 6 lakh per annum and income from other sources is also less than Rs.6 lakh per annum will not be treated as falling in creamy layer even if the sum of the income from salaries and the income from the other sources is more than Rs.6 lakh per annum for a period of three consecutive years. It may be noted that income from agricultural land is not taken into account while applying the Test.”

Note 6: While applying the Income/Wealth Test to determine creamy layer status of any candidate as given in Category-VI, income from the salaries and income from the agricultural land shall not be taken into account. It means that if income from salaries of the parents of any candidate is more than Rs. 6 lakh per annum, income from agricultural land is more than Rs.6 lakh per annum, but income from sources other than salaries and agriculture is less than Rs. 6 lakh per annum, the candidate shall not be treated to be falling in creamy layer on the basis of Income/Wealth Test provided his parent(s) do not possess wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.

[O.M.No.36012/22/1993-Estt(SCT) dated 8/9/1993, No.36033/5/2004-Estt(SCT) dated 14/10/2004 and 36033/1/2013-Estt(Res) dated 27/5/2013]

CHAPTER- 3

RELAXATIONS AND CONCESSIONS

Concession in Promotions within Group A

3.1 There is no reservation in case of promotion by 'selection' from a Group A post to another Group A post. But when promotion by 'selection' is made from a Group A post to a Group A post carrying Grade pay of Rs.8700/- or less, the Scheduled Caste and Scheduled Tribe Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. Their position in the select list would, however, be same as assigned to them by the Departmental Promotion Committee on the basis of their record of service.[O.M No. 36028/8/2009-Estt(Res) dt.7.6.2013]

Note: Fitness of the SC/ST officers in such cases would be assessed keeping in view the duties and responsibilities attached to the post and not on the basis of benchmark, if any, prescribed for promotion to the post.

Consideration for Appointment by Deputation and Absorption

3.2 Reservations do not apply to posts filled by deputation or absorption, but whenever a Ministry/Department/Attached Office/Subordinate Office etc. propose to depute, in public interest, officers serving under them to a post in or under another Ministry/Department etc., the Scheduled Caste/Scheduled Tribe employees serving under them, who are eligible to be sent on deputation should also be considered along with other eligible employees for such deputation. The Ministries/Departments under whose control the posts to be filled by deputation or absorption arise, should also, while selecting persons for such post(s), duly consider the cases of eligible Scheduled Caste and Scheduled Tribe employees whose names have been forwarded, for appointment on deputation or absorption to those posts. Where the number of posts to be filled on deputation or absorption by any employing Ministry or Office is fairly substantial, the employing Ministry/Head of Office concerned should endeavor to see that a fair proportion of such posts is filled by employees belonging to Scheduled Castes/Scheduled Tribes, subject of course, to availability from

the feeder categories of qualified persons belonging to these communities. [DP&AR OM No. 36021/6/75-Estt(SCT), dt. 9.10.1975 and DP&AR O.M No36012/7/77-Estt (SCT) dt. 21.1.1978].

Age Relaxation in Direct Recruitment

3.3 The maximum age-limit prescribed for direct recruitment to a service or post shall be increased by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes and by 3 years in the case of candidates belonging to OBCs. [MHA No.15/1/55-SCT dt.30.4.1955, OM No. 43013/2/95-Estt(SCT), dt. 25.1.1995]

Age Relaxation in Promotion

3.4 Where an upper age-limit not exceeding 50 years is prescribed for promotion to a service/post, it shall be relaxed by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes. This, however, would not apply to posts which have arduous field duties or are meant for operational safety and to posts in para-Military Organizations. [O.M No. 21/9/70-Estt(SCT), dt.8.12.1971]

Concession in Fee

3.5 The candidates belonging to Scheduled Castes and Scheduled Tribes will not be required to pay any fees for admission to any recruitment examination/selection. [O.M No. 36011/3/84-Estt(SCT) dt. 1.7.1985]

Relaxation of Experience Qualification for SCs and STs in Direct Recruitment

3.6 Where some period of experience is prescribed as an essential qualification for direct recruitment to a post, and where, in the opinion of the Ministry/Department concerned, the relaxation of the experience qualification will not be inconsistent with efficiency, a provision should be inserted under the 'Essential Qualification' in the relevant Recruitment Rules as at (a) or (b) below to enable the Union Public Service Commission/competent authority to relax the 'experience'

qualification in the case of Scheduled Caste/Scheduled Tribe candidates in the circumstances mentioned in the provisions:-

- (a) Where the post is filled by direct recruitment through the Union Public Service Commission, the provision to be inserted will be:

"The qualification regarding experience is relaxable at the discretion of the Union Public Service Commission in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. The appointing authority shall record the reasons for relaxing the qualifications regarding experience in writing while doing so."

- (b) Where the post is filled by direct recruitment otherwise than through the Union Public Service Commission, the provision to be inserted will be:

"The qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage of selection the competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. The appointing authority shall record the reasons for relaxing the qualifications regarding experience in writing while doing so."

3.7 When any vacancies reserved for Scheduled Castes and Scheduled Tribes are advertised or intimated to the Employment Exchange, it should be specifically mentioned in the advertisement/requisition that the period of experience prescribed is relaxable, at the discretion of the Union Public Service Commission or the competent authority, as the case may be, in the case of Scheduled Caste/Scheduled Tribe candidates as provided in the Recruitment Rules. This is intended to ensure that the aspirants who may fall slightly short of the requisite experience may know about the possibility of relaxation in this regard. [DP&AR O.M No.27/10/71-Estt (SCT) dt. 5.9.1975]

Relaxation of Standard of Suitability in Direct Recruitment

3.8 In direct recruitment whether by examination or otherwise, if sufficient number of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities should be selected to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes cannot be filled on the basis of general standard, candidates belonging to these communities will be taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/posts in question. **[MHA O.M No. 1/1/70-Estt (SCT), 25.7.1970]**

3.9 In addition to the concession referred to above, in cases where the requisite number of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates fulfilling even the relaxed standards admissible in their cases are not available to fill the vacancies reserved for them in non-technical and quasi-technical Group C and D services/posts required to be filled by direct recruitment otherwise than by written examination, the selecting authorities should, to the extent of the vacancies reserved for Scheduled Castes/Scheduled Tribe/Other Backward Class, select for appointment the best among the Scheduled Caste/Scheduled Tribe/Other Backward Class candidates who fulfill the minimum educational qualifications laid down in the notice for recruitment of advertisement. In order to bring such candidates to the minimum standard necessary for the posts and for the maintenance of efficiency of administration, they should be given in-service training. The in-service training will be provided by the appointing authorities within their own offices. Such candidates will, on their appointment, be placed on probation and the rules/orders regarding probation will apply to them.

3.10 Ministries /Departments should instruct all authorities under them to prepare a list of non-technical and quasi-technical posts in Group C and D to which the provisions given above apply. While notifying vacancies in such posts or advertising them, it should be indicated that the posts are non-technical in Group C and D. **(O.M.No 24/7/67(I)-Estt.(SCT) dated 24/9/1968)**

No Relaxation in Educational Qualification

3.11 Where an educational qualification has been prescribed in the recruitment rules, all candidates including the SC, ST and OBC candidates shall satisfy the said qualification. Sometimes, a minimum number of marks or a minimum grade is prescribed as part of the educational qualification in the recruitment rules. In such cases, the minimum marks/grade so prescribed shall uniformly apply to all candidates including SC, ST and OBC candidates. **[OM No. 36011/8/84-Estt(SCT) dt. 29.5.1985]**

Relaxation of Standards in Departmental Competitive / Qualifying Examinations

3.12 If in case of promotions made through departmental competitive examinations, sufficient number of Schedule Caste / Scheduled Tribe candidates are not available on the basis of general standard to fill all the vacancies reserved for them, Scheduled Caste/Scheduled Tribe candidates who have not acquired the general qualifying standard can also be considered for promotion to fill up the remaining vacancies reserved for them provided they are not found unfit for such promotions. In other words, the qualifying standard in such examinations can be relaxed in favour of Scheduled Caste and Scheduled Tribe candidates if sufficient number of Scheduled Caste/Scheduled Tribe candidates is not available on the basis of general standard to fill all the vacancies reserved for them.

3.13 In promotions made on the basis of seniority subject to fitness in which there is reservation for Scheduled Castes and Scheduled Tribes and where a qualifying examination is held to determine the fitness of candidates for such promotion, suitable relaxation in the qualifying standard in such examination should be made in the case of Scheduled Caste/Scheduled Tribe candidates. Similar relaxation of standard should be made in favor of Scheduled Caste/Scheduled Tribe candidates in such departmental qualifying examinations for promotions also, where promotion is made by selection and merit is determined by qualifying examination out of the qualified candidates. The extent of relaxation in above cases should be decided on each occasion whenever such an examination is held taking into account all relevant factors including (i) the number of vacancies reserved, (ii) the performance of Scheduled Caste/Scheduled Tribe candidates as well as general candidates in that examination, (iii) the minimum standard of fitness for appointment to the post, and also (iv) the overall strength of the cadre and that of the Scheduled Castes and Scheduled Tribes in that cadre. **[DP&AR O.M No. 36021/10/76-Estt(SCT), 21.1.1977]**

Relevant Office Memoranda etc.

1	<u>MHA No.15/1/55-SCT</u>	30.4.1955
2	<u>MHA OM No. 1/9/69-Estt(SCT)</u>	26.3.1970
3	<u>DP & AR OM No. 1/10/74-Estt(SCT)</u>	23.12.1974
4	<u>DP & AR OM No. 27/10/71-Estt(SCT)</u>	5.9.1975
5	<u>DOPT OM No. 36021/6/1975-Estt(SCT)</u>	9.10.1975
6	<u>DOP&T O.M. No.15012/2/81-Est.(D)</u>	8.4.1981
7	<u>DP & AR OM No.D-1458/81-Estt(SCT)</u>	21.5.1981
8	<u>DOPT OM No. 36011/8/84-Estt(SCT)</u>	29.5.1985
9	<u>DOPT O.M. No. 36013/3/84-Estt. (SCT)</u>	1.7.1985
10	<u>DOPT OM No. 36012/23/96-Estt(Res) Vol.II</u>	3.10.2000

CHAPTER -4

DETERMINATION OF RESERVATION QUOTA

Determination of Number of Reserved Posts

4.1 Number of posts reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes in a cadre having more than 13 posts shall be determined by multiplying the cadre strength by the percentage of reservation prescribed for respective categories. While doing so, fractions, if any, shall be ignored.

Illustration : Suppose a grade in a service where reservation in promotion is available, has a total of 600 sanctioned posts, 50% of which are filled by direct recruitment on all India basis by open competition and 50% are filled by promotion by non-selection. Number of posts reserved for Scheduled Castes in case of direct recruitment would be equal to $300 \times 15/100$ which comes to 45. Number of posts reserved for scheduled Tribes would be equal to $300 \times 7.5/100$, which after ignoring the fraction comes to 22 and number of posts reserved for Other Backward Classes would be equal to $300 \times 27/100$ i.e. 81. Similarly, the number of posts reserved for Scheduled Castes and Scheduled Tribes in case of promotion would be 45 and 22 respectively. It may be noted that the number of reserved posts for Scheduled Tribes comes to 22.5 in case of direct recruitment as well as promotion. Exact number of reserved posts is arrived at by ignoring the fraction.

4.2 If the number of posts in a cadre is 2 or more than 2 but less than 14, reservation is provided as per L-shaped rosters prescribed vide Department of Personnel & Training OM No. 36012/2/96-Estt(Res) dated 02.07.1997. These L-shaped rosters are nothing but 14- Point rosters given below. Thus in cadres with 2 posts but less than 14 posts, reservation shall be provided by rotation on the basis of following 14-point rosters:

ROSTER POINTS	DIRECT RECRUITMENT	PROMOTION
(i)	(ii)	(iii)
1.	UR	UR
2.	UR	UR
3.	UR	UR
4.	OBC	UR

5.	UR	UR
6.	UR	UR
7.	SC	SC
8.	OBC	UR
9.	UR	UR
10.	UR	UR
11.	UR	UR
12.	OBC	UR
13.	UR	UR
14.	ST	ST

Note 1: The term 'cadre strength' used in relation to calculation of reservation/maintenance of reservation registers /rosters means number of posts required to be filled by a particular mode of recruitment in terms of the applicable recruitment rules. In a grade comprising 200 posts, where the recruitment rules prescribe a ratio of 40:40:20 for direct recruitment, promotion and deputation/absorption respectively, the cadre strength for direct recruitment shall be 80 and cadre strength for promotion shall be 80. Since there is no reservation in case of deputation/absorption, 40 posts will not be subject to reservation.

Note 2: Where the recruitment is made vacancy based, it is possible that at any given point of time share of direct recruitment may increase and share of promotion may correspondingly decrease or vice-versa. In such cases cadre strength for direct recruitment and cadre strength for promotion may change from year to year. Consequently, number of reserved posts in direct recruitment quota and number of reserved posts in promotion quota would change from year to year. Likewise, if there is any increase or decrease in the cadre strength for any other reason, the number of reserved posts shall increase or decrease accordingly.

Note 3: Excess or shortfall of reservation, which may arise due to change in cadre strength, shall be adjusted/made up in subsequent recruitments.

Determination of Reserved Vacancies

4.3 While filling up of vacancies in a year, efforts shall be made to make up the shortfall of reservation for all the three categories, namely, SCs, STs and OBCs subject, however, to the condition that total number of vacancies reserved for SCs, STs and OBCs is not more than 50% of the vacancies of the year.

4.4 The ceiling of 50% reservation on filling of reserved vacancies would apply only to the vacancies which arise in the current year and the backlog reserved vacancies of SCs, STs and OBCs in case of direct recruitment and backlog reserved vacancies of SCs and STs in case of promotion of earlier years, would be treated as a separate and distinct group, and would not be considered together with the reserved vacancies of the year in which they are filled for determining the ceiling of 50% reservation on total number of vacancies of that year.

Note 1: Shortfall of reservation of a particular reserved category in a cadre means the difference between the 'total number of reserved posts for that category in the cadre' and 'the number of persons of that category appointed by reservation and holding the posts in the cadre'.

Note 2 : Backlog reserved vacancies of a category are those vacancies which were earmarked reserved for that category in an earlier recruitment year but remained unfilled in the previous recruitment attempt on account of non availability of suitable candidates belonging to that category and are still lying unfilled.

4.5 Given below is an illustration which would clarify the method of earmarking reservation for SCs, STs, and OBCs.

- (i) There is a cadre having a total number of 1000 posts which are filled by direct recruitment on all India basis by open competition. The number of SC, ST and OBC employees appointed by reservation in the cadre should ideally be 150, 75 and 270 respectively when all the posts are filled.
- (ii) Suppose all the 1000 posts stood filled in the year 2006 but the number of SC, ST and OBC employees appointed by reservation was 130, 75 and 100 respectively. There was, thus, a shortfall of 20 SCs and 170 OBCs in the cadre in that year, though all the posts were filled.
- (iii)
 - (a) Suppose 200 vacancies occurred in the cadre in the recruitment year 2007, of which 20 were vacated by SCs, 10 by STs and rest by unreserved category candidates. After vacation of these posts, shortfall of SCs, STs and OBCs in the cadre became 40, 10 and 170 respectively. Though there was a big shortfall of SCs, STs and OBCs in the cadre, only 100 of these vacancies could be earmarked reserved because all the 200 vacancies were current vacancies and limit of 50% on reservation in a year would apply on these vacancies.
 - (b) Shortfall of SCs and OBCs was more than 15% and 27% respectively of the current vacancies. Therefore, 15% of the current vacancies were straightway earmarked reserved for SCs and 27% for OBCs i.e. 30 vacancies were earmarked reserved for SCs and 54 for the OBCs. Shortfall of STs was 10 which is less than 7.5% of total vacancies. Therefore, only 10 vacancies were earmarked reserved for STs. Applying the above principle, 94 vacancies were earmarked

reserved. This left room for 6 $\{100-(30+54+10)\}$ more vacancies to be earmarked reserved to make up the shortfall. These 6 vacancies were apportioned between SCs and OBCs in the ratio of percentage of reservation prescribed for these categories viz. 15: 27, i.e. 2 for SCs and 4 for OBCs (fractions rounded off to the nearest whole number). However, while making such distribution, it has to be kept in view that the number of vacancies earmarked reserved for any category is not more than the shortfall of that category. Thus, final earmarking of reservation in respect of the vacancies for the year 2007 was 32 for SCs, 10 for STs and 58 for OBCs.

(c) Suppose only 20 SC candidates, 5 ST candidates and 50 OBC candidates could be appointed in the recruitment year 2007 against the vacancies reserved for them. Thus, 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved could not be filled and remained vacant. These 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved but remained vacant in the recruitment attempt will be treated as backlog reserved vacancies for the subsequent recruitment year. After the recruitment process for the year 2007 was over, total number of posts filled was 975, of which 130, 70 and 150 were held respectively by SCs, STs and OBCs. It may be noted that shortfall of reservation of SCs, STs and OBCs at this stage was 20, 5 and 120 respectively. However, number of backlog reserved vacancies of SCs, STs and OBCs was 12, 5 and 8 respectively.

- (iv) Suppose 200 vacancies occurred in the recruitment year 2008 of which 20 were vacated by SCs, 10 by STs and 20 by OBCs. At this stage shortfall of SCs, STs and OBCs was 40, 15 and 140 respectively. Total vacancies in the year were $200+12+5+8=225$, of which 200 were current vacancies and 25 backlog vacancies. While earmarking reservation, 25 backlog reserved vacancies of SCs, STs and OBCs will be treated as a separate and distinct group and will be kept reserved-12 for SCs, 5 for STs and 8 for OBCs. Of the 200 current vacancies, not more than 100 can be earmarked reserved. By applying the same principles as in the year 2007, out of 200 current vacancies, 28 were earmarked reserved for SCs, 10 for STs and 62 for OBCs. Thus the number of vacancies reserved for SCs, STs and OBCs in the recruitment year 2008, including the backlog reserved vacancies, were 40, 15 and 70 respectively. If only 35 SCs, 12 STs and 50 OBCs become available to fill up the reserved vacancies, 5 vacancies of SCs, 3 vacancies of STs and 20 vacancies of OBCs will be kept vacant and will be treated as backlog reserved vacancies for the subsequent recruitment year.

(O.M.No.36033/1/2008-Estt.(Res.)15/07/2008)

4.6 In case of cadres where reservation is given by rotation, number of reserved vacancies will be determined as per roster points. It would have to be kept in view that not more than 50 per cent of current vacancies of a year are reserved and total reservation in the cadre does not exceed the limit of 50%. If at any stage, filling up of a vacancy results into more than 50% reservation in the cadre, reservation shall be skipped.

Relevant Office Memoranda etc.

1	<u>DOPT OM NO. 36012/2/1996-Estt(Res)</u>	2.7.1997
2	<u>DOPT OM No 36033/1/2008-Estt(Res)</u>	15.7.2008

CHAPTER - 5
RESERVATION REGISTERS AND ROSTER REGISTERS

5.1 In case of cadres having more than 13 posts, all appointing authorities should maintain reservation registers in the format given in Annexure-I.

5.2 Reservation roster registers will be maintained in format given in the Annexure-II for cadres having less than 14 posts.

5.3 Following principles shall be followed for preparation and maintenance of reservation registers and reservation roster registers:

- (a) Separate registers/ roster registers shall be maintained for appointments made by direct recruitment and promotion. In case of promotion, separate registers / roster registers shall be maintained for each mode of promotion viz. limited competitive examination, selection, non-selection, etc.
- (b) A common register / roster register shall be maintained for permanent appointments and temporary appointments likely to become permanent or to continue indefinitely.
- (c) A separate register / roster register shall be maintained for purely temporary appointments of 45 days or more but which have no chance whatever of becoming permanent or continuing indefinitely.
- (d) Immediately after an appointment is made, the particulars of the person appointed shall be entered in the register / roster register in the appropriate columns and the entry signed by the appointing authority or by an officer authorized to do so.
- (e) No gap shall be left in completing the register / roster register.
- (f) The register / roster register shall be maintained in the form of a running account year after year. For example if recruitment in a year stops at point 6, recruitment in the following year shall begin from point 7.
- (g) If reservation register becomes unwieldy or difficult to manage, a fresh register may be started by applying the method of initial preparation of registers.
- (h) In case of cadres where reservation is given by rotation, fresh cycle of roster shall be started after completion of all the points in the roster.

- (i) Since reservation does not apply to deputation/absorption, where the recruitment rules prescribe a percentage of posts to be filled by these methods, such posts shall be excluded for determining reservations.
- (j) After every recruitment year, an account shall be noted in the reservation register indicating representation of Scheduled Castes/Scheduled Tribes/Other Backward Classes and details of backlog reserved vacancies etc.

Note: Reservation registers / roster registers are only an aid to ensure that Scheduled Castes, Scheduled Tribes and Other Backward Classes get quota reserved for them. These registers/roster registers do not determine seniority.

Grouping of Posts

5.4 In the case of posts filled by direct recruitment, small cadres may be grouped with posts in the same group for the purpose of reservation orders taking into account the status, salary and qualifications prescribed for the posts in question.

5.5 The posts of Sweepers should not be grouped for the purpose of reservation, with other categories of Group D posts, even though the number of posts of Sweepers may not be large in an office /establishment.

5.6 Proposals for grouping of posts should be referred to the Department of Personnel & Training for prior approval together with full particulars of the posts proposed to be grouped together in the following respect:

- (i) Designation and number of each post.
- (ii) Group to which the posts belong i.e. Group A, Group B, Group C or Group D.
- (iii) Scale of pay of each post.
- (iii) Method of recruitment for each post as provided in the recruitment rules.
- (iv) Minimum qualifications prescribed for direct recruitment to each post.

5.7 While reservations would be made according to the groups as provided above, the total reservation in any of the posts/services so grouped should not exceed 50 per cent of the vacancies to be filled in it i.e. in the particular post/service, in a recruitment year. The total reservation for SCs, STs and OBCs in any post or service should also not exceed 50 percent of the total number of posts in the particular post/service.

Initial Preparation of Reservation Register / Roster

5.8 In order to prepare the reservation register initially, names of all the candidates holding the post as on the date of starting the reservation register may be entered in the register starting with the earliest appointee who was in the cadre as on the date of start of register. If an appointee in the cadre is a Scheduled Caste candidate, SC may be entered in column 4 of the register against his name. If that candidate was appointed by reservation, SC may be written in column 5 also but if he was appointed on his own merit, UR will be written in column 5. If the next appointee is a general category candidate, general shall be written in column 4 against his name and UR in column 5, and so on till all the appointments are adjusted. After making entries as indicated above, details about the number of SC, ST and OBC candidates appointed by reservation, backlog reserved vacancies, if any, may be indicated in 'Remarks' column.

5.9 After initial preparation of the register, the names of persons appointed thereafter, may be added by filling up the columns as stated above.

5.10 Roster registers shall be maintained for cadres with 2 to 13 posts. For preparing roster, names of all the incumbents in the cadre as on 2.7.1997 may be entered in the register starting from the earliest appointee. If an appointee in the cadre is a Scheduled Caste candidate, SC may be entered in column 5 of the register against his name. If that candidate was appointed by reservation, SC may be written in column 6 also but if he was appointed on his own merit, UR will be written in column 6. If the next appointee is a general category candidate, general shall be written in column 5 against his name and UR in column 6, and so on till all appointments are adjusted. In doing so, a general category candidate may appear on a reserved point and an SC/ST/OBC candidate may appear against an unreserved point. If name of an SC/ST/OBC candidate appointed by reservation is entered against a general point, entries may be made in remarks column against that point and also against nearest point reserved for SCs/STs/OBCs, as the case may be, to the effect that such a candidate is to be treated to have been adjusted against the relevant reserved point. Likewise, entries will be made in remarks column for candidates who are appointed as general category

candidates but whose names appear against reserved points. Similar adjustments will be made in respect of SC candidates appearing against a point reserved for STs or OBCs and so on. After all the 14 points are consumed, fresh cycle of the roster may be started. As many roster points may be treated to have been consumed on the date of start of the roster register as many employees occupy the roster points as on the date of start of the register. From that point onward, vacancies may be filled as per roster points subject to adjustment of reserved category candidates appointed by reservation and general category candidates as explained above.

SC/ST/OBC Candidates Appointed on Merit

5.11 SC, ST and OBC candidates in case of direct recruitment and SC and ST candidates in case of promotion, appointed on their own merit and not owing to reservation should not be shown against reserved quota. They will be adjusted against unreserved quota.

5.12 If an unreserved vacancy arises in a cadre and there is any SC/ST candidate within the normal zone of consideration in the feeder grade, such SC/ST candidate cannot be denied promotion on the plea that the post is not reserved. Such a candidate will be considered for promotion along with other candidates treating him as if he belongs to general category. In case he is selected, he will be appointed to the post and will be adjusted against the unreserved point.

5.13 Only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall be treated as own merit candidates. If any SC/ST/OBC candidate is selected by getting any relaxation in experience qualification, number of permitted chances in written examination, zone of consideration etc., he/she shall be counted against reserved vacancies. Such a candidate cannot be considered for appointment against an unreserved vacancy.

5.14 SC/ST candidates appointed on their own merit (by direct recruitment or promotion) and adjusted against unreserved points will retain their status of SC/ST and will be eligible to get benefit of reservation in future/further promotions, if any.

5.15 50% limit on reservation will be computed by excluding such reserved category candidates who are appointed/ promoted on their own merit.

[OMs No.36028/17/2001-Estt(Res) dated 11/07/2002, 36028/17/2001-Estt(Res) dated 31/01/2005 and 36012/45/2005-Estt.(Res.) 10/08/2010]

Adjustment of Compassionate Appointees

5.16 A person selected for appointment on compassionate grounds should be adjusted in the reservation register/ reservation roster register against the appropriate category viz. SC/ST/OBC/UR category depending upon the category to which he belongs. For example, if he belongs to SC, he shall be adjusted against a vacancy reserved for SCs. Similarly if he is an ST or OBC candidate, he shall be adjusted against vacancy reserved for STs or OBCs, as the case may be. An unreserved category candidate shall be adjusted against an unreserved vacancy. (O.M.No.14014/6/1995-Estt(D) dated 26.09.1995)

Relevant Office Memoranda etc.

1	MHA OM NO. 7/2/55-Estt(SCT)	14.10.1955
2	MHA OM No. 31/10/63-SCT(1)	27.3.1963 and 2.5.1963
3	MHA OM NO. 1/11/69-Estt(SCT)	22.4.1970
4	DOP&T O.M. No. 1/4/70-Estt. (SCT)	11.11.1971
5	DPAR OM NO. 10/52/72-Estt(SCT)	24.5.1974
6	DOP&T O.M. No.8/1/74 -Estt.(SCT)	12.12.1974
7	DPAR OM NO. 36011/1/76-Estt(SCT)	6.3.1976
8	DOP&AR OM NO. 36011/33/81-Estt(SCT)	5.10.1981
9	DPAR OM No. 36011/46/81-Estt(SCT)	4.2.1982
10	DOP&AR OM No. 36012/3/1978-Estt(SCT)	9.2.1982
11	DPAR OM NO. 36011/12/82-Estt(SCT)	26.6.1982
12	DPAR OM No. 36011/28/83-Estt(SCT)	12.3.1984
13	DOPT's O.M.No.14014/6/1995-Estt(D)	26.09.1995
14	DOPT's OM No. 36011/1/98-Estt(Res)	1.7.1998
15	DOPT's OM NO. 36028/17/2001-Estt(Res)	11.7.2002
16	DOP&T O.M No.36017/1/2004-Estt.(Res)	5.7.2005
17	DOPT OM No.36017/1/2007-Estt.(Res)	4.7.2007
18	DOPT OM No. 36012/45/2005-Estt(Res)	10.8.2010

RESERVATION REGISTER

1. Name of the post:
2. Method of Recruitment: DR/Promotion by selection/Promotion by non-selection
/Promotion by Limited Departmental Examination.
3. Number of posts in the cadre (cadre strength):
4. Percentage of Reservation prescribed : SCs _____, STs _____, OBCs _____

Sl. No.	Name	Date of appointment	Whether belongs to SC/ST/OBC/General	Filled as UR or as reserved for SC/ST OBC	Signature of appointing authority or other authorised officer	Remarks
1	2	3	4	5	6	7

Annexure-II to Chapter- 5

RESERVATION ROSTER REGISTER

1. Name of the post:
2. Method of Recruitment: DR/Promotion by selection/Promotion by non-selection/Promotion by Limited Departmental Examination.
3. Number of posts in the cadre:
4. Percentage of Reservation prescribed: SCs____, STs____, OBCs ____

Cycle No./ point No.	UR or reserved for SCs/ STs / OBCs	Name	Date of appointment	Whether SC/ST /OBC/ General	Filled as UR or as reserved for SCs/ STs /OBCs	Signature of appointing authority or other authorised officer.	Remarks
1	2	3	4	5	6	7	8

CHAPTER-6

FILLING UP OF RESERVED VACANCIES

Direct Recruitment

6.1 When direct recruitment is to be made for reserved as well as unreserved vacancies on any one occasion, a single advertisement should be issued specifying clearly therein the vacancies reserved for Scheduled Castes, Scheduled Tribes and OBCs. (O.M.No.36012/6/88-Estt.(SCT), SRD dated 6.9.1999)

6.2 While notifying the vacancies to the local or the regional employment exchange, a single requisition should be sent to the Employment Exchange for such reserved and unreserved vacancies. The number of vacancies reserved for Scheduled Castes, Scheduled Tribes and OBCs out of the total vacancies notified should be clearly indicated in the requisition to the employment Exchange. The following certificate should also, be given in the requisition:

“Certified that the number of vacancies reserved for Scheduled Castes/Scheduled Tribes/OBCs/ex-servicemen/ Persons with Disabilities is in accordance with the reservation quota fixed by Government for these categories.”

6.3 If sufficient number of Scheduled Caste/Scheduled Tribe candidates are not available or are not sponsored by the Employment Exchange for the reserved vacancies, the appointing authority should also intimate the reserved vacancies to the Director of Scheduled Castes/Scheduled Tribes Welfare in the State/Union Territory concerned.

6.4 The vacancies should also be brought to the notice of the Scheduled Caste/Scheduled Tribe Organizations recognized by this Department for the purpose of notifying to them the vacancies. It may, however, be made clear to such organizations that their function is limited to advising the Scheduled Caste/Scheduled Tribe candidates about the recruitment proposed and that it will not be for them to recommend or press the names of any individuals. The candidates should apply to the appointing authority either direct or through the Employment Exchange, as the case may be.

6.5 Where sufficient number of candidates belonging to SC/ST/OBC are not available to fill up the vacancies reserved for them in direct recruitment, the vacancies should not be filled by candidates not belonging to these communities. In other words, there is a ban on de-reservation of vacancies reserved for SCs, STs and OBCs in direct recruitment.

6.6 If sufficient number of suitable SC/ST/OBC candidates are not available to fill up vacancies reserved for them in the first attempt of recruitment, a second attempt should be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment year to fill up these vacancies. If the required number of SC/ST/OBC candidates are not even then available, the vacancies which could not be filled up shall remain unfilled until the next recruitment year. These vacancies will be treated as "backlog vacancies."

6.7 In the subsequent recruitment year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies of SCs, STs and OBCs will also be announced for recruitment. While doing so, it may be kept in view that the vacancies of the particular recruitment year i.e. the current vacancies will be treated as one group and backlog vacancies of SCs, STs and OBCs as a separate and distinct group. Of the vacancies in the first group, not more than 50% of the vacancies shall be reserved. Vacancies in the second group i.e. all the backlog vacancies reserved for SCs, STs and OBCs will be filled up by the candidates belonging to category concerned without any restriction whatsoever as they belong to distinct group of backlog vacancies of SCs, STs and OBCs.

6.8 Vacancies reserved for SCs/STs/OBCs which could not be filled up and are carried forward as backlog vacancies and remain unfilled in the following recruitment year also, will be carried forward as backlog vacancies for subsequent recruitment year(s) as long as these are not filled by candidates of the category for which these are reserved.

6.9 In posts filled otherwise than through examination, normally six to seven candidates belonging to the community for which the post is reserved may be called for interview for each reserved vacancy, subject to availability of such candidates fulfilling the qualifications prescribed for the post. Where the response from the Scheduled Caste/Scheduled Tribe/Other Backward Class

candidates is exceptionally good, the recruiting authority may, having regard to the merits of each case, call as many as 10 to 12 candidates of the respective category for each reserved vacancy for the purpose of interview/selection.

6.10 In direct recruitment made otherwise than through examination and in direct recruitment made through examination followed by an interview, the interview of Scheduled Caste/Scheduled Tribe candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that the Scheduled Caste and Scheduled Tribe candidates are not judged in comparison with general candidates and the interviewing authority/Board is/are prominently aware of the need for judging the Scheduled Caste /Scheduled Tribe candidates by relaxed standards. (O.M No.27/14/71-Estt.(SCT) dated 30/01/1973)

Promotion by Selection

6.11 In case of promotion by selection, selection against vacancies reserved for Scheduled Castes and Scheduled Tribes should be made only from among those Scheduled Caste /Scheduled Tribe officers who are within the normal zone of consideration. Where adequate number of SC/ST candidates are not available within the normal field of choice, it may be extended to 5 times the number of vacancies and the SC/ST candidates (and not any other candidates) coming within the extended field of choice should also be considered against the vacancies reserved for them. The following instructions will apply to the filling of vacancies reserved for Scheduled Castes and Scheduled Tribes in such promotions:

- (i) Scheduled Caste and Scheduled Tribe officers who are within the normal zone of consideration shall be considered for promotion alongwith others and adjudged on the same basis as others and those Scheduled Caste and Scheduled Tribe officers amongst them who are selected on that basis may be included in the general select list. If some of the SC/ST candidates so selected have been selected on their own merit in all respect and are so placed in the select list that their names fall within the number of unreserved vacancies, such candidates shall be adjusted against unreserved vacancies.
- (ii) If number of candidates from Scheduled Castes and Scheduled Tribes other than the candidates selected on their own merit who are adjusted against unreserved vacancies

is less than the number of vacancies reserved for them, the difference should be made up by selecting candidates of these communities who are in the zone of consideration irrespective of merit but who are considered fit for promotion.

- (iii) If the number of SC/ST candidates found fit for promotion against reserved vacancies is still less than the number of vacancies reserved for them, the difference should be made up by selecting candidates of these communities who are in the extended zone of consideration irrespective of merit but who are considered fit for promotion.
- (iv) A select list should then be prepared in which the names of all the selected officers, general as well as those belonging to Scheduled Castes and Scheduled Tribes, are arranged in the order of merit and seniority according to the general principles for promotion to selection posts. However, such of the SC/ST candidates who are in the extended field and get selected should en block be placed in the end by maintaining their inter se position in accordance with their gradation by the DPC. This select list should, thereafter, be followed for making promotions in vacancies as and when they arise during the year.

Promotion by Non-Selection

6.12 In case of promotion by non-selection, all Scheduled Caste and Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which the promotions are to be made, shall be considered in the order of their general seniority, and if they are not judged unfit, they shall be promoted. If the number of Scheduled Caste / Scheduled Tribe candidates found fit within the range of actual vacancies is less than the number of vacancies reserved for them, additional Scheduled Caste / Scheduled Tribe candidates to the extent required shall be located by going down the seniority list, provided they are eligible and found fit for appointment.

Note 1: In order to ensure proper implementation of reservation of vacancies for Scheduled Castes and Scheduled Tribes in promotion, number of vacancies should be assessed as accurately as possible. Purely short term vacancies should not be taken into account for this purpose; nor should any addition be made to cover unforeseen vacancies. At the same time, it is necessary to ensure that the number of vacancies is not reduced. All clear vacancies arising due to death, retirement, resignation and long term promotion of incumbents from one post/grade to a higher post/ grade

should be taken into account while fixing the number of vacancies and the number of reserved vacancies for Scheduled Castes and Scheduled Tribes.

Note 2: Since appointment to Selection Grade also constitutes promotion, the appropriate orders relating to reservation/concessions for Scheduled Castes and Scheduled Tribes in promotions, would apply to the appointment to the Selection Grade also.

Note 3: While constituting the Departmental Promotion Committee, instructions regarding nomination of SC/ST officers on the DPC, as issued from time to time, should be followed.

Steps To Be Taken in Case of Non-Availability of SC/ST Candidates for Promotion

6.13 If sufficient number of SC/ST candidates fit for promotion against reserved vacancies is not available, such vacancies may be de-reserved as per prescribed procedure and filled by candidates of other communities.

6.14 If sufficient number of SC/ST candidates fit for promotion against reserved vacancies is not available and such vacancies can also not be de-reserved for reasons like non-availability of candidates of other categories to fill up the posts etc., the vacancies shall not be filled and will remain unfilled and will be treated as "backlog vacancies".

(O.M.No.36020/2/2007-Estt.(Res) dated 7/12/2009)

6.15 In the subsequent recruitment year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies of SCs and STs will also be filled up, keeping the current vacancies and the backlog vacancies of SCs and STs as two distinct groups. Of the current vacancies, not more than 50% of the vacancies shall be reserved. However, all the backlog vacancies reserved for SCs and STs will be filled up by candidates belonging to the concerned category without any restriction whatsoever as they belong to distinct group of backlog vacancies.

Diversion of Reserved Vacancies from Promotion Quota to Direct Recruitment

6.16 Where recruitment to a grade is made both by promotion and direct recruitment i.e. where separate quota for promotion and direct recruitment are prescribed in the Recruitment Rules, reserved vacancies falling in the promotion quota which cannot be filled due to non-availability of eligible persons belonging to SC/ST in the feeder cadre may be temporarily diverted to the direct

recruitment quota and filled by recruitment of candidates belonging to SC or ST, as the case may be, in accordance with the provisions relating to direct recruitment contained in the Recruitment Rules. In the subsequent year(s) when reserved vacancies in the direct recruitment quota become available they may be diverted to the promotion quota to make up for the vacancies diverted earlier and filled from SC/ST candidates in the feeder cadre who might by then become eligible for promotion. This involves relaxation of the Recruitment Rules. The Ministries/Departments may themselves exercise the power of relaxation subject to approval of UPSC, wherever necessary.

Safeguards against Supersession of SC/ST Candidates

6.17 In posts filled by promotion (by selection or by non-selection) wherever the orders regarding reservation apply the following procedure should be observed by the appointing authorities, in regard to cases where eligible Scheduled Caste/Scheduled Tribe candidates, though available, are not appointed/selected for the reserved as well as unreserved vacancies:

- (a) In promotions to Group A and within Group A – Such cases should be submitted to the Minister/ Minister of State/Deputy Minister concerned, as the case may be.
- (b) In promotion to Group B and within Group B – Such cases should be reported to the Minister/Minister of State/Deputy Minister concerned, as the case may be, within a period of one month of the finalization of the select list.
- (c) In promotion to and in Group C and within Group D – Such cases should be reported to the Head of the Department, if the appointing authority is lower than the level of the Head of the Department, and where the Head of the Department is himself the appointing authority, to the Secretary of the administrative Ministry/Department.

6.18 In regard to promotions by selection from Group A post to a Group A post which carries an ultimate salary of Rs. 18,300 (pre-revised) or less, cases where the Scheduled Caste / Scheduled Tribe candidates available within the number of vacancies for which the select list is drawn are not selected, should be submitted to the Minister / Minister of State / Deputy Minister concerned, as the case may be.

Implementation of the Findings of DPC Kept in Sealed Cover

6.19 According to the instruction contained in the Ministry of Home Affairs Office Memorandum No.39/3/59-Estt.(A) dated the 31st August, 1960, the findings of the Department Promotion Committee in respect of a person under suspension or against whom vigilance enquiries are pending are kept in sealed cover and a vacancy is kept reserved for him and is filled only on officiating basis till the finalization of the departmental proceedings. If the officer is completely exonerated and the charges leveled against him are proved to be wholly unjustified then he is promoted to the vacancy which had been filled on an officiating basis and which was reserved for him. In such cases, the junior most officer officiating in the grade i.e. the officer occupying the lowest position in the panel is reverted. Where such reversion becomes necessary, the reversions should be made in such a manner that the total number of SC/ST candidates in the cadre appointed by reservation is not reduced below the reservation prescribed for them.

Relevant Office Memoranda etc.

1	<u>Para 5 (6) MHA O.M. No. 42/21/49-NGS</u>	28.1.52
2	<u>MHA OM No.14/12/67-Estt.(D)</u>	10.4.68
3	<u>MHA OM No. 27/2/69-Est. (SCT)</u>	5.7.69
4	<u>MHA OM No. 27/2/70-Est. (SCT)</u>	5.6.70
5	<u>DOP&T O.M. No. 14/17/71</u>	27.11.71
6	<u>DOP&AR O.M. No.16/1/72-Estt.(SCT)</u>	11.08.1972
7	<u>Dept. of Per & AR OM No. 36012/3/75-ESSt(SCT)</u>	6.10.1976
8	<u>DP&AR O.M. No.36014/3/77-Est.(SCT)</u>	23.4.77
9	<u>Dept. of Per & AR OM No. 36013/6/80-ESSt(SCT)</u>	28.1.1982
10	<u>DOP&T O.M.No.36012/6/88-Estt(SCT), SRD</u>	6.9.1989
11	<u>DOPT OM No. 36012/5/97-Estt.(Res.)</u>	20.7.2000

CHAPTER-7

DE-RESERVATION

7.1 A vacancy reserved for SCs or STs or OBCs cannot be filled by a candidate other than an SC or ST or OBC candidate, as the case may be. However, a reserved vacancy may be declared unreserved by following the procedure of de-reservation as given below whereafter it can be filled as an unreserved vacancy.

De-reservation in case of Direct Recruitment

7.2 There is a general ban on de-reservation of reserved vacancies in case of direct recruitment. However, in rare and exceptional cases when a vacancy in a Group 'A' service cannot be allowed to remain vacant in public interest, the administrative Ministry/Department may prepare a proposal for de-reservation of the vacancy giving following information:

- (i) Designation of the post;
- (ii) Pay scale of the post;
- (iii) Name of the service to which the post belongs;
- (iv) Duties and responsibilities attached to the post;
- (v) Educational and other qualifications prescribed for the post;
- (vi) Efforts made to fill up the post;
- (vii) Reasons why it cannot be allowed to remain vacant;
- (viii) Justification for de-reservation; and
- (ix) Any other relevant information.

7.3 The administrative Ministry shall consult the National Commission for Scheduled Castes in respect of vacancy reserved for SCs, the National Commission for Scheduled Tribes in respect of vacancy reserved for STs and the National Commission for Backward Classes in respect of vacancy reserved for OBCs. After obtaining the comments of the concerned Commission, the administrative Ministry/Department shall place the proposal alongwith the Commission's comments before a Committee comprising of the Secretaries in the Department of Personnel and Training, the Ministry of Social Justice and Empowerment, and the Ministry/Department under which the recruitment is to be made for consideration and recommendation. The recommendation of the Committee shall be

placed before the Minister in charge of the Department of Personnel and Training for taking a final decision. If de-reservation of the vacancy is approved, it can be filled as an unreserved vacancy.

7.4 De-reservation in case of Promotion

In case of promotion, if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be de-reserved and filled by the candidates of other communities. The power to accord approval to de-reservation of the reserved vacancies in such cases is delegated to the administrative Ministries and Departments subject to the following conditions:

- (i) no candidate belonging to the category for which the vacancy is reserved is available within the zone of consideration or extended zone of consideration or eligible for promotion in the feeder cadre(s) specified in the relevant service / recruitment rules / orders;
- (ii) the proposal for de-reservation has been seen and concurred in by the Liaison Officer of the Ministry / Department;
- (iii) the proposal for de-reservation is agreed to at a level not lower than that of Joint Secretary to the Government of India, in the administrative Ministry / Department (proper) concerned; and
- (iv) in the event of disagreement between the appointing authority and the Liaison Officer, the advice of the Department of Personnel & Training is obtained.

7.5 Before taking a decision to de-reserve a vacancy under the delegated powers, the administrative Ministry / Department shall prepare a proposal in the proforma given in the **Annexure-I** and send one copy thereof each to the Department of Personnel & Training and the National Commission for Scheduled Castes in respect of vacancies reserved for SCs and to the National Commission for Scheduled Tribes in respect of vacancies reserved for STs. After sending the proposal, the Ministry / Department shall wait for a period of at least two weeks for the comments of the Department of Personnel & Training and the concerned National Commission. If no comments are received from the Department of Personnel & Training or the concerned Commission within two weeks, the administrative Ministry / Department may presume that the DOPT or the concerned National Commission, as the case may be, do not have any comments to offer and may take a decision regarding de-reservation of the vacancy. In case the Ministry / Department receives

comments from the DOPT or the concerned Commission within two weeks, the comments so received shall be considered while taking a decision in the matter.

7.6 While sending the copy of the proposal to the Commissions / Department of Personnel & Training, it should be ensured that the proposal / proforma duly filled in is signed by an officer of the rank of Under Secretary or above in the administrative Ministry / Department.

7.7 The Attached / Subordinate Offices etc. should not send the proposal direct to the Department of Personnel and Training or to the concerned National Commission. They should send the proposal to the administrative Ministry/ Department who will examine the proposal and send it to the Department of Personnel and Training and to the concerned National Commission.

Relevant Office Memoranda etc.

1	<u>MHA O.M. No.31/10/63 SCT(I)</u>	02.05.1963
2	<u>MHA No.16/1 (I)/65-Estt.(C)</u>	20.07.1965
3	<u>MHA No 1/6/67-Estt.(C)</u>	20.09.1967
4	<u>MHA No. 27.05.1968-Estt.(C)</u>	13.03.1968
5	<u>MHA No.1/8/69-Estt.(SCT)</u>	28.01.1969
6	<u>DOP&AR O.M. No.16/1/72-Estt.(SCT)</u>	11.08.1972
7	<u>DOP&AR No.16/3/74-Estt.(SCT)</u>	26.04.1974
8	<u>DOP&AR No.16/27/74-Estt.(SCT)</u>	12.11.1975
9	<u>DOP&AR O.M. No.36011/25/79-Estt.(SCT)</u>	16.11.1979
10	<u>DOP&AR OM No.36011/5/81-Estt.(SCT)</u>	07.04.1981
11	<u>DP&T O.M. No.36020/2/2007-Estt.(Res)</u>	07.12.2009

PROPOSAL FOR DE-RESERVATION OF VACANCIES RESERVED FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN POSTS FILLED BY PROMOTION.

1. Name of the Office/Organisation to which the post (s) relate	
2. Particulars of the post in which vacancies are proposed to be de-reserved (a) Name of the post (b) Group (Class) (c) Scale of Pay	
3. Information about posts in the promotion quota (a) Mode of promotion viz by Selection or Non-Selection or by Departmental Examination etc. (b) No. of posts already filled by the given mode of promotion (c) Number of backlog reserved vacancies in respect of the given mode of promotion (d) Number of current vacancies to be filled by the given mode of promotion (e) Total number of vacancies to be filled (current vacancies + backlog vacancies) by the given mode of promotion (f) Total number of posts in the given mode of promotion (b+e)	SCs..... STs.....Total.....
4. No. of posts already held by the candidates appointed by reservation in the cadre	SCs..... STs.....

<p>5. If cadre strength is less than 14 and reservation is given by rotation, cycle no. and point no. of the roster on which the vacancy falls</p>	<p>Cycle No.....Point No.....</p>
<p>6. Number of vacancies earmarked reserved</p> <p>(a) Out of the current vacancies</p> <p>(b) Backlog reserved vacancies</p> <p>(c) Total reserved vacancies (a+b)</p>	<p>SCs..... STs.....</p> <p>SCs..... STs.....</p> <p>SCs..... STs.....</p>
<p>7. Number of vacancies proposed to be de-reserved</p>	<p>SCs..... STs.....</p>

<p>8. If promotion is by non-selection</p> <p>(a) Whether the SC/ST candidates who are eligible for promotion including those holding lower positions in the general seniority list were considered for promotion</p> <p>(b) Total number of SC/ST candidates in the feeder grade</p> <p>(c) No. of eligible SC/ST candidates in the feeder grade</p> <p>(d) Number of SC/ST candidates considered fit for promotion</p> <p>(e) Number of SC/ST candidates considered not fit for promotion</p> <p>(f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior most SC/ST candidate in the grade will become eligible for promotion</p>	<p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p>
<p>9. If promotion is by selection</p> <p>(a) Size of the normal zone of consideration</p> <p>(b) Size of the extended zone of consideration for SCs/STs (5 times the total number of vacancies)</p> <p>(c) Number of eligible SC/ST candidates in the extended zone of consideration</p> <p>(d) Number of SC/ST candidates found fit for promotion</p> <p>(e) Number of SC/ST candidates considered not fit for promotion</p> <p>(f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior-most SC/ST candidate will become eligible for promotion and his place in the seniority list</p>	<p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p>

<p>10. If promotion is through Departmental Qualifying or Departmental Competitive Examination, the number of SC/ST candidates who qualified the examination</p>	<p>SCs.....STs.....</p>
<p>11. Whether other category candidates are available in the Select List for appointment to the vacancies sought to be de-reserved</p>	
<p>12(a) Whether SC/ST candidates considered unfit had any adverse entries in their C.R.s considered by the DPC</p> <p>(b) If yes, whether such adverse entries were communicated in time to the SC/ST officer (s) concerned</p> <p>(c) Whether the cases of the eligible SC/ST candidates not found fit for promotion were submitted / reported to the Minister / Minister of State / Deputy Minister / Secretary / Head of the Department, as the case may be</p>	
<p>13. Where interviews are prescribed, whether SC/ST candidates were interviewed on a day or sitting of the Selection Committee other than the day / sitting on / in which general candidates were interviewed</p>	
<p>14(a) If ex-post-facto approval is sought to the de-reservation of vacancies, the reasons why proposal for prior de-reservation was not made, and what steps have been taken to prevent its recurrence</p>	
<p>(b) The level at which it was decided to fill the reserved vacancies by other category candidate (s) without prior de-reservation</p>	

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It is certified

- (1) that the proposal for de-reservation is agreed to at the level of Joint Secretary to the Government of India in the administrative Ministry / Department.
- (2) that the proposal has been seen and concurred in by the Liaison Officer of the Ministry / Department.
- (3) that copies of this proposal are simultaneously being sent to the National Commission for Scheduled Castes / National Commission for Scheduled Tribes and the Department of Personnel & Training.

Signature.....

Name of the Signing Officer.....

Designation.....

Tele. No.....

No. _____

Date _____

To

- (1) Department of Personnel & Training, New Delhi.
- (2) National Commission for Scheduled Castes / National Commission for Scheduled Tribes.

CHAPTER -8
VERIFICATION OF THE CLAIMS OF SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES

8.1 Any person who claims to belong to a Scheduled Caste or a Scheduled Tribe or Other Backward Class will have to produce a certificate to the Appointing Authority/Selection Committee/Board etc. in support of his claim so as to make him eligible for reservation and various relaxations and concessions.

8.2 The Caste/Tribe/Community certificate issued by the following authorities in the prescribed form for SCs/STs and for OBCs will only be accepted as proof in support of a candidate's claim as belonging to the Scheduled Caste or the Scheduled Tribe or the Other Backward Class as given in Annexure-I and Annexure-II

- (i) District Magistrate/Additional District Magistrate/Collector /Deputy Commissioner/Additional Deputy Commissioner/ Deputy Collector/ 1st Class Stipendary Magistrate/Sub Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.
- (ii) Chief Presidency Magistrate/ Additional Chief Presidency Magistrate/Presidency Magistrate;
- (iii) Revenue Officer not below the rank of Tehsildar; and
- (iv) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

(O.M.NO.36012/6/88-Estt. (SCT) dated 24.4.1990 and OM No.36012/22/93-Estt(Res) dated 15.11.1993 & OM No. 36011/3/2009-Estt(Res) dated 02.09.2009).

8.3 The appointing authorities should verify the caste status of a Scheduled Caste/ Scheduled Tribe / Other Backward Class candidate at the time of initial appointment and of an SC/ST officer at the time of promotion against reserved vacancy also. For this purpose, the caste and the community to which an SC/ST/OBC person belongs, his place of residence and the name of the State, should be pasted on the top of his service book, personal file or any other relevant document to facilitate such verification. It may be noted that a Scheduled Caste person, whose caste has been de-scheduled after his initial appointment as a Scheduled Caste, is no longer entitled to enjoy the benefit of reservation in promotions. The verification of caste-status at every important up-turn of employee's

career is necessary so that the benefit of reservation and other scheme of concessions etc. should go only to the rightful claimants and not those who become disentitled to them. (OM No. 36011/3/2005-Estt.(Res) dated 09.09.2005).

8.4 The Appointing Authorities should, in the offer of appointment to the candidates claiming to belong to Scheduled Castes/Scheduled Tribes/Other Backward Classes include a clause as follows:

“The appointment is provisional and is subject to the Caste/Tribe/Community certificate being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste or Scheduled Tribe or Other Backward Class, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificates.” (OM No. 36033/4/97-Estt (Res) dated 25.07.2003 and No.36011/3/2005-Estt.(Res.) dated 09/09/2005.

8.5 An appointing authority may, if it considers necessary for any reason, verify the claim of a candidate through the District Magistrate of the place where the candidate and/or his family ordinarily resides. If after appointment in any particular case, the verification reveals that the candidate's claim was false his services may be terminated in accordance with the relevant rules/orders (OM No. 36011/3/2005-Estt.(Res) dated 09.09.2005).

8.6 As no person professing a religion different from the Hinduism or Sikhism or Buddhism can be deemed to be a member of Scheduled Castes, the appointing authorities should stipulate in the letter of appointment issued to Scheduled Caste candidates that they should inform about the change, if any, of their religion to their appointing/administrative authority immediately after such a change. The serving scheduled Caste employees should be instructed to intimate change, if any, in their religion immediately to their appointing/administrative authorities (OM No. 13/3/71-Estt.(SCT) dated 10.09.1971)

CHAPTER 8

1	<u>Para 5(7) of MHA O.M. No.42/21/49-NGS</u>	28.01.1952
2	<u>DOPT OM No. 13/3/71-Estt.(SCT)</u>	10.09.1971
3	<u>DOPT OM No. 36012/06/88</u>	24.04.1990
4	<u>DOPT OM No. 36012/22/93-Estt(Res)</u>	15.11.1993
5	<u>DOPT OM No.36033/4/97-Estt (Res)</u>	25.07.2003
6	<u>DOP&T O.M. No.36011/3/2005-Estt.(Res)</u>	09.09.2005
7	<u>DOPT OM No. 36011/3/2009-Estt(Res)</u>	02.09.2009

FORM OF SCHEDULED CASTE/TRIBE CERTIFICATE

This is to certify that Shri/Shrimati*/Kumari* _____ son/daughter* of
_____ village/town* _____ in
District/Division* _____ of the State/Union Territory*
_____ belongs to the _____ Caste/Tribe which is recognized as
a Scheduled Caste/Scheduled Tribe* under:

*The Constitution (Scheduled Castes) Orders, 1950:

*The Constitution (Scheduled Tribes) Order, 1950;

*The Constitution (Scheduled Tribes) (Union Territories) Order, 1950;

*The Constitution (Scheduled Tribes) (Union Territories) Order, 1951:

{as amended by the Scheduled Castes and Scheduled Tribes List (Modification Order, 1956, the Bombay Recognition Act, 1960, the Punjab Recognition Act, 1966, the State of Himachal Pradesh Act, 1970, the North Eastern Areas (Recognition) Act, 1971 and the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976}

*The Constitution (Jammu and Kashmir) Scheduled Order, 1956;

*The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959 as amended by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976;

*The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962;

*The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962;

*The Constitution (Pondicherry) Scheduled Castes Order, 1964;

*The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967;

*The Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968;

*The Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968;

*The Constitution (Nagaland) Scheduled Tribes Order, 1970.

*The Constitution (Sikkim) Scheduled Tribes Order, 1978.

2. Shri/Shrimati*/Kumari* _____ and/or* his/her* family ordinarily
reside(s) in village/town* _____ of
_____ District/Division* of the State/Union Territory*
of _____.

Signature _____

Designation _____

(with seal of office)
State/Union Territory

Place _____

Date _____

* Please delete the words which are not applicable.

Note: The term "Ordinarily resides" used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.

**FORM OF CERTIFICATE TO BE PRODUCED BY
OTHER BACKWARD CLASSES APPLYING FOR APPOINTMENT
TO POSTS UNDER THE GOVERNMENT OF INDIA**

This to certify that Shri/Smt./Kumari _____ son/daughter
of _____ of village/town _____ in District/Division
_____ in the State/Union Territory _____ belongs to the
_____ community which is recognised as a backward class under
the Government of India, Ministry of Welfare Resolution No.12011/68/93-BCC(C) dated
10th September, 1993 published in the Gazette of India Extraordinary Part I Section I dated
13th September, 1993*. Shri/Smt./Kumari _____ and/or his/her
family ordinarily reside(s) in the _____ District/Division
of the _____ State/Union Territory. This is also to
certify that he/she does not belong to the persons/sections (Creamy Layer) mentioned in
column 3 of the Schedule to the Government of India, Department of Personnel & Training
OM No.36012/22/93-Estt(SCT) dated 8.9.1993*.

District Magistrate,
Deputy Commissioner etc.

Dated:

Seal

* as amended from time to time.

NOTE: The term "Ordinarily" used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.

CHAPTER -9

MONITORING AND INSTITUTIONAL SAFEGUARDS

Annual Returns

9.1 Soon after the first of January of every year, each Appointing Authority shall send to its administrative Ministry/Department:-

- (i) SC/ST/OBC Report-I in the performa given in Annexure-I showing the total number of Government servants and the number of SCs, STs and OBCs amongst them as on the 1st January of the year and the number of appointments made during the preceding calendar year along with the number of SCs, STs and OBCs amongst them; and
- (ii) SC/ST/OBC Report-II in the proforma given in Annexure-II showing the representation of SCs, STs and OBCs in various grades of organized Group 'A' services as on the 1st January of the year and the particulars of recruitment to the various grades during the preceding calendar year in the service.

9.2 On receipt of the above reports, the administrative Ministry/Department shall consolidate the information received from all Appointing Authorities under it and shall send to the Department of Personnel and Training by the 31st March of each year:

- (i) Consolidated SC/ST/OBC Report-I in respect of the Ministry/Department including information in respect of all Attached and Subordinate Offices under its control.
- (ii) SC/ST/OBC Report-II in respect of each organized Group 'A' service under its control reflecting grade-wise position of the representation of SCs/STs/OBCs in the service as on 1st January of the year and particulars of recruitment to various grades of the service during the preceding calendar year.

9.3 Information in respect of public sector undertakings, statutory, semi-Government and autonomous bodies should **not be included** in the reports sent to the Department of Personnel and Training. Statutory, semi-Government and autonomous bodies should furnish consolidated information in the prescribed proforma to the administrative Ministry/Department. The administrative Ministry/Department may maintain this information in respect of all statutory, semi-Government and autonomous bodies under its control. The Department of Public Enterprises may collect similar information in respect of all public sector undertakings and may maintain it.

9.4 While furnishing the figures of representation of SCs, STs and OBCs in Report-I, information in respect of the posts of "sweepers/safaikaramcharies" should not be included as such inclusion results in inflating the figures of representation of SCs in group D posts. In the report, information in respect of group D posts (excluding sweepers) and group D posts (sweepers) should be given separately.

9.5 The reports relate to persons and not to posts. Therefore, the posts vacant etc. should not be taken into account while furnishing the reports. A person on deputation should be included in the establishment of the borrowing Ministry/Department/Office and not in the parent office. Figures in respect of Scheduled Castes, Scheduled Tribes and Other Backward Classes should include persons appointed by reservation as well as appointed on their own merit. The persons permanent in one grade but officiating or holding temporary appointment in the higher grades should be shown in the figures relating to the class of service in which the higher grade concerned is included.

Incorporation of Reservation Information in Annual Reports

9.6 Each Ministry/Department should include in its Annual Report a note about the activities of the Reservation Cell set up within the Ministry/Department under the control of the Liaison Officer and the steps taken by the Ministry/Department to implement the provisions about reservation for SCs, STs, OBCs and PWDs. The statistics relating to representation of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Persons with Disabilities should also be incorporated in the Annual Report. This should include the information contained in SC/ST/OBC Report-I, SC/ST/OBC Report-II, and reports prescribed in respect of persons with disabilities which each Ministry/Department is required to furnish to the Department of Personnel and Training in a

consolidated form every year. Besides the consolidated information in respect of the Ministry/Department as a whole including all the attached and subordinate offices, it would be useful to incorporate information in respect of each organization/establishment under the Ministry/Department in the Annual Report. Similar information in respect of statutory and semi-Government bodies and in respect of public sector undertakings under the control of the Ministry/Department may also be usefully included in the Annual Report.

Liaison Officers

9.7 In each Ministry/Department the Deputy Secretary in charge of administration or any other officer at least of the rank of Deputy Secretary will act as a Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the administrative control of the Ministry/Department. A separate Liaison Officer should be appointed for Other Backward Classes. The Liaison Officers will be specially responsible for:

- (i) Ensuring due compliance by the subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes and other benefits admissible to them.
- (ii) Ensuring timely submission of SC/ST/OBC Reports I and II by each appointing authority under the Ministry/Department to the Ministry/Department and ensuring scrutiny and consolidation of the above reports in respect of all establishments and services in and under the control of the Ministry/Department and sending the consolidated reports in the prescribed proformae to the Department of Personnel & Training.
- (iii) Acquainting himself (Liaison Officer for SCs and STs) well in time about the dates of various DPCs, which will be held in future. He will have with him a ready list of officers of various levels belonging to SC/ST of a few sister Departments/ Ministries so that whenever requirement arises, an SC/ST officer of appropriate level consistent with the level of the other members of the DPC and the level of appointment for which a DPC is proposed to be convened, can always be associated as a member.

Such a list may be prepared by the Liaison Officer by informally consulting the administrative wing of other Ministries/Departments.

- (iv) Ensuring that while making a reference to the Department of Personnel and Training and to the National Commission for Scheduled Castes/the National Commission for Scheduled Tribes for de-reservation of reserved vacancies, full details in support of the proposal for de-reservation are given.
- (v) Ensuring the extension of necessary assistance to the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes in the investigation of complaints received by the Commission, in regard to service matters and in the collection of information for his annual report.
- (vi) Conducting annual inspection of the reservation registers/roster registers maintained in the Ministry/Department/Offices under the control of the Ministry/Department with a view to ensuring proper implementation of the reservation orders.
- (vii) Acting as Liaison Officer between the Ministry/Department and the Department of Personnel & Training for supply of other information, answering questions and queries and clearing doubts in regard to matters covered by the reservation orders.

9.8 Each Ministry/Department should set up a Reservation Cell within the Ministry/Department under the direct control of the Liaison Officers. The functions of the Cell will mainly be to assist the Liaison Officers to discharge their duties effectively.

9.9 In offices under the control of each Head of Department also, the Liaison Officers will be nominated for work relating to representation of Scheduled Castes, Scheduled Tribes and Other Backward Classes in such offices. The duties of Liaison Officers for offices under such Heads of Departments will be similar to those mentioned above in respect of offices under their charge.

9.10 Cases of negligence or lapses in the matter of following the reservation and other orders relating to Scheduled Castes, Scheduled Tribes and Other Backward Classes coming to light through the inspections carried out by the Liaison Officers or otherwise, should be reported/submitted by him to the Secretary/Additional Secretary to the Government in the respective Ministry/Department or to the Head of the Department in respect of offices under the Head of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department shall pass necessary

orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned. (No.43011/153/2010-Estt.(Res.) dated 04/01/2013)

National Commissions for SCs and STs

9.11 The National Commission for Scheduled Castes and the National Commission for Scheduled Tribes have been constituted under Article 338 and Article 338-A of the Constitution respectively to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution and report to the President upon the working of these safeguards.

9.12 In regard to the question whether the Commissions can call for the original records and files in specific cases where complaints have been made to them and whether Scheduled Caste and Scheduled Tribe Government servants can write to the concerned Commission direct bringing their grievances to the notice of the Commission, it is stated that:

- (a) Files relating to the appointment of candidates belonging to the Scheduled Castes and Scheduled Tribes against the reserved quota should, on demand, be made available to the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes, as the case be;
- (b) In all other cases, comprehensive notes explaining the position may be furnished to the Commission;
- (c) Should the Commission have any reservations or doubts in regard to the explanations given, the matter may be referred to the Secretary(Personnel), who will go through the original records and answer the queries by the Commission, where possible he will also send the record with the reply; and
- (d) Scheduled Caste and Scheduled Tribe Government employees may write to the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes, as the case may be, direct on matters relating to appointments against the reserved quota. It is not necessary for the Scheduled Caste and Scheduled Tribe Government employees to seek prior permission of the concerned administrative Ministry/Department for sending their representations to the concerned Commission.

Note: The expression "reserved quota" will include matters relating to confirmation, promotion, grant of other concessions allowed to Scheduled Caste and Scheduled Tribe employees by the Department of Personnel and Training from time to time.

9.13 Ministries/Departments and particularly, the Liaison Officers should ensure the extension of necessary assistance to the National Commissions for investigation of complaints received by the latter in service matters. The Communications received from the Commissions calling for facts, comments, etc. in respect of representations on service matters made by individuals should be replied to expeditiously.

9.14 Ministries/Departments should extend necessary assistance required by the Commissions for conducting special studies of the registers/ rosters maintained and of implementation of other orders regarding reservation of Scheduled Castes and Scheduled Tribes by any appointing authority under their administrative control. The follow-up action on the reports/ recommendations made by the Commission after such studies, should be completed and action taken reported to the concerned Commission's office within six months. Where for any reasons, it is not possible for any Ministry to adhere to this time scheduled, the reasons therefore should be communicated to the Commission before the expiry of six months indicating the details of the action already taken and also the probable time that would be further needed by them to send their final replies/reports.

9.15 The Supreme Court in the matter of the All Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees Welfare Association and Others Vs. Union of India and Others (Civil Appeal No.13700 of 1996) has held that the National Commission for the Scheduled Castes and Scheduled Tribes has no power of granting injunction, whether temporary or permanent. The Court also held that the powers of the Commission in terms of Article 338(8) of the Constitution were all the procedural powers of a Civil Court for the purpose of investigating and inquiring into the matters and that too for that limited purpose only. In view of the judgment of the Supreme Court, the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes have no powers to direct withholding of the operation of any orders issued by the Government. The Ministries/Departments etc. may keep in view the judgment of the Supreme Court while dealing with the directions given by the National Commission for the Scheduled Castes or the

National Commission for the Scheduled Tribes. (O.M. No.36036/2/97-Estt.(Res) dated the 1st January, 1998)

Relevant Office Memoranda etc.

1	<u>MHA O.M. No.16/17/67-Estt.(C)</u>	10.4.1968
2	<u>No.27/22/68-Estt.(SCT)</u>	19.4.1969
3	<u>DOP&AT OM NO. 27/4/(1)/70-Estt(SCT)</u>	3.9.1970
4	<u>Deptt. of Personnel O.M. No.8/8/71-Estt.(SCT)</u>	22.4.1971
5	<u>Deptt. of Personnel O.M. No27/2/71-Estt.(SCT)</u>	24.3.1972
6	<u>MHA O.Ms. No.8-2-69-SCT(I)</u>	1.10.1974
7	<u>DP&AR O.M. No.36022/5/76-Estt.(SCT)</u>	27.5.1976
8	<u>OM No. 36022/5/(1)/76-Estt(SCT)</u>	28.5.1976
9	<u>OM No. 36013/1/77/Estt(SCT)</u>	7.6.1977
10	<u>DP&AR O.M. No.36024/1/78-Estt.(SCT)</u>	27.6.1978
11	<u>DP&AR O.M. No.36024/1/78-Estt.(SCT)</u>	20.2.1979
12	<u>No.46028/1/79-Estt.(SCT)</u>	11.10.1979
13	<u>No. 36013/6/81-Estt.(SCT)</u>	07/12/1981
14	<u>DP&AR O.M.No.36034/2/83-Estt.(SCT)</u>	23.2.1983
15	<u>DP&AR O.M. No.36022/2/84-Estt.(SCT)</u>	18.1.1985
16	<u>DOP&T O.M. No.36012/25/92-Estt.(SCT)</u>	1.9.1992
17	<u>DOPT OM No. 42011/18.96-Estt(Res)</u>	6.3.1997
18	<u>DOP&T O.M. No.36036/2/97-Estt.(Res)</u>	1.1.1998
19	<u>DOP&T O.M. No 36036/2/97-Estt.(Res)</u>	30.11.1998
20	<u>No.43011/153/2010-Estt.(Res.)</u>	4/1/2013

CHAPTER -10

MISCELLANEOUS

Arrangements for Training

10.1 The following steps should be taken for training of Group A Officers belonging to Scheduled Castes and Scheduled Tribes:

- (i) More intensive training should be arranged for directly recruited Group A officers belonging to Scheduled Castes and Scheduled Tribes by the Heads of the Training Institutions, wherever necessary, along with other officers. [DoPT's OM No.1/9/69-Estt. (SCT) dated 15.11.1971].
- (ii) Ministries/Departments should nominate a considerably larger number of Scheduled Caste and Scheduled Tribe officers for the training programmes run by various Departments and Training Institutions. They should lay down a time limit, say 3 years, within which training of such officers in appropriate fields should be completed. A phased programme for sponsoring such officers for training to the various Institutions should be drawn up. The Ministries/Departments should identify the training needs of the Scheduled Caste and Scheduled Tribe officers and then examine to which training programmes these officers should be deputed. Special attention may also be paid to the training of such officers as are selected for promotion by relaxed standards to enable them to give a good account of themselves. The Training Division of the Department of Personnel & Training would render all assistance in suggesting or even devising suitable programmes, wherever necessary. [OM No.36013/18/77-Estt.(SCT) dated 4.9.1978 and DoPT's OM No.36022/4/2005-Estt.(Res.) dated 13.7.2005].
- (iii) In drawing up such training programmes, adequate margin should be provided to take in as many Scheduled Caste and Scheduled Tribe officers as are sponsored by the Ministries. It would be useful to earmark 25 per cent of the seats for officers of Scheduled Castes and Scheduled Tribes, wherever possible. In case this becomes difficult in any particular programme, then such officers could be covered in the next

course or a special programme may be arranged for them. It would also be useful if officers of Scheduled Castes and Scheduled Tribes were included in the various training programmes abroad. It would enable them to broaden their outlook and also build up specialized knowledge. It is also likely to boost up the morale of the officers of these communities. [DP&AR's OM No.1/1/73-Estt.(Res.) dated 10.12.73 and DP&AR's OM No.36022/13/76-Estt.(SCT) dated 14.9.1976 and DP&AR's OM No.36013/18/77-Estt.(SCT) dated 4.9.78].

- (iv) Superiors of Scheduled Caste and Scheduled Tribe Officers should be asked to take special care regarding on the job training of these officers, identify areas where special training is considered necessary and take appropriate steps for such training in consultation with the Department's Training Coordinator and the Training Division of the Department of Personnel & Training. [M/o Home Affairs OM No.27/2/70-Estt.(SCT) dated 21.4.70].
- (v) Cases of Scheduled Caste and Scheduled Tribe Officers should be considered sympathetically and they should be given preference while nominating officers for training or deputing them for attending seminars/conferences, symposia etc. While nominating officers for training programmes run by the various Departments and Training Institution or for training programmes abroad or for training, seminars and conferences, it should be indicated as to which of the officers nominated belong to Scheduled Castes and Scheduled Tribes, so that their cases may be duly considered by the appropriate authorities at the time of selection. [DP&AR's OM No.16/4/74-Estt.(SCT) dated 18.4.1974].

Intimation about Competitive Examinations to Pre-Examination Training Centers

10.2 Pre-examination Training Centers have been set up in various States to increase the employment potentialities of Scheduled Caste and Scheduled Tribe candidates in reserved vacancies filled through various competitive examinations. The authorities holding the various competitive examinations should inform these Pre-examination Training Centers well in advance of the actual date of the examination, the probable number of reserved vacancies and the syllabus for and the standard of the examination. This would enable the Pre-examination Training Centers to evolve the Scheme of Training which will be correlated to such examinations and which in turn would lead to

improved intake of Scheduled Caste and Scheduled Tribe candidates against reserved vacancies. [M/o Home Affairs' letter No.21/3/70-Estt.(B) dated 31.3.70].

Selection of Persons for Posting Abroad

10.3 While it will not be possible to provide for any specific norm of relaxation in favour of Scheduled Caste and Scheduled Tribe employees in the matter of posting in foreign countries, when a Ministry/Department etc. makes selection of persons for posting in its units etc. located in a foreign country, it should see that eligible employees belonging to Scheduled Castes and Scheduled Tribes are also considered along with others for such posting. [DP&AR's OM No.16/32/74-Estt.(SCT) dated 3rd April, 1976].

Forwarding of Application for Employment

10.4 Application for employment elsewhere of temporary or permanent Central Government servants belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes should be readily forwarded except in very rare cases where there may be compelling grounds of public interest for withholding such applications. Cases where applications of employees belonging to Scheduled Castes/Scheduled Tribes /Other Backward Classes could not be forwarded due to compelling grounds of public interest, should be reported within a month to the officer nominated as Liaison Officer in the administrative Ministry/ Department or in offices under the Head of Department. [M/o Home Affairs' OM No.1/6/69-SCT(I) dated 19.3.1964 and DoPT's OM No.27/4(iv)/70-Estt.(SCT) dated 2.9.70].

Prevention of Discrimination

10.5 It has been pointed out on many occasions that the Scheduled Caste and Scheduled Tribe Officers, after appointment, are subjected to harassment and discrimination on grounds of their social origin. It has been pointed out that SC/ST officers are some times transferred to far-off places and also placed at insignificant positions. It has also been stated that these officers are not accepted at their places of postings by the concerned superior officers in some cases. In this connection, it is emphasized that Government servants should desist from any act of discrimination against members of SC/ST communities on grounds of their social origin. Senior officers, including the Liaison Officers of the Ministry/Department, should keep a close watch to ensure that such incidents do not occur at all. However, if any such incident comes to the notice of the authorities, action should be

taken against the erring officials promptly. [OM No.36026/3/85-Estt.(SCT) dated 24th June, 1985].

Provisions In Recruitment Rules/Regulations For Examination

10.6 The recruitment rules in respect of all services/posts within the purview of the reservation orders should contain a separate rule on the following lines:-

“Savings: Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with Disabilities and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.” [DoPT's OM No. 8/12/71-Estt. (SCT) dated 21st September, 1971].

10.7 The provisions in recruitment rules and regulations for examinations for relaxation in standards in favour of Scheduled Castes/Tribes may be worded as follows:

“Candidates belonging to any of the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or the Persons with Disabilities may, to the extent the number of vacancies reserved for the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and the Persons with Disabilities cannot be filled on the basis of the general standard, be recommended by the Commission by a relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for selection to the post/service irrespective of their ranks in the order of merit at the examination.” [OM No.8/12/71-Estt.(Res.) dated 19th October, 1971 and M/o Home Affairs' OM No.1/1/70-Estt.(SCT) dated 25.7.1970].

Note: If the recruitment is not made through the UPSC, the reference to the Commission in the above provision may be modified to refer to the competent authority.

Clarifications about SC/ST/OBC Status

10.8 Cases in which a doubt arises whether a person belongs to a Scheduled Caste or Other Backward Class or whether a caste or community is a Scheduled Caste or included in Other Backward Classes may be referred to the Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi. If such a doubt arises about Scheduled Tribe status of a person or community, reference may be made to the Ministry of Tribal Affairs, Shastri Bhavan, New Delhi. However, a set of points which should be taken into account by the certificate issuing authorities are given below. [M/o Home Affairs' Circular letter No. 35/1/72-RV(SCTV) dated 2.5.75]

10.9 Where a person claims to belong to a Scheduled Caste, Scheduled Tribe or a Backward community by birth, it should be verified :

- (i) That the person and his parents actually belong to the community claimed;
- (ii) That this community is included in the Presidential Orders specifying the Scheduled Castes and Scheduled Tribes or included in the list of OBCs notified by the Ministry of Social Justice and Empowerment, Government of India in relation to the concerned State;
- (iii) That the person belongs to that State and to the area within that State in respect of which the community has been scheduled/notified.
- (vi) If the person claims to be a Scheduled Caste, he should profess either the Hindu or the Sikh or the Buddhist religion.

Cases of Migration

- 10.10
- (i) Where a person migrates from the portion of the state in respect of which his community is scheduled/notified to another part of the same State in respect of which his community is not scheduled/notified, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be in relation to that State;
 - (ii) Where a person migrates from one state to another, he can claim to belong to a Scheduled Caste or Scheduled Tribe or Other Backward Class only in relation to the State to which he originally belonged and not in respect of the State in which he has migrated.

Claims through Marriage

10.11 No person who was not a member of Scheduled Caste or a Scheduled Tribe or Other Backward Class by birth will be deemed to be a member of Scheduled Caste or Scheduled Tribe or Other Backward Class merely because he or she had married a person belonging to a Scheduled

Caste or Scheduled Tribe or Other Backward Class. On the other hand a person who is a member of a Scheduled Caste or a Scheduled Tribe or an OBC would continue to be a member of that Scheduled Caste, Scheduled Tribe or OBC, as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe or an Other Backward Class.

Cases of Conversion and Reconversion

- 11.12
- (i) Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism or Buddhism and then reconverts himself back to Hinduism or Sikhism or Buddhism, he will be deemed to have reverted to his original Scheduled Caste, if he is accepted by the members of that particular caste as one among them.
 - (ii) In the case of a descendant of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism or Buddhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste to which his forefathers belonged. It will have to be established that such a convert has been accepted by the members of the caste claimed as one among themselves and has thus become a member of that caste.

Cases of Adoption

11.13 Great care has to be exercised in dealing with cases where a person claims to be a member of Scheduled Caste or Other Backward Class on the ground that he has been adopted by a Scheduled Caste/OBC person. The validity of the adoption has to be clearly established before any caste certificate can be given. It is for the party to prove his claim by cogent and reliable evidence:

- (i) The requirements of valid adoption are given in sections 6 to 11 of the Hindu Adoption Maintenance Act, 1956. The actual giving and taking of the child in adoption is a mandatory requirement and thereafter the adopted child is deemed to be the child of his or her adoptive father or mother for all purposes and the child severs all ties with the family of his or her birth. Ordinarily, no child who has attained the age of 15 years or who is married can be given in adoption unless there is a custom or usage applicable to the parties.

- (ii) In deciding whether an adoption is valid, the certificate issuing authority should satisfy himself that all the requirements of law have been complied with. He should also take into account the behaviour of the child after adoption whether he physically lives with and is supported by his adoptive parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.
- (iii) Where the case relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the District Magistrate who shall after making due enquiries as to the validity of the adoption as to whether such adoption is permitted by a custom or usage applicable to the parties, make an endorsement to that effect on the certificate. Such custom or usage should have been continuously and uniformly observed for a long time and obtained the force of law among the Hindus of that particular area, or that community, group of family provided that the custom or usage is certain and not unreasonable or opposed to public policy and in the case of custom or usage in respect of a particular family that the custom or usage has not been discontinued. In addition, it should be verified that all other conditions for a valid adoption, including the physical transfer of the adopted person to the family of the adoptive parents and that he has severed all ties with the original parents are fulfilled.

Relevant Office Memoranda etc.

1	MHA O.M. No.1/6/64-Estt.(SCT)(I)	19.3.1964
2	MHA letter No. 21/3/70-Estt(B)	31.3.1970
3	MHA O.M. No.27/2/70-Estt.(SCT)	21.4.1970
4	MHA's OM 1/1/70-Estt(SCT)	25.7. 1970
5	DOP&T O.M. No.27/4(iv)/70-Estt.(SCT)	2.9.1970
6	DOPT OM No. 8/12/71-Estt(SCT)	19.10.1971
7	Deptt. of Personnel O.Ms. No.1/9/69-Estt.(SCT)	15.11.1971
8	DP&AR O.M. No.1/1/73-Estt.(SCT)	10.12.1973
9	DP&AR O.Ms. No.16/4/74-Estt.(SCT)	18.4.1974
10	DOP & AR OM No. 16/32/74-Estt(SCT)	3.4.1976
11	DP&AR O.M. No.36022/13/76-Estt.(SCT)	14.9.1976
12	No.36013/18/77-Estt.(SCT)	4.9.1978
13	DOPT OM No. 36026/3/85-Estt(SCT)	24.6.1985
14	DOP&T O.M. No.36022/4/2005-Estt.(Res)	13.7.2005
15.	M/o Home Affairs' Circular letter No. 35/1/72-RV(SCTV)	2.5.1975.

No.36035/02/2017-Estt (Res)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING

North Block, New Delhi
Dated the 15th January, 2018

OFFICE MEMORANDUM

Subject: Reservation for the Persons with Benchmark Disabilities – reg.

With enactment of 'THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016' from 19th April, 2017 and notification of 'THE RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017' on 15th June, 2017, the following instructions are issued in line with the provisions made therein regarding reservation for Persons with Benchmark Disabilities, as defined under Section 2(r) of the Act against the posts and services of the Central Government.

2. QUANTUM OF RESERVATION

2.1 In case of direct recruitment, four per cent of the total number of vacancies to be filled up by direct recruitment, in the cadre strength in each group of posts i.e. Groups A, B and C shall be reserved for persons with benchmark disabilities.

2.2 Against the posts identified for each 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, under clauses (d) and (e), unless otherwise excluded under the provisions of Para 3 hereinafter:-

- (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

3. EXEMPTION FROM RESERVATION:

If any Ministry/Department in the Central Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation for persons with benchmark disabilities, it shall make a reference to the Department of Empowerment of Persons with Disabilities giving full justification for the proposal, who having regard to the type of work carried out in any Government establishment by notification and subject to such condition, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD) may exempt any Establishment or any cadre(s) fully or partly from the provisions of reservation for persons with benchmark disabilities.

4. ADJUSTMENT AGAINST UNRESERVED VACANCIES:

4.1 In the category of posts which are identified suitable for persons with benchmark disabilities, a person with benchmark disability cannot be denied the right to compete for appointment by direct recruitment against an unreserved vacancy. Thus a person with benchmark disability can be appointed by direct recruitment against vacancy not

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specifically reserved for the persons with benchmark disability, provided the post is identified suitable for persons with benchmark disability of the relevant category.

4.2 Persons with benchmark disabilities selected without relaxed standards along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities which will thus comprise of candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards.

5. **CERTIFICATE OF DISABILITY:**

A person who wants to avail the benefit of reservation will have to submit a certificate of disability issued by a Competent Authority. Such certificate in the event of selection of such person for any post, will be subject to such verification/re-verification as may be decided by the competent authority.

6. **COMPUTATION OF NUMBER OF POSTS TO BE RESERVED:**

6.1 The number of posts to be reserved for persons with benchmark disabilities in case of Group C posts shall be computed on the basis of total number of vacancies in the cadre strength of Group C posts, in the establishment, although the recruitment of the persons with benchmark disabilities would only be against the category of posts identified suitable for them. The number of vacancies to be reserved for the persons with benchmark disabilities in case of direct recruitment to Group 'C' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified category of posts under the establishment. Since reservation, wherever applicable, for Persons with Benchmark Disabilities is provided computing total number of vacancies in the cadre strength in identified category of posts as well as unidentified category of posts, it may be possible that number of persons appointed by reservation in an identified category of post may exceed four per cent.

6.2 Reservation for persons with benchmark disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in the cadre in all the Group 'A' posts or Group 'B' posts respectively, and the computation of total vacancies shall include vacancies arising in the identified and non-identified category of posts.

7. **EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:**

7.1 Every Government establishment shall maintain group-wise a separate vacancy based 100 point vacancy based reservation roster register in the format given in Annexure for determining/effecting reservation for the Persons with Benchmark Disabilities - one each for Group 'A' posts filled by direct recruitment, Group 'B' posts filled by direct recruitment and Group 'C' posts filled by direct recruitment.

7.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

- 1st Block - point No. 01 to point No. 25
- 2nd Block - point No. 26 to point No. 50
- 3rd Block - point No. 51 to point No. 75
- 4th Block - point No. 76 to point No. 100

G. Sivasubramanian

7.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for persons with benchmark disabilities - one point each for four respective categories of disabilities. The Head of the establishment shall ensure that vacancies identified at Sl. No. 1, 26, 51 and 76 are earmarked for the respective categories of the persons with benchmark disabilities. However, the Head of the establishment shall decide the placement of the selected candidate in the roster register.

7.4 All the vacancies arising irrespective of vacancies reserved for Persons with Benchmark Disabilities shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the Person with Benchmark Disability or the Head of the establishment considers it desirable not to fill it up by Persons with Benchmark Disabilities or it is not possible to fill up that post by the Persons with Benchmark Disabilities for any other reason, one of the vacancies falling at any of the points from 2 to 25 shall be treated as reserved for the person with benchmark disability and filled as such.

7.5 Likewise, a vacancy falling at any of the points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the Persons with Benchmark Disabilities. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy.

7.6 There is a possibility that none of the vacancies from 1 to 25 is suitable for any category of the person with benchmark disability. In that case two vacancies from 26 to 50 shall be filled as reserved for persons with benchmark disabilities. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 51 to 75. This means that if no vacancy can be reserved in a particular block, it shall be carried over into the next block

7.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

7.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies) or two (say 50 vacancies), the category of the persons with benchmark disabilities should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category, the Head of the establishment shall decide the category on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

8. **INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:**

8.1 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 reason, 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 following four categories of disabilities, at one percent each to each category:

(A)

(a) blindness and low vision;

(B)

(b) deaf and hard of hearing;

G. Sivanam

(C)

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(D)

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness,

8.2 Only when there is no person with benchmark 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 benchmark disability.

8.3 If the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged with the prior approval of Department of Empowerment of Persons with Disabilities, among the above mentioned four categories.

8.4 If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

8.5 In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation. In case no suitable person with benchmark disability is available for filling up the vacancy in the succeeding year also, the employer may fill up the vacancy by a person other than a person with benchmark disability. If the vacancy is filled by a person with benchmark disability of the category for which it was reserved or by a person of other category of benchmark disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with benchmark disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

8.6 The Government establishment shall interchange vacancies only if due process of recruitment viz. proper advertisement of vacancy to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.

8.7 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the persons with benchmark disabilities candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the current vacancies would be carried forward if not filled up provided that in every recruitment, the number of vacancies reserved for Persons with Benchmark Disabilities including carried forward vacancies will be announced beforehand, for the information of all aspirants.

G. Jivason

9. **HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES:**

9.1 Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such as persons with benchmark disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected against the quota for persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year there are two vacancies reserved for the persons with benchmark disabilities and out of two persons with benchmark disabilities appointed, one belongs to Scheduled Caste and the other belongs to Unreserved category, then the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

9.2 Since the persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with benchmark disabilities to indicate whether they belong to SC/ST/OBC or Unreserved. Thus, reservation for persons with benchmark disabilities is horizontal.

10. **CERTIFICATE BY REQUISITIONING AUTHORITY:**

10.1 In order to ensure proper implementation of the provisions of reservation for persons with benchmark disabilities, the requisitioning authority while sending the requisition to the recruiting agency or authority as the case may be for filling up of posts shall furnish the following certificate to the recruiting agency:-

"It is certified that the requirements of the 'THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016' which has become effective from 19th day of April, 2017 and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no..... of cycle no..... of 100 point reservation roster out of which..... number of vacancies are reserved for persons with benchmark disabilities."

10.2 At the time of initial appointment against a vacancy reserved for persons with benchmark disabilities, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

11. **RELAXATION OF STANDARD OF SUITABILITY:**

11.1 If sufficient number of candidates with benchmark disabilities candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of disability.

G. Sivarani

11.2 Same relaxed standard should be applied for all the candidates with Benchmark Disabilities whether they belong to Unreserved/SC/ST/OBC. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

12. **MEDICAL EXAMINATION:**

As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with benchmark disabilities for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with benchmark disabilities of the relevant category and the candidate shall then be examined medically keeping this fact in view.

13. **ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES:**

The Ministries/Departments shall continue to upload data on representation of Persons with Benchmark Disabilities along with data on SCs, STs, OBCs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.in as on 1st January of every year. All Ministries/Departments have been provided respective usercode and password with guidelines for operating the URL.

14. **MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:**

14.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

14.2 The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:-

- (a) date of complaint;
- (b) name of complainant;
- (c) the name of the establishment or person against whom the complaint is made;
- (d) gist of the complaint;
- (e) date of disposal by the Grievance Redressal Officer; and
- (f) any other information.

14.3 Any person aggrieved with any matter relating to discrimination in employment against any person with disability may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

14.4 Every complaint filed as per Para 14.3 above, shall be inquired into within two months of its registration and outcome thereof or action taken thereon shall be communicated to the complainant / Person with Benchmark Disability.

G. Srinivasan

15. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.

G. Srinivasan

(G. Srinivasan)

Deputy Secretary to the Govt. of India

Ph.No.011-23093074

To

- (i) All Ministries/Departments of the Govt. of India
- (ii) Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi
- (iii) Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi
- (iv) Railway Board, Rail Bhavan, Delhi.
- (v) Union Public Service Commission/Supreme Court of India/ Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/Planning Commission.
- (vi) Staff Selection Commission, CGO Complex, Lodi Road, New Delhi
- (vii) Office of the Chief Commissioner for Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi – 110001
- (viii) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- (ix) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.

Copy to: Director, NIC, DOPT – with the request to immediately place this OM on the website of this Department ("what's new" tab) for information of all concerned.

RESERVATION ROSTER FOR PERSONS WITH BENCHMARK DISABILITIES

Year of Recruitment	Cycle No.	Point No.	Name of Post	Identified persons with benchmark disabilities covered under the following respective categories:				Unreserved or Reserved**	Name of the person appointed and date of appointment	whether the person appointed is in a, b, c and (d & e) or None***	Remark, if any
				a	b	c	(d & e)				

Respective Categories

- (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

**If identified reserved, write a/b/c/(d & e) as the case may be, otherwise write UR

***Write a/b/c/(d & e) or None, as the case may be

G. Srinivasan

No.A36011/1/2013-Estt(Res)
Government of India
Ministry of Personnel Public Grievances & Pensions
Department of Personnel & Training

New Delhi dated 23rd January 2014

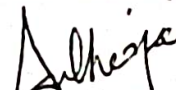
Subject: Brochure on reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in services

The brochure on reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in services was last updated by Department of Personnel & Training in the year 2011. In this connection this Department's O.M No. No.A36011/1/2011-Estt(Res) dated 17/11/2011 refers.

2. A few instructions have since been issued on the subject. An updated brochure has now been prepared by the Reservation Division which includes all orders and instructions issued up to the year 2013. The brochure has been posted on the DoPT's website at "persmin.nic.in" under 'OMs & Orders' → Establishment Reservation → Brochure on Reservation for SCs, STs and OBCs in Services. In this revised brochure, the relevant orders/instructions have been mentioned at the end of the concerned para/topic in each of the chapter. Further, the orders/instructions, referred in the brochure have also been hyperlinked to enable the reader to refer to them quickly.

3. As in the earlier brochure, this brochure also contains two parts. Part one of the brochures is self-contained and practically covers all aspects of the reservation in central services. However, relevant O.M's in para (2) should be referred to before taking decisions.

4. All Ministries/ Departments are requested to bring these instructions to the notice of all their Attached/Subordinate Offices as also the Public Sector Undertakings and Statutory Bodies, etc at the earliest.


(Sandeep Mukherjee)

Under Secretary to the Government of India

To

1. All Ministries/Departments of the Govt. of India
2. Ministry of Railways (Railway Board), Rail Bhavan, New Delhi
3. Supreme Court of India/Election Commission/ Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/ Planning Commission.
4. National Commission of Scheduled Castes/ National Commission of Scheduled Tribes
5. Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi
6. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi

F. No.36039/1/2019-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
19th January, 2019

OFFICE MEMORANDUM

Subject: Reservation for Economically Weaker Sections (EWSs) in civil posts and services in the Government of India

Reference is invited to Ministry of Social Justice and Empowerment O.M. No. F.No.20013/01/2018-BC-II dated 17.1.2019 on the above mentioned subject, which, inter-alia, reads as under:-

"1. In pursuance of insertion of clauses 15(6) and 16(6) in the Constitution vide the Constitution (One Hundred and Third Amendment) Act, 2019 and in order to enable the Economically Weaker Sections (EWSs) who are not covered under the existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes, to receive the benefits of reservation on a preferential basis in civil posts and services in the Government of India and admission in Educational Institutions, it has been decided by the Government to provide 10% reservation to EWSs in civil posts and services in Government of India and admission in Educational Institutions.

2. Persons who are not covered under the existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes and whose family has gross annual income below Rs. 8.00 lakh are to be identified as EWSs for the benefit of reservation. Family for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years. The income shall include income from all sources i.e. salary, agriculture, business, profession etc. and it will be income for the financial year prior to the year of application. Also persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWSs, irrespective of the family income:

- i. 5 acres of Agricultural Land and above;*
- ii. Residential flat of 1000 sq. ft. and above;*
- iii. Residential plot of 100 sq. yards and above in notified municipalities;*
- iv. Residential plot of 200 sq. yards and above in areas other than the notified municipalities.*

3. The income and assets of the families as mentioned in para 2 would be required to be certified by an officer not below the rank of Tehsildar in the States/UTs. The officer who issues the certificate would do the same after

*By: Mansueta Tripathi
19/1/2019*

carefully verifying all relevant documents following due process as prescribed by the respective State/ UT.

5. Instructions regarding reservation in employment and admission to educational institutions will be issued by DOPT and Ministry of HRD respectively."

2. In pursuance of the above Office Memorandum, it is hereby notified that 10% reservation would be provided for Economically Weaker Sections (EWSs) in central government posts and services and would be effective in respect of all Direct Recruitment vacancies to be notified on or after 01.02.2019.

3. Detailed Instructions regarding operation of roster and procedure for implementation of EWS reservation will be issued separately.

Gyanendra Tripathi
(Gyanendra Dev Tripathi) 19/01/2019

Joint Secretary to the Government of India

To

1. The Secretaries of all Ministries/Departments of the Government of India.
2. Department of Financial Services, New Delhi
3. Department of Public Enterprises, New Delhi
4. Railway Board, Ministry of Railways, Rail Bhavan, New Delhi
5. Secretary, Ministry of Human Resources Development, Shastri Bhavan, New Delhi.
6. Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice President's Secretariat /Prime Minister's Office/ NITI Aayog
7. Union Public Service Commission / Staff Selection Commission
8. Secretary, Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi
9. National Commission for Scheduled Castes, Lok Nayak Bhawan, New Delhi
10. National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi
11. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R.K. Puram, New Delhi
12. Office of the Comptroller and Auditor General of India
13. Information and Facilitation Center, DoPT, North Block, New Delhi.
14. Director, ISTM, Old JNU Campus, Olof Palme Marg, New Delhi 110067
15. **NIC, DoPT – to upload the same on DoPT website.**
16. Hindi Section for providing a Hindi translation

No.36039/1/2019-Estt (Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
dated the 31st January, 2019

OFFICE MEMORANDUM

Subject: Reservation for Economically Weaker Sections (EWSs) in direct recruitment in civil posts and services in the Government of India.

In continuation of this Department's Office Memorandum of even number dated 19.01.2019, the following instructions are issued in consultation with Ministry of Social Justice and Empowerment and Department of Legal Affairs regarding reservation for EWSs not covered under the reservation scheme for SCs/STs/OBCs in respect of direct recruitment in civil posts and services in the Government of India.

2. QUANTUM OF RESERVATION

The persons belonging to EWSs who are not covered under the scheme of reservation for SCs, STs and OBCs shall get 10% reservation in direct recruitment in civil posts and services in the Government of India.

3. EXEMPTION FROM RESERVATION:

3.1 "Scientific and Technical" posts which satisfy all the following conditions can be exempted from the purview of the reservation orders by the Ministries/ Departments:

(i) The posts should be in grades above the lowest grade in Group A of the service concerned.

(ii) They should be classified as "scientific or technical" in terms of Cabinet Secretariat [OM No. 85/11/CF-61(1) dated 28.12.1961], according to which scientific and technical posts for which qualifications in the natural sciences or exact sciences or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties.

G. Jeyaraman

(iii) The posts should be 'for conducting research' or 'for organizing, guiding and directing research'.

3.2 Orders of the Minister concerned should be obtained before exempting any posts satisfying the above condition from the purview of the scheme of reservation.

4. CRITERIA OF INCOME & ASSETS:

4.1 Persons who are not covered under the scheme of reservation for SCs, STs and OBCs and whose family has gross annual income below Rs. 8.00 lakh (Rupees eight lakh only) are to be identified as EWSs for benefit of reservation. Income shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.

Also persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS, irrespective of the family income:-

- i. 5 acres of agricultural land and above;
- ii. Residential flat of 1000 sq. ft. and above;
- iii. Residential plot of 100 sq. yards and above in notified municipalities;
- iv. Residential plot of 200 sq. yards and above in areas other than the notified municipalities.

4.2. The property held by a "Family" in different locations or different places/cities would be clubbed while applying the land or property holding test to determine EWS status.

4.3 The term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years.

5. INCOME AND ASSET CERTIFICATE ISSUING AUTHORITY AND VERIFICATION OF CERTIFICATE:

5.1 The benefit of reservation under EWS can be availed upon production of an Income and Asset Certificate issued by a Competent Authority. The Income and Asset Certificate issued by any one of the following authorities in the prescribed format as given in Annexure-I shall only be accepted as proof of candidate's claim as belonging to EWS: -

- (i) District Magistrate/Additional District Magistrate/ Collector/ Deputy Commissioner/Additional Deputy Commissioner/1st Class Stipendary

G. Suresh

- Magistrate/ Sub-Divisional Magistrate/ Taluka Magistrate/ Executive Magistrate/ Extra Assistant Commissioner
- (ii) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/ Presidency Magistrate
 - (iii) Revenue Officer not below the rank of Tehsildar and
 - (iv) Sub-Divisional Officer or the area where the candidate and/or his family normally resides.

5.2 The Officer who issues the certificate would do the same after carefully verifying all relevant documents following due process as prescribed by the respective State/UT.

5.3 The crucial date for submitting income and asset certificate by the candidate may be treated as the closing date for receipt of application for the post, except in cases where crucial date is fixed otherwise.

5.4 The appointing authorities should, in the offer of appointment to the candidates claiming to be belonging to EWS, include the following clause :-

"The appointment is provisional and is subject to the Income and asset certificate being verified through the proper channels and if the verification reveals that the claim to belong to EWS is fake/false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of fake/false certificate."

The appointing authority should verify the veracity of the Income and asset certificate submitted by the candidate through the certificate issuing authority.

5.5 Instructions referred to above should be strictly followed so that it may not be possible for an unscrupulous person to secure employment on the basis of a false claim and if any person gets an appointment on the basis of such false claim, her/his services shall be terminated invoking the conditions contained in the offer of appointment.

6. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:

6.1 Department of Personnel and Training had circulated Office Memorandum No.36012/2/96-Estt(Res) dated July 2, 1997 regarding implementation of post based reservation roster. The general principles for making and operating post

G. S. Vasani

based reservation roster would be as per the principles laid down in the said Office Memorandum.

6.2 Every Government establishment shall now recast group-wise post-based reservation roster register for direct recruitment in accordance with format given in Annexure II, III, IV and V, as the case may be, for effecting 10% reservation for EWSs interpolating them with the SCs, STs and OBCs. While fixing roster point, if the EWS roster point coincides with the roster points of SCs/STs/OBCs the next available UR roster point has been allotted to the EWSs and also the principle of "squeezing" has been kept in view. While drawing up the rosters, the cadre controlling authorities may similarly "squeeze" the last points of the roster so as to meet prescribed 10% reservation.

6.3 Where in any recruitment year any vacancy earmarked for EWS cannot be filled up due to non availability of a suitable candidate belonging to EWS, such vacancies for that particular recruitment year shall not be carried forward to the next recruitment year as backlog.

6.4 Persons belonging to EWS selected against the quota for persons with benchmark disabilities/ex-servicemen shall be placed against the roster points earmarked for EWS.

7. **ADJUSTMENT AGAINST UNRESERVED VACANCIES:**

A person belonging to EWS cannot be denied the right to compete for appointment against an unreserved vacancy. Persons belonging to EWS who are selected on the basis of merit and not on account of reservation are not to be counted towards the quota meant for reservation.

8. **FORTNIGHTLY/ANNUAL REPORTS REGARDING REPRESENTATION OF EWS:**

The Ministries/Departments shall send single consolidated fortnightly report including their attached/subordinate offices beginning from 15.2.2019 as per format at Annexure-VI.

From 01.01.2020, the Ministries/Departments shall upload data on representation of EWSs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.in as on 1st January of every year. All Ministries/Departments have already been provided respective usercode and password with guidelines for operating the URL.

G. Sivasan

9. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:

9.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

9.2 Any person aggrieved with any matter relating to discrimination in employment against any EWS may file a complaint with the Grievance Redressal Officer of the respective Government establishment. The name, designation and contact details of the Grievance Redressal Officer may be displayed prominently on the website and in the office of the concerned establishment.

10. LIAISON OFFICER:

Ministries/Departments/Attached and Subordinate Offices shall appoint Liaison Officer to monitor the implementation of reservation for EWSs.

11. The above scheme of reservation will be effective in respect of all direct recruitment vacancies to be notified on or after 01.02.2019.

12. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control. In case of any difficulty with regard to implementation of the provisions of this OM, the concerned authorities may consult DOP&T through their administrative Ministry/Department.

Encl.: As above.



(G. Srinivasan)

Director

Ph.No.011-23093074

To

- (i) The Secretaries of all Ministries/Departments of the Govt. of India
- (ii) Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi
- (iii) Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi
- (iv) Railway Board, Rail Bhavan, Delhi.

- (v) Supreme Court of India/ Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/NITI Aayog
- (vi) Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi
- (vii) Staff Selection Commission, CGO Complex, Lodi Road, New Delhi
- (viii) The Secretary, Department of Social Justice and Empowerment, Shastri Bhavan, New Delhi
- (ix) National Commission for Scheduled Castes, Lok Nayak Bhavan, New Delhi
- (x) National Commission for Scheduled Tribes, Lok Nayak Bhavan, New Delhi.
- (xi) National Commission for Backward Classes, Trikoot, Bhikaji Cama Place, R.K. Puram, New Delhi.
- (xii) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- (xiii) Information and Facilitation Centre, DOPT, North Block, New Delhi.
- (xiv) Director, ISTM, Old JNU Campus, Olof Palme Marg, New Delhi-110067.
- (xv) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.

Copy to: Director, NIC, DOPT - with the request to immediately place this OM on the website of this Department (what's new tab) for information of all concerned.

G. Srinivasan

Annexure-I

Government of
(Name & Address of the authority issuing the certificate)

INCOME & ASSEST CERTIFICATE TO BE PRODUCED BY ECONOMICALLY WEAKER SECTIONS

Certificate No. _____

Date: _____

VALID FOR THE YEAR _____

This is to certify that Shri/Smt./Kumari _____ son/daughter/wife of _____ permanent resident of _____, Village/Street _____ Post. Office _____ District _____ in the State/Union Territory _____ Pin Code _____ whose photograph is attested below belongs to Economically Weaker Sections, since the gross annual income* of his/her 'family**' is below Rs. 8 lakh (Rupees Eight Lakh only) for the financial year _____. His/her family does not own or possess any of the following assets*** :

- I. 5 acres of agricultural land and above;
- II. Residential flat of 1000 sq. ft. and above;
- III. Residential plot of 100 sq. yards and above in notified municipalities;
- IV. Residential plot of 200 sq. yards and above in areas other than the notified municipalities.

2. Shri/Smt./Kumari _____ belongs to the _____ caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Classes (Central List)

Signature with seal of Office _____

Name _____

Designation _____

Recent Passport size
attested photograph of
the applicant

*Note1: Income covered all sources i.e. salary, agriculture, business, profession, etc.

**Note 2: The term "Family" for this purpose include the person, who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years

***Note 3: The property held by a "Family" in different locations or different places/cities have been clubbed while applying the land or property holding test to determine EWS status.

G. Prasad

FOR DIRECT RECRUITMENT

Model Roster of Reservation with reference to posts for Direct recruitment on All India Basis by Open Competition

Sl. No. of Post	Share of Entitlement				Category for which the posts should be earmarked
	SC @15%	ST @7.5%	OBC @27%	EWS @10%	
1	0.15	0.08	0.27	0.10	UR
2	0.30	0.15	0.54	0.20	UR
3	0.45	0.23	0.81	0.30	UR
4	0.60	0.30	1.08	0.40	OBC-1
5	0.75	0.38	1.35	0.50	UR
6	0.90	0.45	1.62	0.60	UR
7	1.05	0.53	1.89	0.70	SC-1
8	1.20	0.60	2.16	0.80	OBC-2
9	1.35	0.68	2.43	0.90	UR
10	1.50	0.75	2.70	1.00	EWS-1
11	1.65	0.83	2.97	1.10	UR
12	1.80	0.90	3.24	1.20	OBC-3
13	1.95	0.98	3.51	1.30	UR
14	2.10	1.05	3.78	1.40	ST-1
15	2.25	1.13	4.05	1.50	SC-2
16	2.40	1.20	4.32	1.60	OBC-4
17	2.55	1.28	4.59	1.70	UR
18	2.70	1.35	4.86	1.80	UR
19	2.85	1.43	5.13	1.90	OBC-5
20	3.00	1.50	5.40	2.00	SC-3
21	3.15	1.58	5.67	2.10	EWS-2
22	3.30	1.65	5.94	2.20	UR
23	3.45	1.73	6.21	2.30	OBC-6
24	3.60	1.80	6.48	2.40	UR
25	3.75	1.88	6.75	2.50	UR
26	3.90	1.95	7.02	2.60	OBC-7
27	4.05	2.03	7.29	2.70	SC-4
28	4.20	2.10	7.56	2.80	ST-2
29	4.35	2.18	7.83	2.90	UR
30	4.50	2.25	8.10	3.00	OBC-8
31	4.65	2.33	8.37	3.10	EWS-3
32	4.80	2.40	8.64	3.20	UR
33	4.95	2.48	8.91	3.30	UR
34	5.10	2.55	9.18	3.40	OBC-9

G. Anand

35	5.25	2.63	9.45	3.50	SC-5
36	5.40	2.70	9.72	3.60	UR
37	5.55	2.78	9.99	3.70	UR
38	5.70	2.85	10.26	3.80	OBC-10
39	5.85	2.93	10.53	3.90	UR
40	6.00	3.00	10.80	4.00	ST-3
41	6.15	3.08	11.07	4.10	SC-6
42	6.30	3.15	11.34	4.20	OBC-11
43	6.45	3.23	11.61	4.30	EWS-4
44	6.60	3.30	11.88	4.40	UR
45	6.75	3.38	12.15	4.50	OBC-12
46	6.90	3.45	12.42	4.60	UR
47	7.05	3.53	12.69	4.70	SC-7
48	7.20	3.60	12.96	4.80	UR
49	7.35	3.68	13.23	4.90	OBC-13
50	7.50	3.75	13.50	5.00	EWS-5
51	7.65	3.83	13.77	5.10	UR
52	7.80	3.90	14.04	5.20	OBC-14
53	7.95	3.98	14.31	5.30	UR
54	8.10	4.05	14.58	5.40	SC-8
55	8.25	4.13	14.85	5.50	ST-4
56	8.40	4.20	15.12	5.60	OBC-15
57	8.55	4.28	15.39	5.70	UR
58	8.70	4.35	15.66	5.80	UR
59	8.85	4.43	15.93	5.90	UR
60	9.00	4.50	16.20	6.00	OBC-16
61	9.15	4.58	16.47	6.10	SC-9
62	9.30	4.65	16.74	6.20	EWS-6
63	9.45	4.73	17.01	6.30	OBC-17
64	9.60	4.80	17.28	6.40	UR
65	9.75	4.88	17.55	6.50	UR
66	9.90	4.95	17.82	6.60	UR
67	10.05	5.03	18.09	6.70	OBC-18
68	10.20	5.10	18.36	6.80	SC-10
69	10.35	5.18	18.63	6.90	ST-5
70	10.50	5.25	18.90	7.00	EWS-7
71	10.65	5.33	19.17	7.10	OBC-19
72	10.80	5.40	19.44	7.20	UR
73	10.95	5.48	19.71	7.30	UR
74	11.10	5.55	19.98	7.40	SC-11
75	11.25	5.63	20.25	7.50	OBC-20
76	11.40	5.70	20.52	7.60	UR
77	11.55	5.78	20.79	7.70	UR
78	11.70	5.85	21.06	7.80	OBC-21

G. Sivasan

79	11.85	5.93	21.33	7.90	UR
80	12.00	6.00	21.60	8.00	ST-6
81	12.15	6.08	21.87	8.10	SC-12
82	12.30	6.15	22.14	8.20	OBC-22
83	12.45	6.23	22.41	8.30	EWS-8
84	12.60	6.30	22.68	8.40	UR
85	12.75	6.38	22.95	8.50	UR
86	12.90	6.45	23.22	8.60	OBC-23
87	13.05	6.53	23.49	8.70	SC-13
88	13.20	6.60	23.76	8.80	UR
89	13.35	6.68	24.03	8.90	OBC-24
90	13.50	6.75	24.30	9.00	EWS-9
91	13.65	6.83	24.57	9.10	UR
92	13.80	6.90	24.84	9.20	UR
93	13.95	6.98	25.11	9.30	OBC-25
94	14.10	7.05	25.38	9.40	SC-14
95	14.25	7.13	25.65	9.50	ST-7
96	14.40	7.20	25.92	9.60	UR
97	14.55	7.28	26.19	9.70	OBC-26
98	14.70	7.35	26.46	9.80	EWS-10**
99	14.85	7.43	26.73	9.90	SC-15*
100	15.00	7.50	27.00	10.00	OBC-27*
101	15.15	7.58	27.27	10.10	UR
102	15.30	7.65	27.54	10.20	UR
103	15.45	7.73	27.81	10.30	UR
104	15.60	7.80	28.08	10.40	OBC-28
105	15.75	7.88	28.35	10.50	UR
106	15.90	7.95	28.62	10.60	UR
107	16.05	8.03	28.89	10.70	SC-16
108	16.20	8.10	29.16	10.80	ST-8
109	16.35	8.18	29.43	10.90	OBC-29
110	16.50	8.25	29.70	11.00	EWS-11
111	16.65	8.33	29.97	11.10	UR
112	16.80	8.40	30.24	11.20	OBC-30
113	16.95	8.48	30.51	11.30	UR
114	17.10	8.55	30.78	11.40	SC-17
115	17.25	8.63	31.05	11.50	OBC-31
116	17.40	8.70	31.32	11.60	UR
117	17.55	8.78	31.59	11.70	UR
118	17.70	8.85	31.86	11.80	UR
119	17.85	8.93	32.13	11.90	OBC-32
120	18.00	9.00	32.40	12.00	ST-9
121	18.15	9.08	32.67	12.10	SC-18
122	18.30	9.15	32.94	12.20	EWS-12

G. Hussain

123	18.45	9.23	33.21	12.30	OBC-33
124	18.60	9.30	33.48	12.40	UR
125	18.75	9.38	33.75	12.50	UR
126	18.90	9.45	34.02	12.60	OBC-34
127	19.05	9.53	34.29	12.70	SC-19
128	19.20	9.60	34.56	12.80	UR
129	19.35	9.68	34.83	12.90	UR
130	19.50	9.75	35.10	13.00	OBC-35
131	19.65	9.83	35.37	13.10	EWS-13
132	19.80	9.90	35.64	13.20	UR
133	19.95	9.98	35.91	13.30	UR
134	20.10	10.05	36.18	13.40	OBC-36
135	20.25	10.13	36.45	13.50	SC-20
136	20.40	10.20	36.72	13.60	ST-10
137	20.55	10.28	36.99	13.70	UR
138	20.70	10.35	37.26	13.80	OBC-37
139	20.85	10.43	37.53	13.90	UR
140	21.00	10.50	37.80	14.00	SC--21
141	21.15	10.58	38.07	14.10	OBC-38
142	21.30	10.65	38.34	14.20	EWS-14
143	21.45	10.73	38.61	14.30	UR
144	21.60	10.80	38.88	14.40	UR
145	21.75	10.88	39.15	14.50	OBC-39
146	21.90	10.95	39.42	14.60	UR
147	22.05	11.03	39.69	14.70	SC-22
148	22.20	11.10	39.96	14.80	ST-11
149	22.35	11.18	40.23	14.90	OBC-40
150	22.50	11.25	40.50	15.00	EWS-15
151	22.65	11.33	40.77	15.10	UR
152	22.80	11.40	41.04	15.20	OBC-41
153	22.95	11.48	41.31	15.30	UR
154	23.10	11.55	41.58	15.40	SC-23
155	23.25	11.63	41.85	15.50	UR
156	23.40	11.70	42.12	15.60	OBC-42
157	23.55	11.78	42.39	15.70	UR
158	23.70	11.85	42.66	15.80	UR
159	23.85	11.93	42.93	15.90	UR
160	24.00	12.00	43.20	16.00	ST-12
161	24.15	12.08	43.47	16.10	OBC-43
162	24.30	12.15	43.74	16.20	SC-24
163	24.45	12.23	44.01	16.30	OBC-44
164	24.60	12.30	44.28	16.40	EWS-16
165	24.75	12.38	44.55	16.50	UR
166	24.90	12.45	44.82	16.60	UR

G. Sivasubramanian

167	25.05	12.53	45.09	16.70	OBC-45
168	25.20	12.60	45.36	16.80	SC-25
169	25.35	12.68	45.63	16.90	UR
170	25.50	12.75	45.90	17.00	EWS-17
171	25.65	12.83	46.17	17.10	OBC-46
172	25.80	12.90	46.44	17.20	UR
173	25.95	12.98	46.71	17.30	UR
174	26.10	13.05	46.98	17.40	SC-26
175	26.25	13.13	47.25	17.50	ST-13
176	26.40	13.20	47.52	17.60	OBC-47
177	26.55	13.28	47.79	17.70	UR
178	26.70	13.35	48.06	17.80	OBC-48
179	26.85	13.43	48.33	17.90	UR
180	27.00	13.50	48.60	18.00	SC-27
181	27.15	13.58	48.87	18.10	EWS-18
182	27.30	13.65	49.14	18.20	OBC-49
183	27.45	13.73	49.41	18.30	UR
184	27.60	13.80	49.68	18.40	UR
185	27.75	13.88	49.95	18.50	UR
186	27.90	13.95	50.22	18.60	OBC-50
187	28.05	14.03	50.49	18.70	SC-28
188	28.20	14.10	50.76	18.80	ST-14
189	28.35	14.18	51.03	18.90	OBC-51
190	28.50	14.25	51.30	19.00	EWS-19
191	28.65	14.33	51.57	19.10	UR
192	28.80	14.40	51.84	19.20	UR
193	28.95	14.48	52.11	19.30	OBC-52
194	29.10	14.55	52.38	19.40	SC-29
195	29.25	14.63	52.65	19.50	UR
196	29.40	14.70	52.92	19.60	EWS-20*
197	29.55	14.78	53.19	19.70	OBC-53
198	29.70	14.85	53.46	19.80	ST-15*
199	29.85	14.93	53.73	19.90	SC-30*
200	30.00	15.00	54.00	20.00	OBC-54*

*/** Squeezing resorted with a view to maintain the prescribed percentage of reservation

G. J. Suman

Annexure-III

FOR DIRECT RECRUITMENT ON ALL INDIA BASIS BY OPEN COMPETITION

Model Roster for cadre strength upto 13 posts

Cadre Strength	Initial Recruitment	Replacement No.												
		1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1	UR	UR	UR	OBC	UR	UR	SC	OBC	UR	EWS	UR	OBC	UR	ST
2	UR	UR	OBC	UR	UR	SC	OBC	UR	EWS	UR	OBC	UR	ST	
3	UR	OBC	UR	UR	SC	OBC	UR	EWS	UR	OBC	UR	ST		
4	OBC	UR	UR	SC	OBC	UR	EWS	UR	OBC	UR	ST			
5	UR	UR	SC	OBC	UR	EWS	UR	OBC	UR	ST				
6	UR	SC	OBC	UR	EWS	UR	OBC	UR	ST					
7	SC	OBC	UR	EWS	UR	OBC	UR	ST						
8	OBC	UR	EWS	UR	OBC	UR	ST							
9	UR	EWS	UR	OBC	UR	ST								
10	EWS	UR	OBC	UR	ST									
11	UR	OBC	UR	ST										
12	OBC	UR	ST											
13	UR	ST												

Note:

1. For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"
2. All the posts of a cadre are to be earmarked for the categories shown under column initial recruitment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.

G. Srinivasan

Annexure-IV

FOR DIRECT RECRUITMENT

Model Roster of Reservation with reference to posts for Direct recruitment on All India Basis Otherwise than by Open Competition

Sl. No. of Post	Share of Entitlement				Category for which the posts should be earmarked
	SC @16.66%	ST @7.5%	OBC @25.84%	EWS @10%	
1	0.166	0.075	0.258	0.100	UR
2	0.332	0.150	0.516	0.200	UR
3	0.498	0.225	0.774	0.300	UR
4	0.664	0.300	1.032	0.400	OBC-1
5	0.830	0.375	1.290	0.500	UR
6	0.996	0.450	1.548	0.600	UR
7	1.162	0.525	1.806	0.700	SC-1
8	1.328	0.600	2.064	0.800	OBC-2
9	1.494	0.675	2.322	0.900	UR
10	1.660	0.750	2.580	1.000	EWS-1
11	1.826	0.825	2.838	1.100	UR
12	1.992	0.900	3.096	1.200	OBC-3
13	2.158	0.975	3.354	1.300	SC-2
14	2.324	1.050	3.612	1.400	ST-1
15	2.490	1.125	3.870	1.500	UR
16	2.656	1.200	4.128	1.600	OBC-4
17	2.822	1.275	4.386	1.700	UR
18	2.988	1.350	4.644	1.800	UR
19	3.154	1.425	4.902	1.900	SC-3
20	3.320	1.500	5.160	2.000	OBC-5
21	3.486	1.575	5.418	2.100	EWS-2
22	3.652	1.650	5.676	2.200	UR
23	3.818	1.725	5.934	2.300	UR
24	3.984	1.800	6.192	2.400	OBC-6
25	4.150	1.875	6.450	2.500	SC-4
26	4.316	1.950	6.708	2.600	UR
27	4.482	2.025	6.966	2.700	ST-2
28	4.648	2.100	7.224	2.800	OBC-7
29	4.814	2.175	7.482	2.900	UR
30	4.980	2.250	7.740	3.000	EWS-3

G. Sivasan

113	18.758	8.475	29.154	11.300	OBC-29
114	18.924	8.550	29.412	11.400	UR
115	19.090	8.625	29.670	11.500	SC-19
116	19.256	8.700	29.928	11.600	EWS-12**
117	19.422	8.775	30.186	11.700	OBC-30
118	19.588	8.850	30.444	11.800	ST-9
119	19.754	8.925	30.702	11.900	SC--20*
120	19.920	9.000	30.960	12.000	OBC-31*

*/** Squeezing resorted with a view to maintain the prescribed percentage of reservation

G. Jaisankar

Annexure-V

FOR DIRECT RECRUITMENT

Roster for Direct Recruitment otherwise than through Open Competition for cadre strength upto 13 posts

Cadre Strength	Initial Recruitment	Replacement No.												
		1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1	UR	UR	UR	OBC	UR	UR	SC	OBC	UR	EWS	UR	OBC	SC	ST
2	UR	UR	OBC	UR	UR	SC	OBC	UR	EWS	UR	OBC	SC	ST	
3	UR	OBC	UR	UR	SC	OBC	UR	EWS	UR	OBC	SC	ST		
4	OBC	UR	UR	SC	OBC	UR	EWS	UR	OBC	SC	ST			
5	UR	UR	SC	OBC	UR	EWS	UR	OBC	SC	ST				
6	UR	SC	OBC	UR	EWS	UR	OBC	SC	ST					
7	SC	OBC	UR	EWS	UR	OBC	SC	ST						
8	OBC	UR	EWS	UR	OBC	SC	ST							
9	UR	EWS	UR	OBC	SC	ST								
10	EWS	UR	OBC	SC	ST									
11	UR	OBC	SC	ST										
12	OBC	SC	ST											
13	SC	ST												

Note:

1. For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"
2. All the posts of a cadre are to be earmarked for the categories shown under column initial recruitment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.

G. Ramesh

Annexure-VI

Name of the Ministry/Department:

Report for the fortnight ending	Unfilled vacancies as on 01.02.2019					Vacancies filled up during the fortnight ending					Total vacancies filled up since 01.02.2019				
	SC	ST	OBC	EWS	UR	SC	ST	OBC	EWS	UR	SC	ST	OBC	EWS	UR

Note 1: Single consolidated fortnightly report may be sent in respect of the Ministry/Department and its attached and sub-ordinate offices

Note 2: The first report should begin from 15.02.2019

Note 3: Filled up fortnightly report may be emailed at jsest@nic.in and g.sreenivasan@nic.in

G. Sreenivasan

**No.43011/153/2010-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)**

*North Block, New Delhi-110001.
Dated the 4th January, 2013.*

OFFICE MEMORANDUM

Subject:-Nomination of Liaison Officer and Setting up of Cell in each Ministry/ Department for enforcement of orders of reservations in posts and services of the Central Government.

The undersigned is directed to say that the instructions have been issued by the Department of Personnel and Training from time to time for nomination of Liaison Officers, their roles, duties & responsibilities and setting up of a Special Reservation Cell in each Ministry/ Department under the direct control of the Liaison Officer for enforcement of orders of reservation in posts and services of the Central Government.

2. It is reiterated that in each Ministry/Department/Attached and Subordinate Office, the Deputy Secretary in charge of administration (or any other officer at least of the rank of Deputy Secretary) should be designated as a Liaison Officer in respect of matters relating to the representation of the Scheduled Castes, Scheduled Tribes and Persons with Disabilities. Similarly, instructions provide for nomination of separate Liaison Officer in Ministries/ Departments in respect of matters relating to the representation of the Other Backward Classes.

3. The provisions about Liaison Officer, his role, responsibilities, control etc. and setting up of reservation cell is contained in Annexure.

4. All Ministries/ Departments are requested to bring the contents of this O.M. to the notice of all the attached and subordinate offices under their control and also ensure that the

cells are set up expeditiously in the Ministry/ Department and in Attached/ Subordinate offices under administrative control of Heads of Department.



(Sharad Kumar Srivastava)

Under Secretary to the Government of India

Tele. No. 23092110.

To

1. All Ministries/Departments of the Government of India.
2. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
3. Railway Board.
4. Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
5. Union Public Service Commission, Shahjahan Road, New Delhi.
6. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
7. National Commission for Scheduled Castes, 5th Floor, Lok Nayak Bhavan, Khan Market, New Delhi.
8. National Commission for Scheduled Tribes, 6th Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
9. National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.
10. Office of the Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi – 110002.
11. Information and Facilitation Centre, DOPT, North Block, New Delhi.
12. Hindi Section for Hindi version.
13. NIC, DoPT for uploading the same on the web-site of DoPT.

ANNEXURE

RESPONSIBILITIES OF THE LIAISON OFFICER:

1. The Liaison Officer is especially responsible for:
 - (i) Ensuring due compliance by the subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of the Scheduled Castes, the Scheduled Tribes and the Persons with Disabilities/ the Other Backward Classes and other benefits admissible to them.
 - (ii) Ensuring timely submission of SC/ST/OBC and PwD Reports I and II by each appointment authority in the Ministry/ Department concerned and ensuring scrutiny and consolidation of the above reports in respect of all establishments and services in and under the control of the Ministry/Department and sending the consolidated reports in the prescribed proforma to the Department of Personnel & Training.
 - (iii) The Liaison officers have to endorse the non-availability of an SC/ST/OBC Officer for being associated in the DPC before actually convening the DPC. Therefore, it will be one of the duties of the Liaison Officers to acquaint themselves well in time about the dates of various DPCs which will be held in future. He should have with him a ready list of officers of various levels belonging to SC/ST of a few sister Departments/ Ministries so that whenever requirement arises, an SC/ST officer of appropriate level consistent with the level of the other members of the DPC and the level of appointment for which a DPC is proposed to be convened, can always be associated as a member. Such a list may be prepared by the Liaison Officers by informally consulting the administrative wing of other Ministries/Departments.
 - (iv) Ensuring that while making a reference to the Department of Personnel and Training and to the National Commission for Scheduled Castes/the National Commission for Scheduled Tribes for de-

reservation of reserved vacancies, full details in support of the proposal for dereservation are given.

- (v) Ensuring the extension of necessary assistance to the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes in the investigation of complaints received by the Commission, in regard to service matters and in the collection of information for their annual reports.
- (vi) Conducting annual inspection of the reservation registers/rosters maintained in the Ministry/Department/Offices under the control of the Ministry/Department with a view to ensuring proper implementation of the reservation orders.
- (vii) Acting as Liaison Officer between the Ministry/Department and the Department of Personnel & Training for supply of other information, answering questions and queries and clearing doubts in regard to matters covered by the reservation orders.

RESERVATION CELL:

2. Each Ministry/Department is required to set up a Special Reservation Cell within the Ministry/Department under the direct control of the Liaison Officer to assist the Liaison Officer in discharging of his duties effectively.

PRIVILEGES OF THE LIAISON OFFICER:

3. Cases of negligence or lapse in the matter of following the reservation and other orders relating to the Scheduled Castes, the Scheduled Tribes, the Persons with Disabilities and the Other Backward Classes coming to the light through the inspections carried out by the Liaison Officer or otherwise, should be reported/ submitted by him to the Secretary/Additional Secretary to the Government of India in the respective Ministry/ Department or to the Head of the Department in respect of offices under the

Heads of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department shall pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned.

LIAISON OFFICERS IN PSUs etc.

4. Each Public Sector Undertaking, Statutory and Semi Government Body, Autonomous Body/ Institution including Municipal Corporations, Co-operative Institutions, Universities, Voluntary Agencies receiving grants in aid from the Government connected with appointment and promotion of the SC/ST candidates should appoint Liaison Officer in the same manner as is existing in the Ministries/Departments.

SPAN OF CONTROL OF LIAISON OFFICER OF MINISTRIES/ DEPARTMENTS:

5. The Liaison Officer of a Ministry/Department has to act as Liaison Officer in respect of the matters relating to the representation of Scheduled Castes/Scheduled Tribes/ PWDs and OBCs in all establishments and services under the administrative control of the Ministry /Department. The instructions issued by the Department of Public Enterprises provide that each undertaking shall have Liaison Officer with functions similar to that of the Liaison Officer in Ministry/ Department. The appointment of Liaison Officer in the undertaking does not, however, dilute or alter or curtail the responsibilities of the Liaison Officer of the administrative Ministry/ Department in regard to implementation of reservation policy in the Undertaking. Liaison Officers of the Ministries/ Departments have special responsibility to monitor implementation of reservation in their attached & subordinate offices, Autonomous Bodies, PSUs under the administrative control of the concerned Ministry/Department and Voluntary Agencies which are getting substantial grant-in-aid from the Government of India. In order to ensure due compliance of the

reservation orders of the Government, the Liaison Officers may periodically visit/ inspect the offices/organizations under them. They should ensure that reservation roster for SCs/STs/OBCs/PHs have been maintained properly and there is no gap in the entries made in the rosters. Liaison Officers should carry out their duties in relation to reservation by calling for the records from them and by convening the meetings of the officer of such organizations who are responsible for ensuring reservation in organizations under their control. If Liaison Officers of Ministries/Departments notice that there is flouting of reservation instructions by any officers or complaint against any officer of harassment or deliberate manipulating things to damage the interests of the weaker sections they should feel free to report such lapses to the Secretary/ Additional Secretary of the Ministry/Department concerned without fear & hesitation of hierarchical disobedience.

No. 36034/3/2013-Est.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated the 25th February, 2014

OFFICE MEMORANDUM

Subject: Issue of Compendium of instructions on reservation for ex-servicemen.

This Department has been in the process of issuance of a compendium on instruction on reservation, concessions and relaxations for Ex-servicemen in Central Government Services. In this regard, the Department of Ex-servicemen Welfare may refer to their O.M. No. 28(66)/2013/D (Res.I) dated 17.07.2013 and 18.09.2013. The compendium has now been finalized covering various notifications and Office Memoranda issued on reservation, concessions and relaxations for Ex-servicemen in Central Government Services. A copy of Compendium is enclosed.

Encl.: As above.

G. Srinivasan

(G. Srinivasan)

Deputy Secretary to the Government of India

Tele: 23093074

To,

1. Shri A.K Das, Deputy Secretary (Res-I), Department of Ex-servicemen Welfare, South Block, New Delhi.
2. Director General, Director General Resettlement, West Block-IV, R.K. Puram, New Delhi-110066, with the request to give wide publicity of the compendium.

Copy to:

Director (NIC), DOPT, with the request to upload the compendium on the website of the Department with hyperlinking of Annexures to the compendium.

COMPENDIUM
ON
RESERVATION, CONCESSIONS AND RELAXATIONS
FOR EX-SERVICEMEN
IN
CENTRAL GOVERNMENT SERVICES



GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND
PENSIONS
DEPARTMENT OF PERSONNEL AND TRAINING

वे. नारायणसामी
VARAYANASAMY



राज्यमंत्री
प्रधानमंत्री कार्यालय,
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
भारत सरकार
Minister of State
Prime Minister's Office,
Personnel, Public Grievances & Pensions
Government of India

FOREWARD

It has always been the endeavour of Government to care for the ex-servicemen. Various relaxations have been provided in terms of reservation of vacancies, relaxation of age, relaxation regarding educational qualification, relaxation in standard, priority in appointment, etc. in respect of certain percentage of vacancies in Central Government services being filled up by them. In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979 had been notified on 15th December, 1979 to regulate the recruitment of ex-servicemen as a measure of their rehabilitation which was also amended from time to time. Various Office Memoranda have also been issued to elucidate the matters of various relaxations in favour of the ex-servicemen.

2. It gives me immense pleasure to note that this compendium will help the stakeholders and ex-servicemen to know about the aspects of reservation and concessions being given to ex-servicemen in appointment in the Central Government.

(V. Narayanasamy)

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 सूचना
का अधिकार
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DISCLAIMER

- (i) Though all possible care has been taken to ensure accuracy and consistency, in the event of a conflict between the compendium and Government orders/instructions on the subject, the latter will prevail.
- (ii) Any information given herein cannot be cited in any dispute or litigation, nor is it a substitute for a legal interpretation/ evidence. The user will be solely responsible for any consequence of the decision taken on the basis of information contained in this compendium.
- (iii) Consequent on implementation of the recommendations of 6th CPC, most of the Group 'D' posts/cadre have been replaced by Mutli-Tasking Staff (MTS) and is now included in Group 'C' cadre. Since all rules have not yet been modified to that effect, Group 'D', wherever, may be read in that context.
- (iv) Various Orders/Office Memoranda quoted at the end of paragraphs and Chapters may be accessed by logging on to www.persmin.nic.in -> Department of Personnel & Training->OMs & Orders.

2. Definition of Ex-servicemen

The Ex-servicemen (Re-employment in Central Services and Posts) Rules, 1979, as amended from time to time, defines an ex-servicemen as a person -

- (i) who has served in any rank whether as combatant or non-combatant in a Regular Army, Navy and Air Force of the Indian Union, and
 - (a) who either has been retired or relieved or discharged from such service whether at his own request or being relieved by the employer after earning his or her pension; or
 - (b) who has been relieved from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension; or
 - (c) who has been released from such service as a result of reduction in establishment;

- (ii) who has been released from such service after completing the specific period of engagement, otherwise than at his own request, or by way of dismissal, or discharge on account of misconduct or inefficiency and has been given a gratuity; and includes personnel of the Territorial Army, namely, pension holders for continuous embodied service or broken spells of qualifying service;
or
- (iii) personnel of Army Postal Service who are part of Regular Army and retired from the Army Postal Service without reversion to their parent service with pension, or are released from the Army Postal service on medical grounds attributable to or aggravated by military service or circumstances beyond their control and awarded medical or other disability pension;
or
- (iv) Personnel, who were on deputation in Army Postal Service for more than six months prior to 14th April, 1987;
or
- (v) Gallantry award winners of the Armed Forces including personnel of Territorial Army;
or
- (vi) Ex-recruits boarded out or relieved on medical ground and granted medical disability pension.

REFERENCE

Notification No.:

- (vii) 39016/10/79-Estt(C) dated 15th Dec., 1979 (Annexure-P.13-16)
- (ii) 36034/5/85-Estt(SCT) dated 27th Oct., 1986 (Annexure-P.17-19)
- (iii) 36034/5/85-Estt(SCT) dated 27th March, 1987 (Annexure-P.20-21)
- (iv) 36034/1/2006-Estt (Res) dated 4th October, 2012 (Annexure-P.22-25)

Office Memorandum No.:

- (i) 36034/5/85-Estt (SCT) dated 14th April, 1987 (Annexure-P.26-28)
- (ii) 1(9)/2010/D(Res-I) dated 20/21 July, 2011, 18th March, 2013 and 10th April, 2013 (Issued by Department of Ex-servicemen Welfare) (Annexure-P.29-32)
- (iii) 12(1)2005/D (Res-I) dated the 1st February, 2006 (Issued by Department of Ex-Servicemen Welfare) (Annexure-P.33)

3. Application of Ex-servicemen Rules

These rules shall apply to all the Central Civil Services and posts of Group C and Group D and the posts upto the level of Assistant Commandant in all para-military forces.

Para military forces mean the Border Security Force, Central Reserve Police Force, Indo-Tibetan Border Police, Central Industrial Security Force, Secretariat Security Force, Assam Rifles and Railway Protection Force.

REFERENCE

Notification No.:

- (i) 39016/10/79-Estt(C) dated 15th Dec., 1979 (Annexure-P.15-18)
- (ii) 36034/1/2006-Estt (Res) dated 4th October, 2012 (Annexure-P.24-27)

4. Reservation of vacancies

- (i) Ten per cent of the vacancies in the posts upto of the level of the Assistant Commandant in all para-military forces;
 - (ii) Ten per cent of the vacancies in Group C posts; and
 - (iii) Twenty per cent of the vacancies in Group D posts,
- including permanent vacancies filled initially on a temporary basis and temporary vacancies which are likely to be made permanent or are likely to continue for three months and more, to be filled by direct recruitment in any year shall be reserved for being filled by ex-servicemen.

The Scheduled Castes, the Scheduled Tribes and the Other Backward Class candidates selected against the vacancies reserved for ex-servicemen shall be adjusted against vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes, respectively:

provided that if a Scheduled Caste or the Scheduled Tribe or the Other Backward Class ex-serviceman is selected against the vacancy reserved for ex-servicemen and vacancy reserved for the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be, is not available to adjust such ex-servicemen, he shall be adjusted in future against the next available vacancy reserved for the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be.

If there is an increase in the reservation for ex-servicemen the additional vacancies that become available are to be utilised first for the appointment of disabled ex-servicemen and if all such vacancies are not utilised, they shall then be made available to the other ex-servicemen.

No vacancy reserved for ex-servicemen in a post to be filled otherwise than on the results of an open competitive examination shall be filled by the appointing authority by any general candidate until and unless the said authority:

- (viii) Has obtained a "Non availability Certificate" from the employment exchange (where a requisition is placed on an employment exchange);
- (ii) has verified the non-availability of a suitable candidate by reference to the Director General Resettlement and recorded a certificate to that effect; and
- (iii) has obtained approval of the Central Government.

In case of recruitment to the vacancy reserved for Ex-servicemen in the Central Para Military Forces, the reserved vacancy remained unfilled due to non-availability of eligible or qualified candidates, the same shall be filled by candidates from non ex-servicemen category.

REFERENCE

Notification No.:

- (ix) 39016/10/79-Estt(C) dated 15th Dec., 1979 (Annexure-P.13-16)
- (ii) 36034/1/2006-Estt (Res) dated 4th October, 2012 (Annexure-P.22-25)

Office Memorandum/Letter No.:

- (i) 36012/58/92-Estt (SCT) dated 1st December, 1994 (Annexure-P.34)

In case a number of posts reserved for ex-servicemen are not filled by candidates who are ex-servicemen, the number of posts not so filled can be added to the number of posts falling to the share of ex-servicemen in the next year. This of course is without disturbing the general policy of reservation for other categories for whom reservation is available and subject to the condition that upper ceiling of 50% for total reservation is adhered to.

REFERENCE

Office Memorandum No.:

- (i) 36034/10/85-Estt (SCT) dated 12.3.87 (Annexure-P.35)
- (ii) 36034/10/85-Estt (SCT) dated 20th March, 1987 (Annexure-P.36-37)

5. Relaxation regarding age limit

For appointment to vacancies in Group B (Non-Gazetted), Group C or Group D posts in Central Government, an ex-servicemen shall be allowed to deduct the period of actual military service from his actual age and if the resultant age does not exceed the maximum age limit prescribed for the post for which he is seeking appointment by more than three years, he shall be deemed to satisfy the condition regarding age limit.

For appointment to any vacancy in Group A and Group B services or posts filled by direct recruitment otherwise than on the results of an Open All India Competitive Examination, the upper age limit shall be relaxed by the length of military service increased by three years in the case of ex-servicemen and commissioned officers including Emergency Commissioned Officers of Short Service Commissioned Officers.

For appointment to any vacancy in Group A and Group B services or posts filled by direct recruitment on the results of an All India Competitive Examination, the ex-serviceman and Commissioned Officers including Emergency Commissioned Officers or Short Service Commissioned Officers who have rendered at least five years military services and have been released –

- i. On completion of assignment (including those whose assignment is due to be completed within one year) otherwise than by way of dismissal or discharge on account of misconduct or inefficiency; or
- ii. On account of physical disability attributable to military service or on invalidment shall be allowed maximum relaxation of five years in the upper age limit.

The expression 'direct recruitment on the results of an All India Competitive Examination' means (i) all recruitment by UPSC whether through written examination or by interview or both; and (ii) recruitment made by other authorities including Staff Selection Commission or any other appointment authority through written competitive examination or test (but not by interview only). The expression 'direct recruitment otherwise than by open competition' means (i) any recruitment not made by the UPSC or (ii) recruitment not made through written competitive tests held by any other authority.

REFERENCE

Notification No.:

(i) 39016/10/79-Estt(C) dated 15.12.79 (Annexure-P.13-16)

(ii) 36034/1/2006-Estt (Res) dated 4.10.2012 (Annexure-P.22-25)

Office Memorandum No.:

(i) 36034/2/2013-Estt (Res) dated 8.4.2013 (Annexure-P.38-39)

Those ex-servicemen who have already secured regular employment under the Central Government in civil post would be permitted the benefit of age relaxation as admissible for ex-servicemen for securing another employment in any higher post or service under the Central Government irrespective of any Group/post. However, such candidates will not be eligible for the benefit of reservation, if any, for ex-servicemen in Central Government.

REFERENCE

Office Memorandum No.:

- (i) 36034/27/84-Estt(SCT) dated 2.5.85 (Annexure-P.40)
- (ii) 36034/6/90-Estt(SCT) dated 2.4.92 (Annexure-P.41)
- (iii) 36034/6/90-Estt (SCT) dated 10.10.94 (Annexure-P.42)

A candidate working in Armed Forces would become eligible for applying civil posts only when he completes the prescribed period of Army Service within a year from the last date for receiving application in connection with Special Recruitment/Examination, etc. prescribed by the competent authority. The pro-forma of the certificate to be submitted along with the application form is given O.M. No.36034/2/91-Estt (Res) dated 3rd April, 1991. Since the appointment of such a candidate is subject to his submitting documentary evidence that he has been duly released/retired/discharged from the Armed Forces and qualified as an Ex-Servicemen, such a candidate shall be required to submit along with his application an undertaking duly signed by him in the format as mentioned in O.M. 36034/2/91-Estt(Res) dated 3rd April, 1991.

REFERENCE

Office Memorandum No.

- (i) 36034/2/91-Estt(SCT) dated 3rd April, 1991 (Annexure-P.43-44).

6. Relaxation regarding educational qualification

- i. For appointment to any reserved vacancy in erstwhile Group 'D' posts, every ex-serviceman who has put in not less than three years service in the Armed Forces of the Union shall be exempt from the minimum educational qualification, if any, prescribed in respect of such posts;
- ii. For appointment to any reserved vacancy in Group C posts, the appointing authority may at its discretion relax the minimum educational qualification where such qualification prescribed is a pass in the middle school examination or any lower examination in favour of ex-servicemen who have put in at least three years service in the Armed Forces of the Union and who are otherwise considered fit and suitable for appointment to such posts in view of their experience and other qualifications;
- iii. For appointment to any reserved vacancy in Group C posts to be filled partly by direct recruitment and partly by promotion or transfer, where the minimum educational or technical qualification prescribed for appointment by direct recruitment is higher than that prescribed for promotees or transferees, an ex-serviceman shall be deemed to satisfy the prescribed educational or technical qualification, if he:

 - (a) satisfies educational or technical qualification prescribed for direct recruitment to the post from which promotion or transfer to the post in question is allowed; and
 - (b) his identical experience of work in a similar discipline and for the same number of years in the Armed Forces of the Union as prescribed for promotees or transferees.
- iv. For appointment to any reserved vacancy in Group C posts, a matriculate Ex-serviceman (which includes an ex-serviceman who has obtained the Indian Army Special Certificate of Education or the corresponding certificates in the Navy or the Air Force), who has put in not less than 15 years of service in the Armed Forces of the Union may be considered eligible for appointment to the posts for which the essential educational qualification prescribed is graduation and where –

 - (a) Work experience of technical or professional nature is not essential; or
 - (b) Though non-technical professional work experience is prescribed as essential yet the appointing authority is satisfied that the ex-servicemen is expected to perform the duties of the post by undergoing on the job training for a short duration
- v. For appointment to any reserved vacancy in Group C and Group D posts, where the prescribed minimum educational qualification is matriculation, the appointing authority may at his discretion relax the minimum educational qualifications in favour of an ex-serviceman who has passed the Indian Army Class-I

Examination or equivalent examination in the Navy or the Air Force and who has put in at least 15 years service in the Armed Forces of the Union and is otherwise considered fit to hold the post, in view of his experience and other qualifications.

REFERENCE

Notification No.:

(i) 39016/10/79-Estt(C) dated 15.12.79 (Annexure-P.13-16)

(ii) 15012/8/82-Estt (D) dated 12.2.1986 (Annexure-P.45-47)

Definition:

'Armed Forces of the Union' means the naval, military and air forces of the Union.

REFERENCE

Notification No.:

(i) 39016/10/79-Estt(C) dated 15.12.79 (Annexure-P.13-16)

7. Intimation of vacancies

Vacancies existing in Group C and Group D posts in various offices under each Ministry/Department should be pooled at a central level (either zonal or divisional or circle) for determining the vacancies which can be earmarked for the ex-servicemen. Out of the vacancies so pooled the share of each category of beneficiaries including the respective carried forward reservation should be identified.

The reserved vacancies for ex-servicemen should be notified to the Directorate General (Resettlement) and the Rajya and Zila Sainik Boards. An advance notice preferably of 3 months is to be given to these organisations. The vacancies are also to be advertised through the local newspaper which will enable the ex-servicemen to apply direct to the recruitment agency.

All the Ministries / Departments have to ensure that the reservation policy of the Government as spelt out in the instructions issued by this Department from time to time is implemented fully by them and the organisations under their control.

REFERENCE

Office Memorandum No.:

- (i) 36034/11/85-Estt(SCT) dated 12.9.86 (Annexure-P.48-55)
- (ii) 36034/03/97-Estt.(Res) dated 26.3.98(Annexure-P.56)

8. Priority in Appointment

It would be appreciated that early rehabilitation of disabled personnel/dependants of those killed in action in civil employment is a national responsibility. The employing Departments are, therefore, to comply strictly with the regulations laid in O.M. No.14/1/74-Estt (D) dated 14.7.75 and 14024/1/88-Estt (D) dated 5.1.89.

The list of categories to whom priorities have been allowed was circulated vide O.M. No.14034/3/84-Estt(D) dated 31.7.1984. Under Priority I, recruits/officer cadets who are boarded out on medical ground attributable to their military training have been included at Sl.No.6 vide O.M. No.14024/3/95-Estt(D) dated 4th June, 1997.

Priority for the purpose of appointment to Group C and Group D posts under the Central Government filled by direct recruitment has been provided for ex-servicemen disabled either during the war or in peace time but their disability being attributable to military service. Such persons will be accorded priority along with retrenched employees of the Government.

Demobilised personnel of Armed Forces, Defence Personnel who are transferred to the Reserve List and members of Defence Forces who on retrenchment or retirement join the territorial army and members (upto 2) of each of the family of service personnel killed in action are given priority in filling up direct recruitment vacancies through Employment Exchange /DGE&T (Special Cell) along with certain other categories of persons.

All C and D posts when reported to Surplus Cell are to be simultaneously notified to Ex-servicemen Cell of the DGE&T to enable the cell to nominate disabled ex-servicemen/dependants of those killed against priority vacancies which cannot be filled by nominations of the Surplus Cell. In case of the Ministry of Defence and its subordinate offices, simultaneous notification of vacancies is to be made to the DGR and not the ex-servicemen cell of DGE&T.

Similarly, while sending requisitions to the Employment Exchange, the employing Departments are to clearly state whether the vacancies are priority or non-priority.

REFERENCE

Office Memorandum No.:-

- (i) 14/1/74-Estt (D) dated 14.7.75 (Annexure-P.57-62)
- (ii) 39016/5/81-Estt (C) dated 21.2.81 (Annexure-P.63-69)
- (iii) 14034/3/84-Estt(D) dated 31.7.84 (Annexure-P.70-75)
- (iv) 14024/1/88-Estt(D) dated 5.1.89 (Annexure-P.76-78)

Definition:

'Disabled ex-servicemen' means an ex-serviceman who while serving in the Armed Forces of the Union was disabled in operations against the enemy or in disturbed areas.

REFERENCE

Notification No.:

- (i) 39016/10/79-Estt(Res) dated 15.12.79 (Annexure-P.13-16)
- (ii) 14024/3/95-Estt(D) dated 4th June, 1997 (Annexure-P.79)

9. Relaxation of standard

In the case of direct recruitment, if sufficient number of candidates belonging to the ex-servicemen are not available on the basis of general standard to fill all the vacancies reserved for them, candidates belonging to the category of ex-servicemen may be selected under a relaxed standard of selection to make up the deficiency in the reserved quota subject to the condition that such relaxation will not affect the level of performance by such candidates.

REFERENCE

Office Memorandum No.:-

(i) 15012/8/82-Estt (D) dated 12.2.86 (Annexure-P.45-47)

10. Liaison Officers for reservation matters relating to ex-servicemen

The Liaison Officers appointed to look after the reservation matters of SC/ST would also be the Liaison Officers for reservation matters relating to ex-servicemen also.

Information about the utilisation of reserved vacancies for ex-servicemen is to be sent by the Liaison Officers of all Ministries/Departments to the D.G. (Resettlement). These returns are half yearly.

REFERENCE

Office Memorandum No.:-

(i) 36035/8/92-Estt (SCT) dated 10.11.94(Annexure-P.80)

(ii) 36034/6/82-Estt (SCT) dated 22.6.82 (Annexure-P.81-84)

11. Fee Concession

The ex-servicemen are exempted from payment of any examination or application fees.

REFERENCE

Office Memorandum No.:-

(i) 39018/1/79-Estt (SCT) dated 20.9.79 (Annexure-P.85-86)

12. Periodic Returns

Information about the utilisation of reserved vacancies for ex-servicemen is to be sent by the Liaison Officers of all Ministries/Departments to the D.G. (Resettlement). These returns are half yearly.

REFERENE

Office Memorandum No.:-

36034/6/82-Estt(SCT) dated 22.6.82 (Annexure-P.87-88)

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

ARRANGEMENT OF SECTIONS

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2. Definitions.

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5. Community life.
6. Protection from cruelty and inhuman treatment.
7. Protection from abuse, violence and exploitation.
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9. Home and family.
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16. Duty of educational institutions.
17. Specific measures to promote and facilitate inclusive education.
18. Adult education.

CHAPTER IV SKILL DEVELOPMENT AND EMPLOYMENT

19. Vocational training and self-employment.
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24. Social security.
25. Healthcare.
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CHAPTER VI

SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

31. Free education for children with benchmark disabilities.
32. Reservation in higher educational institutions.
33. Identification of posts for reservation.
34. Reservation.
35. Incentives to employers in private sector.
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CHAPTER VII

SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS

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THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016
ACT NO. 49 OF 2016

[27th December, 2016]

An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

WHEREAS the United Nations General Assembly adopted its Convention on the Rights of Persons with Disabilities on the 13th day of December, 2006.

AND WHEREAS the aforesaid Convention lays down the following principles for empowerment of persons with disabilities,—

(a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) non-discrimination;

(c) full and effective participation and inclusion in society;

(d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) equality of opportunity;

(f) accessibility;

(g) equality between men and women;

(h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

AND WHEREAS India is a signatory to the said Convention;

AND WHEREAS India ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is considered necessary to implement the Convention aforesaid.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Rights of Persons with Disabilities Act, 2016.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "appellate authority" means an authority notified under sub-section (3) of section 14 or sub-section (1) of section 53 or designated under sub-section (1) of section 59, as the case may be;

(b) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006), the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government.

(c) "barrier" means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;

1. 19th April, 2017 vide notification no. S.O. 1215 (E) dated 19th April, 2017 see Gazette of India, Extraordinary, Part II, Section 3 (ii).

- (d) "care-giver" means any person including parents and other family Members who with or without payment provides care, support or assistance to a person with disability;
- (e) "certifying authority" means an authority designated under sub-section (1) of section 57;
- (f) "communication" includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;
- (g) "competent authority" means an authority appointed under section 49;
- (h) "discrimination" in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;
- (i) "establishment" includes a Government establishment and private establishment;
- (j) "Fund" means the National Fund constituted under section 86;
- (k) "Government establishment" means 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;
- (l) "high support" means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;
- (m) "inclusive education" means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;
- (n) "information and communication technology" includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services;
- (o) "institution" means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities;
- (p) "local authority" means a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution; a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006); and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;
- (q) "notification" means a notification published in the Official Gazette and the expression "notify" or "notified" shall be construed accordingly;
- (r) "person with benchmark disability" means a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;
- (s) "person with disability" means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;
- (t) "person with disability having high support needs" means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;
- (u) "prescribed" means prescribed by rules made under this Act;

(v) "private establishment" means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify;

(w) "public building" means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

(x) "public facilities and services" includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;

(y) "reasonable accommodation" means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;

(z) "registered organisation" means an association of persons with disabilities or a disabled person organisation, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organisation or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under an Act of Parliament or a State Legislature;

(za) "rehabilitation" refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels;

(zb) "Special Employment Exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, regarding—

(i) persons who seek to engage employees from amongst the persons with disabilities;

(ii) persons with benchmark disability who seek employment;

(iii) vacancies to which persons with benchmark disabilities seeking employment may be appointed;

(zc) "specified disability" means the disabilities as specified in the Schedule;

(zd) "transportation systems" includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc;

(ze) "universal design" means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

CHAPTER II RIGHTS AND ENTITLEMENTS

3. Equality and non-discrimination.—(1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

4. Women and children with disabilities.—(1) The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

(2) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.”.

5. Community life.—(1) The persons with disabilities shall have the right to live in the community.

(2) The appropriate Government shall endeavour that the persons with disabilities are,—

(a) not obliged to live in any particular living arrangement; and

(b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

6. Protection from cruelty and inhuman treatment.—(1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

(2) No person with disability shall be a subject of any research without,—

(i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and

(ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section 2.

7. Protection from abuse, violence and exploitation.—(1) The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—

(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;

(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;

(c) take steps to rescue, protect and rehabilitate victims of such incidents; and

(d) create awareness and make available information among the public.

(2) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order—

(a) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;

(b) for providing protective custody to the person with disability, if such person so desires;

(c) to provide maintenance to such person with disability.

(4) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of—

(a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(c) the right to free legal aid; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code (45 of 1860), or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter.

8. Protection and safety.—(1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 (53 of 2005) for the safety and protection of persons with disabilities.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 (53 of 2005) shall maintain record of details of persons with disabilities in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

9. Home and family.—(1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

10. Reproductive rights.—(1) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

11. Accessibility in voting.—The Election Commission of India and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.

12. Access to justice.—(1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(2) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

(3) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 (39 of 1987) shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

(4) The appropriate Government shall take steps to—

(a) ensure that all their public documents are in accessible formats;

(b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and

(c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

13. Legal capacity.—(1) The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

(2) The appropriate Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law.

(3) When a conflict of interest arises between a person providing support and a person with disability in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disability in that transaction:

Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disability by blood, affinity or adoption.

(4) A person with disability may alter, modify or dismantle any support arrangement and seek the support of another:

Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third party transaction entered into by the person with disability with the aforesaid support arrangement.

(5) Any person providing support to the person with disability shall not exercise undue influence and shall respect his or her autonomy, dignity and privacy.

14. Provision for guardianship.—(1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government:

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation.—For the purposes of this sub-section, “limited guardianship” means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(3) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the State Government for the purpose.

15. Designation of authorities to support.—(1) The appropriate Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(2) The authority designated under sub-section (1) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

CHAPTER III EDUCATION

16. Duty of educational institutions.—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;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(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;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(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.

17. Specific measures to promote and facilitate inclusive education.—The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:—

(a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met;

Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(b) to establish adequate number of teacher training institutions;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(d) to train professionals and staff to support inclusive education at all levels of school education;

(e) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to

fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(h) to provide scholarships in appropriate cases to students with benchmark disability;

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning; and

(k) any other measures, as may be required.

18. Adult education.—The appropriate Government and the local authorities shall take measures to promote, protect and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

CHAPTER IV SKILL DEVELOPMENT AND EMPLOYMENT

19. Vocational training and self-employment.—(1) The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.

(2) The schemes and programmes referred to in sub-section (1) shall provide for—

(a) inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes;

(b) to ensure that a person with disability has adequate support and facilities to avail specific training;

(c) exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;

(d) loans at concessional rates including that of microcredit;

(e) marketing the products made by persons with disabilities; and

(f) maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.

20. Non-discrimination in employment.—(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.

21. Equal opportunity policy.—(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.

22. Maintenance of records.—(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.

23. Appointment of Grievance Redressal Officer.—(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

24. Social security.—(1) The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community:

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent. higher than the similar schemes applicable to others.

(2) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for,—

(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(c) support during natural or man-made disasters and in areas of conflict;

(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care-giver allowance to persons with disabilities with high support needs;

(j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government-sponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

25. Healthcare.—(1) The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide,—

(a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;

(b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;

(c) priority in attendance and treatment.

(2) The appropriate Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall—

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) promote various methods for preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying “at-risk” cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child;

(g) educate the public through the pre-schools, schools, primary health centres, village level workers and *anganwadi* workers;

(h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

(i) healthcare during the time of natural disasters and other situations of risk;

(j) essential medical facilities for life saving emergency treatment and procedures; and

(k) sexual and reproductive healthcare especially for women with disability.

26. Insurance schemes.—The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities.

27. Rehabilitation.—(1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.

(2) For the purposes of sub-section (1), the appropriate Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(3) The appropriate Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.

28. Research and development.—The appropriate Government shall initiate or cause to be initiated research and development through individuals and institutions on issues which shall enhance habilitation and rehabilitation and on such other issues which are necessary for the empowerment of persons with disabilities.

29. Culture and recreation.—The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include,—

(a) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents;

(b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;

(c) making art accessible to persons with disabilities;

(d) promoting recreation centres, and other associational activities;

(e) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities;

(f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;

(g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and

(h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

30. Sporting activities.—(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

31. Free education for children with benchmark disabilities.—(1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009 (35 of 2009), every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

(2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

32. Reservation in higher educational institutions.—(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.

33. Identification of posts for reservation.—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.

34. Reservation.—(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.

35. Incentives to employers in private sector.—The appropriate Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employer in private sector to ensure that at least five per cent. of their work force is composed of persons with benchmark disability.

36. Special employment exchange.—The appropriate Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Central Government and the establishment shall thereupon comply with such requisition.

37. Special schemes and development programmes.—The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,—

(a) five per cent. reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;

(b) five per cent. reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;

(c) five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

CHAPTER VII

SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS

38. Special provisions for persons with disabilities with high support.—(1) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the appropriate Government, requesting to provide high support.

(2) On receipt of an application under sub-section (1), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Central Government.

(3) The Assessment Board shall assess the case referred to it under sub-section (1) in such manner as may be prescribed by the Central Government, and shall send a report to the authority certifying the need of high support and its nature.

(4) On receipt of a report under sub-section (3), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the appropriate Government in this behalf.

CHAPTER VIII

DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

39. Awareness campaigns.—(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,—

(a) promote values of inclusion, tolerance, empathy and respect for diversity;

(b) advance recognition of the skills, merits and abilities of persons with disabilities and of their contributions to the workforce, labour market and professional fee;

(c) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children;

(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.

40. Accessibility.—The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

41. Access to transport.—(1) The appropriate Government shall take suitable measures to provide,—

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;

(c) accessible roads to address mobility necessary for persons with disabilities.

(2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

42. Access to information and communication technology.—The appropriate Government shall take measures to ensure that,—

(i) all contents available in audio, print and electronic media are in accessible format;

(ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;

(iii) electronic goods and equipment which are meant for every day use are available in universal design.

43. Consumer goods.—The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

44. Mandatory observance of accessibility norms.—(1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40.

(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.

45. Time limit for making existing infrastructure and premises accessible and action for that purpose.—(1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules:

Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

46. Time limit for accessibility by service providers.—The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:

Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

47. Human resource development.—(1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992 (34 of 1992), the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,—

(a) mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;

(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, ashra workers, *anganwadi* workers, engineers, architects, other professionals and community workers;

(c) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;

(d) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect;

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

(f) any other capacity development measures as may be required.

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

(3) In order to fulfil the obligation stated in sub-section (1), the appropriate Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitisation, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

48. Social audit.—The appropriate Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and need the requirements and concerns of persons with disabilities.

CHAPTER IX REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS

49. Competent authority.—The State Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

50. Registration.—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 (14 of 1987) or any other Act for the time being in force, shall not be required to be registered under this Act.

51. Application and grant of certificate of registration.—(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.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and on being satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, the competent authority shall, by order, refuse to grant the certificate applied for:

Provided that before making any order refusing to grant a certificate, the competent authority shall give the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and meet such standards as may be prescribed by the State Government.

(4) The certificate of registration granted under sub-section (2),—

(a) shall, unless revoked under section 52 remain in force for such period as may be prescribed by the State Government;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the expiry of the period of validity.

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

(7) Every application made under sub-section (1) or sub-section (5) shall be disposed of by the competent authority within such period as may be prescribed by the State Government.

52. Revocation of registration.—(1) The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has,—

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(2) Where a certificate of registration in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 53 against the order of revocation, such institution shall cease to function,—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be—

(a) restored to the custody of his or her parent, spouse or lawful guardian, as the case may be; or

(b) transferred to any other institution specified by the competent authority.

(4) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

53. Appeal.—(1) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to such appellate authority, as may be notified by the State Government against such refusal or revocation.

(2) The order of the appellate authority on such appeal shall be final.

54. Act not to apply to institutions established or maintained by Central or State Government.—Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

55. Assistance to registered institutions.—The appropriate Government may within the limits of their economic capacity and development, grant financial assistance to registered institutions to provide services and to implement the schemes and programmes in pursuance of the provisions of this Act.

CHAPTER X

CERTIFICATION OF SPECIFIED DISABILITIES

56. Guidelines for assessment of specified disabilities.—The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

57. Designation of certifying authorities.—(1) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(2) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.

58. Procedure for certification.—(1) Any person with specified disability, may apply, in such manner as may be prescribed by the Central Government, to a certifying authority having jurisdiction, for issuing of a certificate of disability.

(2) On receipt of an application under sub-section (1), the certifying authority shall assess the disability of the concerned person in accordance with relevant guidelines notified under section 56, and shall, after such assessment, as the case may be,—

(a) issue a certificate of disability to such person, in such form as may be prescribed by the Central Government;

(b) inform him in writing that he has no specified disability.

(3) The certificate of disability issued under this section shall be valid across the country.

59. Appeal against a decision of certifying authority.—(1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.

(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government.

CHAPTER XI

CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE

60. Constitution of Central Advisory Board on Disability.—(1) The Central Government shall, by notification, constitute a body to be known as the Central Advisory Board on Disability to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Advisory Board shall consist of,—

(a) the Minister in charge of Department of Disability Affairs in the Central Government, Chairperson, *ex officio*;

(b) the Minister of State in charge dealing with Department of Disability Affairs in the Ministry in the Central Government, Vice Chairperson, *ex officio*;

(c) three Members of Parliament, of whom two shall be elected by Lok Sabha and one by the Rajya Sabha, Members, *ex officio*;

(d) the Ministers in charge of Disability Affairs of all States and Administrators or Lieutenant Governors of the Union territories, Members, *ex officio*;

(e) Secretaries to the Government of India in charge of the Ministries or Departments of Disability Affairs, Social Justice and Empowerment, School Education and Literacy, and Higher Education, Women and Child Development, Expenditure, Personnel and Training, Administrative Reforms and Public Grievances, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Communications and Information Technology, Legal Affairs, Public Enterprises, Youth Affairs and Sports, Road Transport and Highways and Civil Aviation, Members, *ex officio*;

(f) Secretary, National Institute of Transforming India (NITI) Aayog, Member, *ex officio*;

(g) Chairperson, Rehabilitation Council of India, Member, *ex officio*;

(h) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, Member, *ex officio*;

(i) Chairman-cum-Managing Director, National Handicapped Finance Development Corporation, Member, *ex officio*;

(j) Chairman-cum-Managing Director, Artificial Limbs Manufacturing Corporation, Member, *ex officio*;

(k) Chairman, Railway Board, Member, *ex officio*;

(l) Director-General, Employment and Training, Ministry of Labour and Employment, Member, *ex officio*;

(m) Director, National Council for Educational Research and Training, Member, *ex officio*;

(n) Chairperson, National Council of Teacher Education, Member, *ex officio*;

(o) Chairperson, University Grants Commission, Member, *ex officio*;

(p) Chairperson, Medical Council of India, Member, *ex officio*;

(q) Directors of the following Institutes:—

(i) National Institute for the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Secunderabad;

(iii) Pandit Deen Dayal Upadhyay Institute for the Physically Handicapped, New Delhi;

(iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai;

(v) National Institute for the Orthopaedically Handicapped, Kolkata;

(vi) National Institute of Rehabilitation Training and Research, Cuttack;

(vii) National Institute for Empowerment of Persons with Multiple Disabilities, Chennai;

(viii) National Institute for Mental Health and Sciences, Bangalore;

(ix) Indian Sign Language Research and Training Centre, New Delhi, Members, *ex officio*;

(r) Members to be nominated by the Central Government,—

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) ten Members, as far as practicable, being persons with disabilities, to represent non-Governmental Organisations concerned with disabilities or disabled persons organisations:

Provided that out of the ten Members nominated, at least, five Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iii) up to three representatives of national level chambers of commerce and industry;

(s) Joint Secretary to the Government of India dealing with the subject of disability policy, Member-Secretary, *ex officio*.

61. Terms and conditions of Service of members.—(1) Save as otherwise provided under this Act, a Member of the Central Advisory Board nominated under clause (r) of sub-section (2) of section 60 shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The Central Government may, if it thinks fit, remove any Member nominated under clause (r) of sub-section (2) of section 60, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (r) of sub-section (2) of section 60 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the Central Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (r) of sub-section (2) of section 60 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (r) of sub-section (2) of section 60 shall receive such allowances as may be prescribed by the Central Government.

62. Disqualifications.—(1) No person shall be a Member of the Central Advisory Board, who—

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused his position in the opinion of the Central Government as a Member so as to render his continuance in the office is prejudicial interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 61, a Member who has been removed under this section shall not be eligible for renomination as a Member.

63. Vacation of seats by Members.—If a Member of the Central Advisory Board becomes subject to any of the disqualifications specified in section 62, his seat shall become vacant.

64. Meetings of the Central Advisory Board on disability.—The Central Advisory Board shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

65. Functions of Central Advisory Board on disability.—(1) Subject to the provisions of this Act, the Central Advisory Board on disability shall be the national-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Central Advisory Board on disability shall perform the following functions, namely:—

(a) advise the Central Government and the State Governments on policies, programmes, legislation and projects with respect to disability;

(b) develop a national policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the national plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities *vis-a-vis* information, services and the built environment and their participation in social life;

(f) monitor and evaluate the impact of laws, policies and programmes to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the Central Government.

66. **State Advisory Board on disability.**—(1) Every State Government shall, by notification, constitute a body to be known as the State Advisory Board on disability to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) The State Advisory Board shall consist of—

(a) the Minister in charge of the Department in the State Government dealing with disability matters, Chairperson, *ex officio*;

(b) the Minister of State or the Deputy Minister in charge of the Department in the State Government dealing with disability matters, if any, Vice-Chairperson, *ex officio*;

(c) secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Labour and Employment, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Road Transport and any other Department, which the State Government considers necessary, Members, *ex officio*;

(d) three Members of the State Legislature of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any, and where there is no Legislative Council, three Members shall be elected by the Legislative Assembly, Members, *ex officio*;

(e) Members to be nominated by the State Government:—

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) five Members to be nominated by the State Government by rotation to represent the districts in such manner as may be prescribed:

Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned;

(iii) ten persons as far as practicable, being persons with disabilities, to represent non-Governmental Organisations or associations which are concerned with disabilities:

Provided that out of the ten persons nominated under this clause, at least, five shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iv) not more than three representatives of the State Chamber of Commerce and Industry;

(f) officer not below the rank of Joint Secretary in the Department dealing with disability matters in the State Government, Member-Secretary, *ex officio*.

67. Terms and conditions of service of Members.—(1) Save as otherwise provided under this Act, a Member of the State Advisory Board nominated under clause (e) of sub-section (2) of section 66, shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The State Government may, if it thinks fit, remove any Member nominated under clause (e) of sub-section (2) of section 66, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (e) of sub-section (2) of section 66 may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the State Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (e) of sub-section (2) of section 66 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (e) of sub-section (2) of section 66 shall receive such allowances as may be prescribed by the State Government.

68. Disqualification.—(1) No person shall be a Member of the State Advisory Board, who—

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused in the opinion of the State Government his position as a Member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 67, a Member who has been removed under this section shall not be eligible for renomination as a Member.

69. Vacation of seats.—If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 68 his seat shall become vacant.

70. Meetings of State Advisory Board on disability.—The State Advisory Board shall meet at least once in every six months and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

71. Functions of State Advisory Board on disability.—(1) Subject to the provisions of this Act, the State Advisory Board shall be the State-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely:—

(a) advise the State Government on policies, programmes, legislation and projects with respect to disability;

(b) develop a State policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the State plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others;

(f) monitor and evaluate the impact of laws, policies and programmes designed to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the State Government.

72. District-level Committee on disability.—The State Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it.

73. Vacancies not to invalidate proceedings.—No act or proceeding of the Central Advisory Board on disability, a State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

74. Appointment of Chief Commissioner and Commissioners.—(1) The Central Government may, by notification, appoint a Chief Commissioner for Persons with Disabilities (hereinafter referred to as the "Chief Commissioner") for the purposes of this Act.

(2) The Central Government may, by notification appoint two Commissioners to assist the Chief Commissioner, of which one Commissioner shall be a persons with disability.

(3) A person shall not be qualified for appointment as the Chief Commissioner or Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(4) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner and Commissioners shall be such as may be prescribed by the Central Government.

(5) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

(6) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence and control of the Chief Commissioner.

(7) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the Central Government.

(8) The Chief Commissioner shall be assisted by an advisory committee comprising of not more than eleven members drawn from the experts from different disabilities in such manner as may be prescribed by the Central Government.

75. Functions of Chief Commissioner.—(1) The Chief Commissioner shall—

(a) identify, *suo motu* or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) study treaties and other international instruments on the rights of persons with disabilities and make recommendations for their effective implementation;

(f) undertake and promote research in the field of the rights of persons with disabilities;

(g) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(h) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(i) monitor utilisation of funds disbursed by the Central Government for the benefit of persons with disabilities; and

(j) perform such other functions as the Central Government may assign.

(2) The Chief Commissioner shall consult the Commissioners on any matter while discharging its functions under this Act.

76. Action of appropriate authorities on recommendation of Chief Commissioner.—Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person.

77. Powers of Chief Commissioner.—(1) The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

78. Annual and special reports by Chief Commissioner.—(1) The Chief Commissioner shall submit an annual report to the Central Government and may at any time submit special reports on any matter, which, in his opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The Central Government shall cause the annual and the special reports of the Chief Commissioner to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on his recommendations and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

79. Appointment of State Commissioner in States.—(1) The State Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the "State Commissioner") for the purposes of this Act.

(2) A person shall not be qualified for appointment as the State Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State Commissioner shall be such as may be prescribed by the State Government.

(4) The State Government shall determine the nature and categories of officers and other employees required to assist the State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the State Commissioner shall discharge his functions under the general superintendence and control of the State Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the State Government.

(7) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.

80. Functions of State Commissioner.—The State Commissioner shall—

(a) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) undertake and promote research in the field of the rights of persons with disabilities;

(f) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(g) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(h) monitor utilisation of funds disbursed by the State Government for the benefits of persons with disabilities; and

(i) perform such other functions as the State Government may assign.

81. Action by appropriate authorities on recommendation of State Commissioner.—Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.

82. Powers of State Commissioner.—(1) The State Commissioner shall, for the purpose of discharging their functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any documents;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the State Commissioners shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

83. Annual and special reports by State Commissioner.—(1) The State Commissioner shall submit an annual report to the State Government and may at any time submit special reports on any matter, which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and the special reports of the State Commissioner for persons with disabilities to be laid before each House of State Legislature where it consists of two Houses or where such Legislature consist of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendation of the State Commissioner and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

CHAPTER XIII SPECIAL COURT

84. Special Court.—For the purpose of providing speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Session to be a Special Court to try the offences under this Act.

85. Special Public Prosecutor.—(1) For every Special Court, the State Government may, by notification, specify a Public Prosecutor or appoint an advocate, who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(2) The Special Public Prosecutor appointed under sub-section (1) shall be entitled to receive such fees or remuneration as may be prescribed by the State Government.

CHAPTER XIV
NATIONAL FUND FOR PERSONS WITH DISABILITIES

86. National Fund for persons with disabilities.—(1) There shall be constituted a Fund to be called the National Fund for persons with disabilities and there shall be credited thereto—

(a) all sums available under the Fund for people with disabilities, constituted *vide* notification No. S.O. 573 (E), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted *vide* notification No. 30-03/2004-DDII, dated the 21st November, 2006, under the Charitable Endowment Act, 1890 (6 of 1890).

(b) all sums payable by banks, corporations, financial institutions in pursuance of judgment dated the 16th April, 2004 of the Hon'ble Supreme Court in Civil Appeal Nos. 4655 and 5218 of 2000;

(c) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

(d) all sums received from the Central Government including grants-in-aid;

(e) all sums from such other sources as may be decided by the Central Government.

(2) The Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed.

87. Accounts and audit.—(1) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the Fund to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Fund shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have the right to demand production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Fund.

(4) The accounts of the Fund as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be laid before each House of Parliament by the Central Government.

CHAPTER XV
STATE FUND FOR PERSONS WITH DISABILITIES

88. State Fund for persons with disabilities.—(1) There shall be constituted a Fund to be called the State Fund for persons with disabilities by a State Government in such manner as may be prescribed by the State Government.

(2) The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the State Government.

(3) Every State Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(4) The accounts of the State Fund for persons with disabilities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the State Fund to the Comptroller and Auditor-General of India.

(5) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Fund for persons with disabilities shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have right to demand production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Fund.

(6) The accounts of the State Fund for persons with disabilities as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be laid before each House of the State Legislature where it consists of two Houses or where such Legislature consists of one House before that House.

CHAPTER XVI
OFFENCES AND PENALTIES

89. Punishment for contravention of provisions of Act or rules or regulations made thereunder.—Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

90. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

91. Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities.—Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

92. Punishment for offences of atrocities.—Whoever,—

(a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;

(b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;

(c) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;

(d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

(e) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability;

(f) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

93. Punishment for failure to furnish information.—Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given there under, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.

94. Previous sanction of appropriate Government.—No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.

95. Alternative punishments.—Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

CHAPTER XVII MISCELLANEOUS

96. Application of other laws not barred.—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

97. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any officer of the appropriate Government or any officer or employee of the Chief Commissioner or the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

98. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before each House of Parliament.

99. Power to amend Schedule.—(1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and any such notification being issued, the Schedule shall be deemed to have been amended accordingly.

(2) Every such notification shall, as soon as possible after it is issued, shall be laid before each House of Parliament.

100. Power of Central Government to make rules.—(1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 6;

(b) the manner of notifying the equal opportunity policy under sub-section (1) of section 21;

(c) the form and manner of maintaining records by every establishment under sub-section (1) of section 22;

- (d) the manner of maintenance of register of complaints by grievance redressal officer under sub-section (3) of section 23;
- (e) the manner of furnishing information and return by establishment to the Special Employment Exchange under section 36;
- (f) the composition of the Assessment Board under sub-section (2) and manner of assessment to be made by the Assessment Board under sub-section (3) of section 38;
- (g) rules for person with disabilities laying down the standards of accessibility under section 40;
- (h) the manner of application for issuance of certificate of disability under sub-section (1) and form of certificate of disability under sub-section (2) of section 58;
- (i) the allowances to be paid to nominated Members of the Central Advisory Board under sub-section (6) of section 61;
- (j) the rules of procedure for transaction of business in the meetings of the Central Advisory Board under section 64;
- (k) the salaries and allowances and other conditions of services of Chief Commissioner and Commissioners under sub-section (4) of section 74;
- (l) the salaries and allowances and conditions of services of officers and staff of the Chief Commissioner under sub-section (7) of section 74;
- (m) the composition and manner of appointment of experts in the advisory committee under sub-section (8) of section 74;
- (n) the form, manner and content of annual report to be prepared and submitted by the Chief Commissioner under sub-section (3) of section 78;
- (o) the procedure, manner of utilisation and management of the Fund under sub-section (2) of section 86; and
- (p) the form for preparation of accounts of Fund under sub-section (1) of section 87.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

101. Power of State Government to make rules.—(1) The State Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.

(2) In particular, and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 5;
- (b) the manner of providing support of a limited guardian under sub-section (1) of section 14;
- (c) the form and manner of making an application for certificate of registration under sub-section (1) of section 51;
- (d) the facilities to be provided and standards to be met by institutions for grant of certificate of registration under sub-section (3) of section 51;
- (e) the validity of certificate of registration, the form of, and conditions attached to, certificate of registration under sub-section (4) of section 51;
- (f) the period of disposal of application for certificate of registration under sub-section (7) of section 51;
- (g) the period within which an appeal to be made under sub-section (1) of section 53;
- (h) the time and manner of appealing against the order of certifying authority under sub-section (1) and manner of disposal of such appeal under sub-section (2) of section 59;

(i) the allowances to be paid to nominated Members of the State Advisory Board under sub-section (6) of section 67;

(j) the rules of procedure for transaction of business in the meetings of the State Advisory Board under section 70;

(k) the composition and functions of District Level Committee under section 72;

(l) salaries, allowances and other conditions of services of the State Commissioner under sub-section (3) of section 79;

(m) the salaries, allowances and conditions of services of officers and staff of the State Commissioner under sub-section (3) of section 79;

(n) the composition and manner of appointment of experts in the advisory committee under sub-section (7) of section 79;

(o) the form, manner and content of annual and special reports to be prepared and submitted by the State Commissioner under sub-section (3) of section 83;

(p) the fee or remuneration to be paid to the Special Public Prosecutor under sub-section (2) of section 85;

(q) the manner of constitution of State Fund for persons with disabilities under sub-section (1), and the manner of utilisation and management of State Fund under sub-section (2) of section 88;

(r) the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (3) of section 88.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

102. Repeal and savings.—(1) The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 (1 of 1996) is hereby repealed.

(2) Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See clause (zc) of section 2]

SPECIFIED DISABILITY

I. Physical disability.—

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from—

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment—

(a) "blindness" means a condition where a person has any of the following conditions, after best correction—

(i) total absence of sight; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or

(iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditons, namely:—

(i) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

C. Hearing impairment—

(a) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;

(b) "hard of hearing" means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. "speech and language disability" means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including—

(a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.

3. Mental behaviour,—

"mental illness" means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.

4. Disability caused due to—

(a) chronic neurological conditions, such as—

(i) "multiple sclerosis" means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) "parkinson's disease" means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorder—

(i) "haemophilia" means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) "thalassemia" means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(iii) "sickle cell disease" means a hemolytic disorder characterised by chronic anemia, painful events, and various complications due to associated tissue and organ damage; "hemolytic" refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Central Government.

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT**[Department of Empowerment of Persons with Disabilities (Divyangjan)]****NOTIFICATION**

New Delhi, the 15th June, 2017

G.S.R. 591(E).—Whereas a draft of the Rights of Persons with Disabilities Rules, 2017 was published as required by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) *vide* number G.S.R. 398 (E), dated the 21st April, 2017, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas the copies of the Official Gazette in which the said notification was published were made available to the public on the 22nd April, 2017;

And whereas objections and suggestions received from the public on the said draft rules were considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Central Government hereby makes the following rules, namely:-

CHAPTER-I**PRELIMINARY**

1. Short title, extent and commencement.- (1) These rules may be called the Rights of Persons with Disabilities Rules, 2017.

(2) They extend to the whole of India.

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);

(b) "certificate" means a certificate of disability issued under section 57 of the Act;

(c) "Form" means a form appended to these rules.

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II**RIGHTS AND ENTITLEMENTS**

3. Establishment not to discriminate on the ground of disability.- (1) The head of the establishment shall ensure that the provision of sub-section (3) of section 3 of the Act are not misused to deny any right or benefit to persons with disabilities covered under the Act.

(2) If the head of the Government establishment or a private establishment employing twenty or more persons receives a complaint from an aggrieved persons regarding discrimination on the ground of disability, he shall -

(a) initiate action in accordance with the provisions of the Act; or

(b) inform the aggrieved person in writing as to how the impugned act or omission is a proportionate means of achieving a legitimate aim

(3) If the aggrieved person submits a complaint to the Chief Commissioner or State Commissioner for Persons with Disabilities, as the case may be, the complaint shall be disposed of within a period of sixty days:

Provided that in exceptional cases, the Chief Commissioner or State Commissioner may dispose of such complaint within thirty days.

(4) No establishment shall compel a person with disability to partly or fully pay the costs incurred for reasonable accommodation.

4. Central Committee for Research on Disability.— (1) The Central Committee for Research on Disability shall consist of the following persons, namely:—

- (i) an eminent person having vast experience in the field of science or medicine, to be nominated by the Central Government, *ex officio*-Chairperson;
- (ii) nominee of the Director General of Health Services not below the rank of Deputy Director General –Member;
- (iii) four persons drawn from National Institutes representing physical, visual, hearing and intellectual disabilities, to be nominated by the Central Government – Members;
- (iv) five persons as representatives of the registered organisations, from each of the five groups of specified disabilities in the Schedule to the Act, to be nominated by the Central Government – Members:

Provided that at least one representative of the registered organizations is a woman;

- (v) the Director, Department of Empowerment of Persons with Disabilities, New Delhi shall be the Member Secretary.

(2) The Chairperson may invite any expert as a special invitee.

(3) The term of office of the nominated members shall be for a period of three years from the date on which they enter upon office, and the nominated member shall be eligible for re-nomination for one more term.

(4) One half of the members shall constitute the quorum for the meeting.

(5) The non-official members and special invitees shall be entitled for travelling allowance and daily allowance as admissible to a Group "A" officer of the Central Government.

(6) The Central Government may provide the Committee with such clerical and other staff as it deems necessary.

5. Person with disability not to be a subject of research.— No person with disability shall be a subject of research except when the research involves physical impact on his body.

6. Procedure to be followed by Executive Magistrate.— For the purposes of dealing with the complaints under section 7 of the Act, the Executive Magistrate shall follow the procedure provided in sections 133 to 143 of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER III

NODAL OFFICER IN THE DISTRICT EDUCATION OFFICE

7. There shall be a nodal officer in the District Education Office to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in schools in accordance with the provisions of sections 16 and 31 of the Act.

CHAPTER IV

EMPLOYMENT

8. Manner of publication of equal opportunity policy.— (1) Every establishment shall publish equal opportunity policy for persons with disabilities.

(2) The establishment shall display the equal opportunity policy preferably on their website, failing which, at conspicuous places in their premises.

(3) The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall *inter alia*, contain the following, namely:—

- (a) facility and amenity to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;
- (b) list of posts identified suitable for persons with disabilities in the establishment;
- (c) the manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;
- (d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;
- (e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities

and provisions of facilities and amenities for such employees.

(4) The equal opportunity policy of the private establishment having less than twenty employees shall contain facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment.

9. Form and manner of maintaining records by the establishments.- (1) Every establishment covered under sub-rule (3) of rule 8 shall maintain records containing the following particulars, namely:-

- (a) the number of persons with disabilities who are employed and the date from when they are employed;
- (b) the name, gender and address of persons with disabilities;
- (c) the nature of disability of such persons;
- (d) the nature of work being rendered by such employed person with disability; and
- (e) the kind of facilities being provided to such persons with disabilities.

(2) Every establishment shall produce for inspection on demand, records maintained under these rules, to the authorities under this Act and shall supply such information which may be required for the purpose of ascertaining whether the provisions have been complied with.

10. Manner of maintenance of register of complaints by the Government establishments.- (1) Every Government establishment shall appoint an officer not below the rank of a Gazetted Officer as Grievance Redressal Officer.

Provided that where it is not possible to appoint any Gazetted Officer, the Government establishment may appoint the senior most Officer as a Grievance Redressal Officer.

(2) The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:-

- (a) date of complaint;
- (b) name of complainant;
- (c) name of the person who is enquiring the complaint;
- (d) place of incident;
- (e) the name of establishment or person against whom the complaint is made;
- (f) gist of the complaint;
- (g) documentary evidence, if any;
- (h) date of disposal by the Grievance Redressal Officer;
- (i) details of disposal of the appeal by the district level committee; and
- (j) any other information.

CHAPTER V

VACANCIES FOR PERSONS WITH BENCHMARK DISABILITIES

11. Computation of vacancies.- (1) For the purposes of computation of vacancies, four percent of the total number of vacancies including vacancies arising in the identified and non-identified posts in the cadre strength in each group of posts shall be taken into account by the appropriate Government for the persons with benchmark disabilities:

Provided that the reservation in promotion shall be in accordance with the instructions issued by the appropriate Government from time to time.

(2) Every Government establishment shall maintain a vacancy based roster for the purpose of calculation of vacancies for persons with benchmark disabilities in the cadre strength as per the instructions issued by the appropriate Government from time to time.

(3) While making advertisement to fill up vacancies, every Government establishment shall indicate the number of vacancies reserved for each class of persons with benchmark disabilities in accordance with the provisions of section 34 of the Act.

(4) The reservation for persons with disabilities in accordance with the provisions of section 34 of the Act shall be horizontal and the vacancies for persons with benchmark disabilities shall be maintained as a separate class.

12. Interchange of vacancies.- The Government establishment shall interchange vacancies in accordance with the provisions of section 34 of the Act, only if due process of recruitment to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.

13. Submission of Returns on Vacancies.- (1) Every Government establishment shall furnish to the local special employment exchange returns in Form - I once in every six months for the period from 1st April to 30th September and from 1st October to 31st March, and in Form -II once in every two years.

(2) The six monthly return shall be furnished within thirty days of the respective dates which is, 31st March and, 30th September of every financial year.

(3) The two yearly return shall be furnished within thirty days of the closing of every alternate financial year:

Provided that the first two yearly returns shall be furnished for the financial year closing on 31st March, 2019.

14. Form in which record to be kept by an employer.- Every Government establishment shall maintain the record of employees with disabilities in Form - III.

CHAPTER VI ACCESSIBILITY

15. Rules for Accessibility.- (1) Every establishment shall comply with the following standards relating to physical environment, transport and information and communication technology, namely :-

- (a) standard for public buildings as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March, 2016;
- (b) standard for Bus Body Code for transportation system as specified in the notification of the Government of India in the Ministry of Road Transport and Highways, vide number G.S.R. 895(E), dated the 20th September, 2016;
- (c) Information and Communication Technology-
 - (i) website standard as specified in the guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India;
 - (ii) documents to be placed on websites shall be in Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf format:

Provided that the standard of accessibility in respect of other services and facilities shall be specified by the Central Government within a period of six months from the date of notification of these rules.

(2) The respective Ministries and Departments shall ensure compliance of the standards of accessibility specified under this rule through the concerned domain regulators or otherwise.

16. Review of Accessibility Standards.- The Central Government shall review from time to time the accessibility standards notified based on the latest scientific knowledge and technology.

CHAPTER VII CERTIFICATE OF DISABILITY

17. Application for certificate of disability.- (1) Any person with specified disability may apply in Form -IV for a certificate of disability and submit the application to -

- (a) a medical authority or any other notified competent authority to issue such a certificate in the district of residence of the applicant as mentioned in the proof of residence in the application; or
- (b) the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability:

Provided that where a person with disability is a minor or suffering from intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organisation registered under the Act having the minor under its care.

(2) The application shall be accompanied by -

- (a) proof of residence;
- (b) two recent passport size photographs; and
- (c) aadhaar number or aadhaar enrollment number, if any.

Note.- No other proof of residence shall be demanded from the applicant who has aadhaar or aadhaar enrollment number.

18. Issue of certificate of disability.- (1) On receipt of an application under rule 17, the medical authority or any other notified competent authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a certificate of disability in his favour in Form V, VI and VII, as the case may be.

(2) The medical authority shall issue the certificate of disability within a month from the date of receipt of the application.

(3) The medical authority shall, after due examination -

(i) issue a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability; or

(ii) issue a certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.

(4) If an applicant is found ineligible for issue of certificate of disability, the medical authority shall convey the reasons to him in writing under Form VIII within a period of one month from the date of receipt of the application.

(5) The State Government and Union territory Administration shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the Central Government.

19. Certificate issued under rule 18 to be generally valid for all purposes.- A person to whom the certificate issued under rule 18 shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Governmental organizations funded by the Government.

20. Validity of certificate of disability issued under the repealed Act.-

The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein.

CHAPTER VIII

CENTRAL ADVISORY BOARD ON DISABILITY

21. Allowances for the members of the Central Advisory Board.- (1) The non-official members of the Central Advisory Board, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(2) The non-official members of the Central Advisory Board, not residing in Delhi shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government:

Provided that in case a Member of Parliament who is a Member of the Central Advisory Board, the daily allowance and travelling allowance shall be paid at the rate admissible to him as Member of Parliament when the Parliament is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source.

(3) The official member of the Central Advisory Board shall be paid daily allowance and travelling allowance, at the rate admissible under the relevant rules of the respective Government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

22. Notice of meeting.- (1) The meeting of the Central Advisory Board on disability shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson:

Provided that it shall meet at least once in every six months.

(2) The Chairperson shall, on the written request of not less than ten members of the Central Advisory Board, call a special meeting of the Board.

(3) The Member-Secretary shall give fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat.

(4) The Member-Secretary may give notice to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or by email or in such other manner as the Chairperson may, in the circumstances of the case, think fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting, any matter of which he has not given ten clear days' notice to the Member-Secretary, unless the Chairperson may permit him to do so.

- (6) The Central Advisory Board may adjourn its meeting from day to day or to any particular day.
- (7) Where a meeting of the Central Advisory Board is adjourned from day to day, the Member-Secretary shall give notice of such adjourned meeting at the place where the meeting is adjourned, if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.
- (8) Where a meeting of the Central Advisory Board is adjourned not from day to day but from the day on which the meeting is to be held to another day, notice of such meeting shall be given to all the members as provided in sub-rule (4).
23. **Presiding officer.**- The Chairperson shall preside over every meeting of the Central Advisory Board and in his absence, the Vice-Chairperson shall preside, but when both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside over that meeting.
24. **Quorum.**- (1) One-third of the total members of the Central Advisory Board shall form the quorum for any meeting.
(2) If time fixed for any meeting or during the course of any meeting, less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.
(3) No quorum shall be necessary for the adjourned meeting.
(4) No matter, which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting.
25. **Minutes.**- (1) The Member-Secretary shall maintain the record containing the names of members who attended the meeting and of the proceedings at the meetings in a book to be kept for that purpose.
(2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.
(3) The proceedings shall be open to inspection by any member at the office of the Member-Secretary during office hours.
26. **Business to be transacted at meeting.**- Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 22 shall be transacted at any meeting.
27. **Agenda for the meeting of the Central Advisory Board.**- (1) The business of the meeting shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.
(2) At the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.
28. **Decision by majority.**- All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson or in the absence of both the member presiding at the meeting, as the case may be, shall have a second or casting vote.
29. **No proceeding to be invalid due to vacancy or any defect.**- No proceeding of the Central Advisory Board shall be invalid by reason of existence of any vacancy in or any defect in the constitution of the Board.

CHAPTER IX

CHIEF COMMISSIONER AND COMMISSIONER FOR PERSONS WITH DISABILITIES

30. **Qualification for appointment of Chief Commissioner.**- No person shall be eligible for appointment as Chief Commissioner, unless -

- (a) he is a Graduate from a recognized University:

Provided that preference shall be given to persons having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

- (b) he is having experience of at least twenty-five years in a Group "A" level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability related matters or social sector or as a senior level functionary in registered national and international voluntary organizations in the field of disability or social development:

Provided that out of the total of twenty-five years of experience, he should have at least three years of experience in the field of rehabilitation or empowerment of persons with disabilities; and

(c) he has not attained the age of sixty years as on 1st January of the year of recruitment.

Note.- If he is in the service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post.

31. Qualification for appointment of Commissioner. - No person shall be eligible for appointment as Commissioner, unless-

(a) he is a Graduate from a recognized University:

Provided that preference shall be given to persons having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities.

(b) he is having at least twenty years experience in a Group "A" level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability related matters or social sector or as senior level functionary in registered national and international voluntary organizations in the field of disability or social development; and

(c) he has not attained the age of fifty-six years as on 1st January of the year of recruitment.

32. Method of appointment of the Chief Commissioner and Commissioner.- (1) The Central Government shall, six months before the post of Chief Commissioner is due to fall vacant, advertise in at least two national level dailies each in English and Hindi inviting applications for the post from eligible candidates fulfilling the qualifications specified in rules 30 and 31.

(2) A search-cum-selection committee shall be constituted to recommend a panel of three suitable candidates for the post of the Chief Commissioner or the Commissioner.

(3) The search-cum-selection committee shall be constituted in accordance with the instructions issued by the Government from time to time.

(4) The panel recommended by the committee may consist of persons from amongst those who have applied in response to the advertisement mentioned in sub-rule (1) and other eligible persons whom the Committee may consider suitable.

(5) The Central Government shall appoint one of the candidates recommended by the search-cum-selection committee as the Chief Commissioner or the Commissioner.

33. Term of the Chief Commissioner and Commissioner.- (1) The term of office of Chief Commissioner shall be for a period of three years from the date on which he assumes office, or till he attains the age of sixty-five years, whichever is earlier.

(2) The term of office of the Commissioner shall be for a period of three years and may be extended for a period of another two years or till he attains the age of sixty years, whichever is earlier.

(3) A person may serve as Chief Commissioner or Commissioner for a maximum period of two terms subject to the condition that he has not attained the age of sixty-five years, or sixty years, respectively.

34. Salary and allowances of the Chief Commissioner and Commissioner.- (1) The Chief Commissioner shall be entitled for the salary and allowances as admissible to a Secretary to the Government of India.

(2) The Commissioner shall be entitled for the salary and allowances as admissible to a Additional Secretary to the Government of India.

(3) Where a Chief Commissioner or the Commissioner being a retired Government servant or a retired employee of any institution or autonomous body funded by the Government, is in receipt of pension in respect of such previous service, the salary admissible to him under these rules shall be reduced by the amount of the pension, and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of such commuted portion of the pension.

35. Other terms and conditions of service of the Chief Commissioner and Commissioner.- (1) The Chief Commissioner and the Commissioner shall be entitled to such leave as is admissible to a Government servant under the Central Civil Service (Leave) Rules, 1972.

(2) The Chief Commissioner and the Commissioner shall be entitled to such leave travel concession as is admissible to a Group "A" officer under the Central Civil Services (Leave Travel Concession) Rules, 1988.

(3) The Chief Commissioner and the Commissioner shall be entitled to such medical benefits as is admissible to a Group "A" officer under the Central Government Health Scheme.

36. Resignation and removal.- (1) The Chief Commissioner and the Commissioner may, by notice in writing, under his hand, addressed to the Central Government, resign from the office:

Provided that he shall continue in the office till his resignation is accepted.

(2) The Central Government may remove a person from the office of the Chief Commissioner and the Commissioner, if he -

- (a) becomes an undischarged insolvent;
- (b) engages during his term of office in any paid employment or activity outside the duties of his office;
- (c) is convicted or sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
- (d) is in the opinion of the Central Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;
- (e) without obtaining leave of absence from the Central Government, remains absent from duty for a consecutive period of fifteen days or more; or
- (f) has, in the opinion of the Central Government, so abused the position of the Chief Commissioner and Commissioner as to render his continuance in office detrimental to the interest of persons with disability:

Provided that no person shall be removed under this rule except after following the procedure, *mutatis mutandis*, applicable for removal of a Group "A" employee of the Central Government.

(3) The Central Government may suspend the Chief Commissioner and the Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2), pending conclusion of such proceedings.

37. Residuary provision.— The conditions of service of the Chief Commissioner and the Commissioner in respect of which no express provision has been made in these rules shall be determined by the rules and orders for the time being applicable to the Secretary and Additional Secretary to the Government of India, as the case may be.

38. Procedure to be followed by Chief Commissioner and Commissioner.— (1) An aggrieved person may present a complaint containing the following particulars in person or by his agent to the Chief Commissioner or the Commissioner or send it by registered post or by email addressed to the Chief Commissioner or the Commissioner, namely:-

- (a) the name, description and the address of the aggrieved person;
- (b) the name, description and the address of the opposite party or parties, as the case may be, so far as they may be ascertained;
- (c) the facts relating to complaint and when and where it arose;
- (d) documents in support of the allegations contained in the complaint; and
- (e) the relief which the aggrieved person claims.

(2) The Chief Commissioner or the Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint, directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the Chief Commissioner or the Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the Chief Commissioner or the Commissioner.

(4) Where the aggrieved person or his agent fails to appear before the Chief Commissioner or the Commissioner on such days, the Chief Commissioner or the Commissioner may either dismiss the complaint on default or decide on merits.

(5) Where the opposite party or his agent fails to appear on the date of hearing, the Chief Commissioner or the Commissioner may take such necessary action under section 77 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

(6) The Chief Commissioner or the Commissioner may dispose of the complaint *ex-parte*, if necessary.

(7) The Chief Commissioner or the Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(8) The Chief Commissioner or the Commissioner shall decide the complaint as far as possible within a period of three months from the date of receipt of notice by the opposite party.

39. Advisory Committee to assist the Chief Commissioner.— (1) The Central Government shall appoint an Advisory Committee comprising of the following members, namely:-

- (a) five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act of

whom two shall be women;

(b) three experts in the field of barrier-free environment-

(i) one expert from physical environment;

(ii) one expert from transportation system; and

(iii) one expert from information and communication technology or other services and facilities provided to the public;

(c) one expert in the area of employment of persons with disabilities;

(d) one legal expert; and

(e) one expert as recommended by the Chief Commissioner for Persons with Disabilities.

(2) The Chief Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report.

(3) The tenure of the members of the Advisory Committee shall be for a period of three years and the members shall not be eligible for re-nomination.

(4) The non-official members of the Advisory Committee, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(5) The non-official members of the Advisory Committee, not residing in Delhi, shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government.

40. **Submission of Annual Report.**- (1) The Chief Commissioner, shall as soon as possible, after the end of the financial year but not later than the 30th day of September in the next year ensuing prepare and submit to the Central Government, an annual report giving a complete account of his activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely:-

(a) names of its officers and staff and a chart showing the organisational set up;

(b) the functions which the Chief Commissioner has been empowered under sections 75 and 76 of the Act and the highlights of the performance in this regard;

(c) the main recommendations made by the Chief Commissioner;

(d) the progress made in the implementation of the Act; and

(e) any other matter deemed appropriate for inclusion by the Chief Commissioner or specified by the Central Government from time to time.

CHAPTER X

NATIONAL FUND FOR PERSONS WITH DISABILITIES

41. **Management of National Fund.**- (1) There shall be a governing body consisting of following members to manage the National Fund, namely:-

(a) Secretary, Department of Empowerment of Persons with Disabilities, in the Central Government - Chairperson;

(b) Chairperson, Board of National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities - Member;

(c) Financial Advisor, Ministry of Social Justice and Empowerment, in the Central Government - Member;

(d) two representatives from the Ministry of Health and Family Welfare, Department of School Education and Literacy, Department of Higher Education, Ministry of Labour and Employment, Department of Financial Services and Department of Rural Development in the Central Government, not below the rank of a Joint Secretary, by rotation in alphabetical order - Members;

(e) two persons representing different types of disabilities to be nominated by the Central Government, by rotation - Members;

(f) Joint Secretary in the Department of Empowerment of Persons with Disabilities in the Central Government - Convener and Chief Executive Officer.

(2) The governing body shall meet as often as necessary, but at least once in every financial year.

Provided that he shall continue in the office till his resignation is accepted.

(2) The Central Government may remove a person from the office of the Chief Commissioner and the Commissioner, if he -

- (a) becomes an undischarged insolvent;
- (b) engages during his term of office in any paid employment or activity outside the duties of his office;
- (c) is convicted or sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
- (d) is in the opinion of the Central Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;
- (e) without obtaining leave of absence from the Central Government, remains absent from duty for a consecutive period of fifteen days or more; or
- (f) has, in the opinion of the Central Government, so abused the position of the Chief Commissioner and Commissioner as to render his continuance in office detrimental to the interest of persons with disability:

Provided that no person shall be removed under this rule except after following the procedure, *mutatis mutandis*, applicable for removal of a Group "A" employee of the Central Government.

(3) The Central Government may suspend the Chief Commissioner and the Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2), pending conclusion of such proceedings.

37. Residuary provision.— The conditions of service of the Chief Commissioner and the Commissioner in respect of which no express provision has been made in these rules shall be determined by the rules and orders for the time being applicable to the Secretary and Additional Secretary to the Government of India, as the case may be.

38. Procedure to be followed by Chief Commissioner and Commissioner.— (1) An aggrieved person may present a complaint containing the following particulars in person or by his agent to the Chief Commissioner or the Commissioner or send it by registered post or by email addressed to the Chief Commissioner or the Commissioner, namely:-

- (a) the name, description and the address of the aggrieved person;
- (b) the name, description and the address of the opposite party or parties, as the case may be, so far as they may be ascertained;
- (c) the facts relating to complaint and when and where it arose;
- (d) documents in support of the allegations contained in the complaint; and
- (e) the relief which the aggrieved person claims.

(2) The Chief Commissioner or the Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint, directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the Chief Commissioner or the Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the Chief Commissioner or the Commissioner.

(4) Where the aggrieved person or his agent fails to appear before the Chief Commissioner or the Commissioner on such days, the Chief Commissioner or the Commissioner may either dismiss the complaint on default or decide on merits.

(5) Where the opposite party or his agent fails to appear on the date of hearing, the Chief Commissioner or the Commissioner may take such necessary action under section 77 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

(6) The Chief Commissioner or the Commissioner may dispose of the complaint *ex-parte*, if necessary.

(7) The Chief Commissioner or the Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(8) The Chief Commissioner or the Commissioner shall decide the complaint as far as possible within a period of three months from the date of receipt of notice by the opposite party.

39. Advisory Committee to assist the Chief Commissioner.— (1) The Central Government shall appoint an Advisory Committee comprising of the following members, namely:-

- (a) five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act of

whom two shall be women;

(b) three experts in the field of barrier-free environment-

(i) one expert from physical environment;

(ii) one expert from transportation system; and

(iii) one expert from information and communication technology or other services and facilities provided to the public;

(c) one expert in the area of employment of persons with disabilities;

(d) one legal expert; and

(e) one expert as recommended by the Chief Commissioner for Persons with Disabilities.

(2) The Chief Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report.

(3) The tenure of the members of the Advisory Committee shall be for a period of three years and the members shall not be eligible for re-nomination.

(4) The non-official members of the Advisory Committee, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(5) The non-official members of the Advisory Committee, not residing in Delhi, shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government.

40. **Submission of Annual Report-** (1) The Chief Commissioner, shall as soon as possible, after the end of the financial year but not later than the 30th day of September in the next year ensuing prepare and submit to the Central Government, an annual report giving a complete account of his activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely:-

(a) names of its officers and staff and a chart showing the organisational set up;

(b) the functions which the Chief Commissioner has been empowered under sections 75 and 76 of the Act and the highlights of the performance in this regard;

(c) the main recommendations made by the Chief Commissioner;

(d) the progress made in the implementation of the Act; and

(e) any other matter deemed appropriate for inclusion by the Chief Commissioner or specified by the Central Government from time to time.

CHAPTER X

NATIONAL FUND FOR PERSONS WITH DISABILITIES

41. **Management of National Fund-** (1) There shall be a governing body consisting of following members to manage the National Fund, namely:-

(a) Secretary, Department of Empowerment of Persons with Disabilities, in the Central Government - Chairperson;

(b) Chairperson, Board of National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities - Member;

(c) Financial Advisor, Ministry of Social Justice and Empowerment, in the Central Government - Member;

(d) two representatives from the Ministry of Health and Family Welfare, Department of School Education and Literacy, Department of Higher Education, Ministry of Labour and Employment, Department of Financial Services and Department of Rural Development in the Central Government, not below the rank of a Joint Secretary, by rotation in alphabetical order - Members;

(e) two persons representing different types of disabilities to be nominated by the Central Government, by rotation - Members;

(f) Joint Secretary in the Department of Empowerment of Persons with Disabilities in the Central Government - Convener and Chief Executive Officer.

(2) The governing body shall meet as often as necessary, but at least once in every financial year.

- (3) The nominated members shall hold office for not more than three years.
- (4) No member of the governing body shall be a beneficiary of the Fund during the period such member holds office.
- (5) The nominated non-official members shall be eligible for payment of travelling allowance and daily allowance as admissible to a Group 'A' employees of the Central Government for attending the meetings of the governing body.
- (6) No person shall be nominated under clause (c) of sub-rule (1) as a member of the governing body if he -
 - (a) is, or has been, convicted of an offence, which in the opinion of the Central Government, involves moral turpitude; or
 - (b) is, or at any time has been, adjudicated as an insolvent.

42. Utilisation of the National Fund.- (1) The amount available under the Trust Fund for empowerment of persons with disabilities and the National Fund for people with disabilities, as on the date of the commencement of the Act, shall form the National Fund.

- (2) All monies available under the two Funds referred to in sub-rule (1) shall stand transferred to the National Fund.
- (3) All monies belonging to the Fund shall be deposited in such banks or invested in such manner as the governing body, may, subject to the general guidelines of the Central Government, decide.
- (4) The Fund shall be invested in such manner as may be decided by the governing body.
- (5) The Fund shall be utilized for the following purposes, namely:-
 - (a) financial assistance in the areas which are not specifically covered under any scheme and programme of the Central Government or are not adequately funded under any scheme or programme of the Central Government;
 - (b) for the purpose of implementation of the provisions of the Act;
 - (c) administrative and other expenses of the Fund, as may be required to be incurred by or under this Act; and
 - (d) such other purposes as may be decided by the governing body.
- (6) Every proposal of expenditure shall be placed before the governing body for its approval.
- (7) The governing body may appoint secretarial staff including accountants, with such terms and conditions, as it may think appropriate, to look after the management and utilisation of the Fund.

43. Budget- The Chief Executive Officer of the Fund shall prepare the budget for incurring expenditure under the Fund for each financial year showing the estimated receipt and expenditure of the Fund, in January every year and shall place the same for consideration of the governing body.

44. Annual Report- The annual report of the Department of Empowerment of Persons with Disabilities shall include a chapter on National Fund.

FORM-I

(Persons with Disabilities Employer's Return)

[See rule 13 (1)]

Six monthly return to be submitted to the Special Employment Exchange for the half year ended.....

Name and Address of the Employer.....

Whether- Head Office.....

Branch Office.....

Nature of business/principal activity:.....

1. Employment

- (a) Total number of persons including working proprietors/ partners/ commission agents/contingent paid and contractual workers, on the pay rolls of the Government establishment excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid by the Government establishment).

On the last working day of the previous half year				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

On the last working day of the half year under report				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

Men with disability

Women with disability

Total

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the half year.

2. Vacancies.- Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year (Separate figures may be given for men with disability and women with disability).

- Number of vacancies which come within the purview of the Act.

Occurred	Notified	Filled	Source
----------	----------	--------	--------

(Describe the source from which filled)

Local/Special Employment Exchange

General Employment Exchange

(b) Reasons for not notifying all vacancies occurred during the half year under report vide 2(a)

3. Manpower Shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or Designation of the posts	Number of unfilled essential qualification	vacancies/posts essential experience	disability wise experience not necessary
1	2	3	4

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Dated.....

Signature of employer

To

The Employment Exchange

Note.- This return relates to half yearly ending 31st March/30th September and shall be rendered to the local Special Employment Exchange within thirty days after the end of the half year concerned.

Form -II

(Persons with Disabilities Employer's Return)

[See rule 13 (1)]

Occupational return to be submitted to the local Special Employment Exchange once in two years.

Name and Address of the Employer.....

Nature of business.....

(describe what the Government establishment makes or does as its principal activity)

1. Total number of persons on the pay rolls of the Government establishment on (Specify date).....(This figure should include every person whose wage or salary is paid by the Government establishment)(Separate figures for men with disability and women with disability may be given).
2. Occupational classification of all employees as given in item -1 above.
(please give below the number of employees in each occupation separately)

Occupation Use exact terms	Number of Employees		Total
	Men with disability	Women with disability	
Such as Engineer (Mechanical);			
Teacher (domestic/science);			
Officer on duty (actuary);			
Assistant Director (Metallurgist);			
Scientific Assistant (chemist);			
Research Officer (economist);			
Instructor (carpenter);			

Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.

Supervisor (tailor);
Fitter (internal Combustion engine);
Inspector Sanitary); Superintendent Office; apprentice Electrician).

Total

Dated.....

Signature of employer

To

The Employment Exchange

(please fill in here the address of your local Special Employment Exchange)

Note: Total of column 5 under item 2 should correspond to the figure given against item-1.

FORM-III

(Persons with Disabilities Employer's Return)

[See rule 14]

Name and Address of the Employer.....

Whether- Head Office.....

Branch Office.....

Nature of business/principal activity:

Total number of persons on the pay rolls of the Government establishment (This figure should include every person whose wage or salary is paid by the Government establishment).

Total number of persons with disabilities (disability-wise) on the payroll of the Government establishment (This figure should include every person with disability whose wage or salary is paid by the Government establishment).

(a) Occupational qualification of all employees (Please give below the number of employees in each occupation separately).

Occupation Use exact terms Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);	Number of Employees		Total	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.
	Men with disabilities	Women with disabilities		
• Total				

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the half year.....

2. Vacancies: Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year.

Number of vacancies which come within the purview of the Act

Occurred	Notified		General employment	Filled	Sources (Describe the source form which filled)
	Local Employment Exchange	Special Employment Exchange			
1	2	3	4	5	
Total					

(b) Reasons for not notifying all vacancies occurred during the half year under report vide (a) 2.....above.

3. Manpower shortages

Vacancies/posts unfilled because of shortage of suitable applications			
Name of the occupation or Designation of the posts	Number of unfilled vacancies/posts		Experience Not necessary
	Essential qualification	Essential experience	
1.	2.	3.	4.

Please list any other occupations for which this Government establishment had recently any difficulty in obtaining suitable applicants.

Signature of employer

Dated...

FORM- IV

Application for Obtaining Certificate of Disability by Persons with Disabilities

[See rule 17(1)]

(1) Name : _____
(Surname) (First Name) (Middle Name)

(2) Father's Name : _____ Mother's Name: _____

(3) Date of Birth : _____ / _____ / _____
(Date) (Month) (Year)

(4) Age at the time of application : _____ years

(5) Sex Male/Female/Transgender _____

(6) Address:

(a) Permanent address (b) Current Address (i.e. for communication)

(c) Period since when residing at current address _____

(7) Educational Status (please tick as applicable)

- (i) Post Graduate
- (ii) Graduate
- (iii) Diploma
- (iv) Higher Secondary
- (v) High School
- (vi) Middle
- (vii) Primary
- (viii) Non-literate

(8) Occupation _____

(9) Identification marks (i) _____ (ii) _____

(10) Nature of disability :

(11) Period since when disabled: From Birth//since year _____

(12) (i) Did you ever apply for issue of a certificate of disability in the past ___ yes/no

(ii) If yes, details:

(a) Authority to whom and district in which applied _____

(b) Result of application _____

(13) Have you ever been issued a certificate of disability in the past? If yes, please enclose a true copy.

Declaration: I hereby declare that all particulars stated above are true to the best of my knowledge and belief, and no material information has been concealed or misstated. I further state that if any inaccuracy is detected in the application, I shall be liable to forfeiture of any benefits derived and other action as per law.

(signature or left thumb impression of person with disability, or of his/her legal guardian in case of persons with intellectual disability, autism, cerebral palsy and multiple disabilities, etc)

Date :

Place:

Enclosures:

1. Proof of residence (Please tick as applicable).

(a) ration card,

(b) voter identity card,

(c) driving license,

(d) bank passbook,

(e) PAN card,

(f) passport,

(g) telephone, electricity, water and any other utility bill indicating the address of the applicant,

(h) a certificate of residence issued by a Panchayat, municipality, cantonment board, any gazetted officer, or the concerned Patwari or Head Master of a Government school,

(i) in case of an inmate of a residential institution for persons with disabilities, destitute, mentally ill, and other disability, a certificate of residence from head of such institution.

2. Two recent passport size photographs

(For office use only)

Date:

Place:

Signature of issuing authority
Stamp

Form-V

Certificate of Disability

(In cases of amputation or complete permanent paralysis of limbs or dwarfism and in case of blindness)

[See rule 18(1)]

(Name and Address of the Medical Authority issuing the Certificate)

Recent passport size
attested photograph
(Showing face only) of
the person with
disability.

Certificate No. _____ Date: _____
 This is to certify that I have carefully examined Shri/Smt./Kum
 _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY)
 _____ Age _____ years, male/female _____ registration No. _____ permanent
 resident of House No. _____ Ward/Village/Street _____ Post Office _____ District
 _____ State _____, whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of:

- locomotor disability
- dwarfism
- blindness

(Please tick as applicable)

(B) the diagnosis in his/her case is _____

(A) he/she has _____ % (in figure) _____ percent (in words) permanent locomotor disability/dwarfism/blindness in relation to his/her _____ (part of body) as per guidelines (.....number and date of issue of the guidelines to be specified).

2. The applicant has submitted the following document as proof of residence:-

Nature of Document	Date of Issue	Details of authority issuing certificate

(Signature and Seal of Authorised Signatory of notified Medical Authority)

Signature/thumb impression of the person in whose favour certificate of disability is issued

Form - VI

Certificate of Disability

(In cases of multiple disabilities)

[See rule 18(1)]

(Name and Address of the Medical Authority issuing the Certificate)

Recent passport size attested photograph (Showing face only) of the person with disability.

Certificate No. _____ Date: _____
 This is to certify that we have carefully examined Shri/Smt./Kum
 _____ son/wife/daughter of _____ Shri
 _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female

 Registration No. _____ permanent resident of House No. _____ Ward/Village/Street
 _____ Post Office _____ District _____ State _____, whose photograph is affixed
 above, and am satisfied that:

(A) he/she is a case of Multiple Disability. His/her extent of permanent physical impairment/disability has been evaluated as per guidelines (.....number and date of issue of the guidelines to be specified) for the disabilities ticked below, and is shown against the relevant disability in the table below:

Sl. No.	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Dwarfism			
5.	Cerebral Palsy			
6.	Acid attack Victim			
7.	Low vision	#		
8.	Blindness	#		
9.	Deaf	£		
10.	Hard of Hearing	£		
11.	Speech and Language disability			
12.	Intellectual Disability			
13.	Specific Learning Disability			
14.	Autism Spectrum Disorder			
15.	Mental illness			
16.	Chronic Neurological Conditions			
17.	Multiple sclerosis			
18.	Parkinson's disease			
19.	Haemophilia			
20.	Thalassemia			
21.	Sickle Cell disease			

(B) In the light of the above, his/her over all permanent physical impairment as per guidelines (.....number and date of issue of the guidelines to be specified), is as follows :-

In figures :- _____ percent

In words :- _____ percent

2. This condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is :

(i) not necessary,

or

(ii) is recommended/after years months, and therefore this certificate shall be valid till

(DD) (MM) (YY)

@ e.g. Left/right/both arms/legs

e.g. Single eye

£ e.g. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

Nature of document	Date of issue	Details of authority issuing certificate

5. Signature and seal of the Medical Authority.

Name and Seal of Member	Name and Seal of Member	Name and Seal of the Chairperson

Signature/thumb impression of the person in whose favour certificate of disability is issued.

Form - VII

Certificate of Disability

(In cases other than those mentioned in Forms V and VI)

(Name and Address of the Medical Authority issuing the Certificate)

[See rule 18(1)]

Recent passport size attested photograph (Showing face only) of the person
wit

Certificate No. _____

Date: _____

This is to certify that I have carefully examined

Shri/Smt/Kum _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____ Registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that he/she is a case of _____ disability. His/her extent of percentage physical impairment/disability has been evaluated as per guidelines (.....number and date of issue of the guidelines to be specified) and is shown against the relevant disability in the table below:-

Sl. No.	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Cerebral Palsy			
5.	Acid attack Victim			
6.	Low vision	#		
7.	Deaf	€		
8.	Hard of Hearing	€		
9.	Speech and Language disability			
10.	Intellectual Disability			
11.	Specific Learning Disability			
12.	Autism Spectrum Disorder			
13.	Mental illness			
14.	Chronic Neurological Conditions			
15.	Multiple sclerosis			
16.	Parkinson's disease			
17.	Haemophilia			
18.	Thalassemia			
19.	Sickle Cell disease			

(Please strike out the disabilities which are not applicable)

2. The above condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is:

(i) not necessary, or

(ii) is recommended/after _____ years _____ months, and therefore this certificate shall be valid till (DD/MM/YY) _____

@ - eg. Left/Right/both arms/legs

- eg. Single eye/both eyes

€ - eg. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

Nature of document	Date of issue	Details of authority issuing certificate

(Authorised Signatory of notified Medical Authority)
(Name and Seal)

Countersigned
(Countersignature and seal of the
Chief Medical Officer/Medical Superintendent/
Head of Government Hospital, in case the
Certificate is issued by a medical authority who is
not a Government servant (with seal))

Signature/thumb
impression of the
person in whose
favour certificate of
disability is issued

Note.- In case this certificate is issued by a medical authority who is not a Government servant, it shall be valid only if countersigned by the Chief Medical Officer of the District

FORM - VIII

[Intimation of rejection of Application for Certificate of Disability]

[See rule 18 (4)]

No. _____

Dated :

To,

(Name and address of applicant
for Certificate of Disability)

Sub: Rejection of Application for Certificate of Disability

Sir/ Madam,

Please refer to your application dated _____ for issue of a Certificate of Disability for the following disability:

2. Pursuant to the above application, you have been examined by the undersigned/ Medical Authority on _____, and I regret to inform that, for the reasons mentioned below, it is not possible to issue a Certificate of Disability in your favour:

(i)

(ii)

(iii)

3. In case you are aggrieved by the rejection of your application, you may represent to _____,
requesting for review of this decision.

Yours faithfully,

(Authorised Signatory of the notified Medical Authority)

(Name and Seal)

[F. No. 03-01/2017-DD-III]

DOLLY CHAKRABARTY, Jt. Secy.

No. 36012/1/2020 -Estt.(Res.-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi.
Dated; the 17th May, 2022.

OFFICE MEMORANDUM

Subject: - Reservation in promotion to Persons with Benchmark Disabilities (PwBDs).

The undersigned is directed to say that the matter regarding reservation in promotion for Persons with Benchmark Disabilities (PwBDs) had been under litigation before various courts of law for quite some time, and the Hon'ble Supreme Court, in its order, dated 28.9.2021, delivered in the 'Application for Clarification' in the matter of 'Siddaraju vs. State of Karnataka', Civil Appeal No.1567/2017, directed the Government to issue instructions on 'Reservation in Promotion', as provided in Section 34 of the Rights of Persons with Disabilities Act, 2016.

1.2 Accordingly, the following instructions are issued for grant of reservation in promotion to PwBDs, in the posts and services of the Central Government, as defined under Section 2(r) of the said Act, notified by the Department of Empowerment of Persons with Disabilities (DEPwD).

2. QUANTUM OF RESERVATION

2.1 In case of promotion, four per cent of the total number of vacancies in the cadre strength within Group 'C', from Group 'C' to Group 'B', within Group 'B' and from Group 'B' to the lowest rung of Group 'A' shall be reserved for PwBDs. Reservation in promotion shall be applicable in the cadres in which the element of direct recruitment, if any, does not exceed 75%.

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2.2 Against the posts identified for each disability, one per cent each shall be reserved for PwBDs under clauses (a), (b) and (c), respectively, and one per cent combined, under clauses (d) and (e) below, unless otherwise excluded under the provisions of Para 3 hereinafter: -

- 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.

2.3 The authenticity of any certificate, issued by the competent medical authority, may be got verified/re-verified by the appointing authority at the time of appointment.

3. EXEMPTION FROM RESERVATION IN PROMOTION

3.1 Proviso to Section 20(1) of the Right of Persons with Disabilities Act, 2016, states 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.

3.2 Accordingly, if any Ministry/Department in the Central Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation in promotion for PwBDs, it shall make a reference to the DEPwD, giving full justification for the proposal. The DEPwD, having regard to the type of work carried out in any Government establishment, by notification, and subject to such condition, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD), may exempt any Establishment or any cadre(s), fully or partly, from the provisions of reservation for PwBDs. While doing so, Notes 1 to 9 under the Notification No.38-16/2020-DD.II, dated the 4th

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January, 2021, issued and as modified from time to time by the DEPwD, may kindly be kept in view.

4. NO DENIAL OF PROMOTION MERELY ON THE GROUND OF DISABILITY

4.1 In terms of Section 20(3) of the Rights of Persons with Disabilities Act, 2016, no promotion shall be denied to a person merely on the ground of disability. Further, in terms of Section 20(4) of the Act, no Government establishment shall dispense with or reduce in rank an employee who acquires a disability during his/her service. As per the proviso to this sub-section, 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. This section further provides 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. However, in case the PwBDs for whom the supernumerary post was created is eligible for next promotion to higher pay level, and it is not possible to adjust the employee against any post, a fresh creation of supernumerary post in next higher level will be required by surrendering the previously created supernumerary post at the lower level, and the proposal for the same may be submitted to the Department of Expenditure.

4.2 An employee who acquires disability, after entering into service, will be entitled to get the benefit of reservation in promotion as a PwBD. However, his seniority among PwBDs will be counted from the date of certification of his/her disability, i.e., disability of 40% or more in the categories covered under Section 34(1) of the Rights of Persons with Disabilities Act, 2016.

4.3 No benefit of reservation shall be given on the basis of temporary certificate of disability.



5. IDENTIFICATION OF POSTS:

5.1 The DEPwD has already identified posts suitable for being held by PwBDs and the physical requirement for all such posts, have been notified, vide their Notification No. 38-16/2020-DD-III, dated the 4th January, 2021. The posts mentioned in Annexure-C of the said notification (to be read in conjunction with Notes 1 to 9 mentioned under the main Notification, dated 4th January, 2021) shall be used by the Cadre Controlling Authorities to give effect to reservation in promotion to the PwBDs.

6. RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES

6.1 If in a Ministry/Department/Organization, a post is identified suitable only for one category of disability, reservation in promotion in that post shall be given to persons with that category of benchmark disability only. However, reservation of 4% for PwBDs shall not be reduced in such cases and total reservation in the cadre will be given to PwBDs for which it has been identified. Likewise, in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally, as far as possible. It shall, however, be ensured that reservation in different posts in the establishment is distributed in such a way that the PwBDs, as far as possible, get equal/fair representation. The points used in the 100-point Roster after a gap of 25 points shall be used to give reservation. In other words, it will be given only at the points reserved for PwBDs, and not in a bunched manner.

7. ADJUSTMENT OF PwBD CANDIDATES WHO ARE IN THE ZONE OF CONSIDERATION AGAINST GENERAL VACANCY

7.1 In case of promotions by seniority-cum-fitness, if a PwBD is otherwise eligible and is in the list of candidates finally approved for promotion, he/she may be promoted against the vacancy not specifically reserved for PwBD. In other words, a PwBD cannot be denied promotion on the ground that the vacancy is not earmarked for his category.



7.2 In the case of promotion by selection, PwBDs selected without relaxed standards, along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but, otherwise found suitable for appointment, if necessary, by relaxed standards.

8. RELAXATION OF STANDARD OF SUITABILITY:

8.1 If sufficient number of PwBD candidates with benchmark disabilities are not available on the basis of prescribed standard to fill all the vacancies (in case of promotion through Limited Departmental Competitive Examination/Departmental Examination, etc.) reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them, provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of benchmark disability.

8.2 The same relaxed standard should be applied for all the PwBD candidates with benchmark disabilities, irrespective of whether they belong to the Unreserved/SC/ST/OBC category. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

9. COMPUTATION OF NUMBER OF VACANCIES TO BE RESERVED

9.1 Number of vacancies in a recruitment year to be reserved for PwBDs in Group 'C', Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable, shall be computed as 4% of the total number of vacancies in the cadre strength, although the PwBDs would be posted against the category of posts identified as suitable for them.

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10. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS

10.1 Every Government establishment shall maintain, cadre-wise and group-wise, a separate 100-point vacancy-based reservation roster/register, as in the case of direct recruitment, for determining/effecting reservation for the PwBDs in promotion. There will be separate roster / register, in each cadre in Group 'C', Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable. There shall be separate roster/register for promotion and direct recruitment.

10.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

- 1st Block - Point No. 01 to point No. 25
- 2nd Block - Point No. 26 to point No. 50
- 3rd Block - Point No. 51 to point No. 75
- 4th Block — Point No. 76 to point No.100

10.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for PwBDs - one point each for category under (a), (b), (c) of Para 2.2 above, respectively, and one point for category (d) and (e) conjointly. The Head of the establishment shall ensure that vacancies identified at SI. No.1, 26, 51 and 76 are earmarked for the respective categories of the PwBD. However, the Head of the Department shall decide the placement of the selected candidate in the roster/ register. In other words, the category to be appointed first will be decided by the Head of the Department based on the functional requirement.

10.4 All the vacancies in each recruitment year in a grade, arising irrespective of vacancies reserved for PwBDs, shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the PwBD, or if the Head of the Department feels that it is not possible to fill up that post by the PwBDs for any other reason, to be recorded in writing, one of the vacancies

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falling at any of the points from 2 to 25 shall be treated as reserved for the PwBD and filled, as such.

10.5 Likewise, one vacancy out of the total vacancies falling at points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the PwBDs. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy by the PwBD candidate of the category for which the post is earmarked.

10.6 There is a possibility that none of the vacancies from 1 to 25 is found suitable for any category of the PwBD. In that case, two vacancies from 26 to 50 shall be filled from amongst the PwBDs. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies in the third block 51 to 75 shall be filled as reserved. This means that if no vacancy can be reserved in a particular block, it shall be carried over to the next block.

10.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

10.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies, including PwBD quota, if any) or two (say 50 vacancies, including the quota, if any), the category of the PwBDs should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category of disability, the Head of the Department shall decide the category on the basis of the nature of the post, the level of representation of the specific category in the grade/post concerned, etc.

11. CERTIFICATE BY REQUISITIONING/CADRE CONTROLLING AUTHORITY WHILE SENDING APPLICATION FOR SELECTION BY PROMOTIONS/DEPARTMENTAL EXAMINATION INCLUDING LIMITED COMPETITIVE DEPARTMENTAL EXAMINATION:

11.1 In order to ensure proper implementation of the provisions of reservation for PwBDs, the requisitioning/cadre

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controlling authority, while sending the requisition/proposal to the recruiting agency/DPC, as the case may be, for filling up of vacancies through promotion by selection/Departmental Examination/Limited Competitive Departmental Examination, shall furnish the following certificate to the recruiting agency/DPC: -

"It is certified that the requirements of the THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 which has become effective from 19th day of April, 2017 and Rules made thereupon, vide Rights of Persons with Disabilities Rules, 2017, and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition/proposal. The vacancies reported in this requisition/proposal fall at points no..... of cycle no..... of 100-point reservation roster out of which number of vacancies are reserved for persons with benchmark disabilities."

12. NOTICE OF VACANCIES FOR PROMOTION BY SELECTION

12.1 In order to ensure that PwBDs get a fair opportunity in consideration for appointment against an identified post, the following points shall be kept in view while sending the requisition notice/proposal to the recruiting agencies (SSC, UPSC etc.) and DPCs-

- (i) Number of vacancies reserved for SCs, STs and each category of PwBDs should be indicated clearly.
- (ii) In respect of vacancies in posts identified suitable for being held by PwBD, it shall be indicated that the post is identified for that respective category of PwBDs from amongst the categories, as mentioned in (a) to (e) of Para 2.2 above, as the case may be. Functional classification for performing the duties attached to such post(s), shall also be indicated clearly.
- (iii) The PwBDs belonging to the category/categories for which the post is identified shall be allowed to apply for the post advertised for being filled up by Limited Departmental Competitive Examination, even if no vacancy is reserved for

them. However, they will not be allowed any relaxed standard. Such PwBD candidates will be considered for selection for appointment to the post by general standards of merit.

(iv) It shall also be indicated that persons with valid certificate of benchmark disability shall alone be eligible for the benefit of reservation. However, no benefit of reservation shall be given on the basis of temporary certificate of disability.

13. ZONE OF CONSIDERATION, INTERSE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION

13.1 While filling up the reserved vacancies by promotion by selection, those PwBD candidates who are within the normal zone of consideration, shall be considered for promotion. However, if adequate number of PwBD candidates of the respective category are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the PwBD candidate falling within the extended zone may be considered for promotion. In the event of non-availability of candidates even in the extended zone, the vacancy shall not be filled and be carried forward to the subsequent year. In the subsequent year, if a PwBD of the required category is not available, the reservation can be exchanged with the other categories, so that post can be filled by a person with other category of disability, if possible. If a PwBD candidate of other category is within the zone of consideration and within the number of vacancies available, he cannot be denied promotion on the grounds of disability. If it is not possible to fill up the post by reservation even in the 2nd year, the post may be filled by a person other than a PwBD, and the reservation shall be carried forward for two subsequent recruitment years, whereafter it shall lapse.

13.2 While filling up vacancies by promotion by non-selection, the eligible candidates with benchmark disabilities within the normal zone of consideration shall be considered for promotion

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against the reserved vacancies. In case no eligible candidate of the respective category of disability is available in the normal zone of consideration, additional PwBD candidates of respective category to the extent required shall be considered by going down the seniority list, provided they are eligible, and that the post is identified for them. In the event of non-availability of PwBD candidates for promotion even in the extended zone, the vacancy shall not be filled and shall be carried forward. In the subsequent year, if PwBD of respective category is not available, the same can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the vacancy by reservation even by exchange, the reservation shall be carried forward for two subsequent recruitment years, where-after it shall lapse.

13.3 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the PwBD candidates shall first be counted against the vacant posts brought forward from previous years, if any, in the chronological order. If candidates are not available for all the vacancies, the older carried-forward posts shall be filled first, and the current vacancies shall be carried forward, if not filled up, provided that in every recruitment, the number of vacancies reserved for PwBD, including the carried forward vacancies, shall be announced beforehand, for the information of all aspirants.

14. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES

14.1 Reservation for backward classes of citizens (SCs, STs and OBCs) is called 'vertical' reservation and the reservation for categories such as PwBDs and ex-servicemen is called 'horizontal' reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected/promoted against the quota for PwBDs have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved, depending upon the category to which they belong in the roster meant for reservation of

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SCs/STs/OBCs. To illustrate, if in a given year, there are two vacancies reserved for the PwBDs, and out of two PwBDs promoted, one belongs to Scheduled Caste and the other belongs to Unreserved, the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against the unreserved point in the relevant roster. In case none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SC.

14.2 Since the PwBDs have to be placed in the appropriate category, viz. SC/ST/OBC/Unreserved in the roster meant for reservation of SCs/STs/OBCs, the application form (in respect of Departmental examination for promotion) for the post should require the candidates applying under the quota reserved for PwBDs to indicate whether they belong to SC/ST/OBC or unreserved.

15. ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES

15.1 The Ministries/Departments shall continue to upload data on promotion of PwBDs, along with data on representation/direct recruitment of PwBDs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.in, as on 1st January of every year. All Ministries/Departments have been provided respective user code and password with guidelines for operating the URL.

16. LIAISON OFFICER FOR PERSONS WITH BENCHMARK DISABILITIES:

16.1 Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to PwBDs and shall ensure compliance of instructions, as contained in DoPT OM No.43011/153/2010-Estt (Res), dated 4.1.2013.

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17. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT

17.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

17.2 The Grievance Redressal Officer shall maintain a register of complaints of Persons with Benchmark Disabilities with the following particulars, namely: -

(a) date of complaint;

(b) name of complainant;

(c) the name of the establishment or person against whom the complaint is made;

(d) gist of the complaint;

(e) date of disposal by the Grievance Redressal Officer; and any other information.

17.3 Any person aggrieved with any matter relating to discrimination in promotion, may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

17.4 Every complaint filed, shall be inquired into within two months of its registration, and outcome thereof or action taken thereon, shall be communicated to the complainant / PwBD.

18. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.


(S.P. Pant)

Deputy Secretary to the Government of India

Ph.No.011-23093074

To

- (i) The Secretaries of all Ministries/Departments of the Government of India.

- (ii) The Secretary, Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi, with a request to issue similar instructions for compliance by Public Sector Banks/Financial Institution/Insurance Companies.
- (iii) The Secretary, Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi, with a request to issue similar instructions for compliance by all Central Public Sector enterprises.
- (iv) The Secretary, Railway Board, Rail Bhavan, New Delhi,
- (v) The Secretary, President Secretariat, Rashtrapati Bhavan, New Delhi.
- (vi) The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.
- (vii) The Secretary, Central Vigilance Commission, A-Block, GPO Complex, Satarkata Bhavan, INA, New Delhi, Delhi 110023.
- (viii) The Secretary, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
- (ix) The Registrar (Administration), Supreme Court of India, New Delhi.
- (x) The Joint Secretary (Administration), Prime Minister's Office, South Block, New Delhi.
- (xi) The Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, New Delhi.
- (xii) The Joint Secretary (Administration), Lok Sabha Secretariat, Parliament House Annexe, New Delhi.
- (xiii) The Joint Secretary (Administration), Rajya Sabha Secretariat, Parliament House Annexe, New Delhi.
- (xiv) The Joint Secretary (Administration), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
- (xv) The Joint Secretary (Administration), Niti Aayog, Parliament Street, New Delhi.
- (xvi) The Deputy C&AG, Office of the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi
- (xvii) Officer of the Chief Commissioner for Persons with Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi-110001

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- (xviii) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate Offices of this Ministry.
- (xix) Director, NIC, DOPT – with the request to immediately place this OM on the website of this Department (“what’s new” tab) for information of all concerned.

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No. 36012/1/2020-Estt (Res-II)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi,
Dated the 28th December, 2023.

OFFICE MEMORANDUM

Subject: Reservation in promotion to Persons with Benchmark Disabilities (PwBDs) regarding.

The undersigned is directed to say that the Hon'ble Supreme Court, vide its Judgement dated 30.6.2016, in the WP(C) No.521/2008, titled '*Rajeev Kumar Gupta Vs. UOI*', had directed the Government to extend three percent reservation to PWD in all identified posts in Group A and Group B, irrespective of the mode of filling up of such posts. However, subsequently the Hon'ble Supreme Court, vide its Order dated 3.2.2017, in the Civil Appeal No. 1567/2017 titled '*Siddaraju Vs. State of Karnataka & Ors.*' referred to the prohibition made against reservation in promotion as laid down by the majority in *Indra Sawhney & Others v. Union of India & Others* (1992) and observed and held that its Judgement dated 30.6.2016 in *Rajeev Kumar Gupta* needed to be considered by a larger Bench. However, the Hon'ble Supreme Court finally disposed of the *Siddaraju Gupta* matter vide its Judgement dated 14.1.2020 and held that its Judgement in *Rajeev Kumar Gupta* would bind the Union and State Governments and it must be strictly followed.

2. However, the Union of India needed some clarification with regard to the implementation of the Hon'ble Supreme Court Judgement dated 30.6.2016 and 14.1.2020, and, therefore, Application for Clarification was filed by the UOI before the Hon'ble Supreme Court seeking clarification which *inter alia* included whether the vacancies for promotion for PwDs would be computed only on the basis of the vacancies against the identified posts or against the vacancies in both identified and non-identified posts and whether the judgement dated 14.1.2020 needs to be implemented on the basis of PwD Act, 1995 or RPWD Act, 2016. Hon'ble Supreme Court disposed of this Application for Clarification vide its Order dated 28.9.2021 directing the Government of India to issue instructions regarding reservation in promotion as provided in Section 34 of the RPWD Act, 2016.

3. Proviso to Section 34 of the RPWD Act, 2016 provides that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time. Accordingly, DoPT vide its OM of even number dated 17.5.2022 issued detailed Instructions for extending the benefit of reservation in promotion to PwDs up to the lowest rung of Group 'A' in posts and services under the

Central Government. This OM is effective with effect from the date of its issue i.e. 17.5.2022.

4. However, in a Contempt Petition (Civil) No.873/2023 filed by Shri S. S. Sundaram against Department of Revenue, the Hon'ble Supreme Court vide its order dated 18.7.2023 has directed "*Though it is pointed out that the judgement of this Court of which breach is alleged, has been complied with effect from 15.7.2023, the fact remains that the judgement is of 30.6.2016 directing the respondents to implement the 1995 Act. Therefore, the respondent will have to consider of giving at least notional promotion to those who are eligible from an earlier date*".

5. The aforesaid directions dated 18.7.2023 of the Hon'ble Supreme Court has been considered in consultation with the Department of Legal Affairs and it has been decided to grant notional promotions to the PwD candidates w.e.f. 30.6.2016 as under:

- (i) PwD employees in posts and services of the Central Government, will be considered for grant of the benefit of reservation in promotion up to the lowest rung of Group 'A' on notional basis w.e.f. 30.6.2016 subject to their fulfilment of the eligibility conditions as laid down in the DoPT OM of even number dated 17.5.2022 regarding reservation in promotion to PwDs. However, the extent of reservation in promotion may be in accordance with the relevant provisions contained in the PwD Act 1995 and RPWD Act 2016. Further, this benefit may be extended after holding Review DPC as per the extant instructions issued by DoPT on the subject. In case the PwD employees are found eligible and suitable for promotion from any date subsequent to 30.6.2016, then the benefit of reservation in promotion may be extended to them from the date they become eligible for promotion. This promotion on notional basis includes promotion on seniority quota as well as Departmental Examination/Departmental Competitive Examination. In case of Departmental Examination/Departmental Competitive Examination, which has already been held during the period from 30.6.2016 to 16.5.2022, the eligibility of the PwD candidates may be assessed on the basis of their performance in the said examination. The concerned Administrative Authorities are given discretion to consider holding of special examination for assessing the suitability or eligibility of PwD employees for such Departmental Competitive Examination.
- (ii) Any such promotion during the period from 30.6.2016 till the PwD employee actually assumes the charge of the post will be only on notional basis and the actual financial benefit of promotion will be effective to them with effect from the date they actually assume charge of the promoted post, meaning that no financial arrear will be admissible to them for the period from the date on which they get the benefit of notional promotion and the date on which they actually assume or have already assumed the charge of such promoted post.
- (iii) Extending the benefit of reservation in promotion to the PwD employees on notional basis between 30.6.2016 and actual assumption of the charge of the

post may affect the inter-se-seniority of the officials in various grades. Due to this, there may be cases in which some officials may have to be placed in a select list/seniority list, subsequent to the year of their existing/present seniority list/select list. This may have a chain effect as it may result in revision in seniority lists in subsequent years in many cases which may cause administrative inconvenience. In order to avoid such situation, supernumerary posts may be created to adjust the lien of such PwD employees with effect from the date on or after 30.6.2016, when they become eligible to get the benefit of reservation in promotion, till the availability of vacancy in which the promotion is to be made or till they vacate the post on their retirement, further promotion etc. whichever is earlier.

- (iv) The creation of supernumerary post, as stated above, will be personal to the PwD employee who is given the benefit of reservation in promotion on notional basis and such supernumerary post will stand abolished on the date when such PwD employee is adjusted against available vacancy in the grade in which the promotion is given or when that PwD employee vacates the post on his/her retirement, further promotion etc., whichever is earlier.
- (v) Ministries/Departments are advised to undertake an exercise to ascertain the requirement of supernumerary posts required by them and submit the proposal for creation of posts to the Department of Expenditure through DoPT. Such proposal shall contain the proposal in respect of the entire Department/Ministry and the proposal in piecemeal shall not be accepted. A certificate to the effect that the proposal is complete in all respects and the requirement of creation of supernumerary posts has been projected in respect of the entire Department may also be furnished along with the proposal. Further, each proposal shall have the concurrence of the Liaison Officer for PwDs of the Department/Ministry concerned and shall be forwarded with the approval of the Secretary of the Administrative Department/Ministry.
- (vi) It is clarified that the benefit of notional promotion, as proposed above, shall not adversely affect those PwD candidates who have already been granted the benefit of reservation in promotion in personam in pursuance of the Orders/judgements of various Courts of Law.

6. This issues with the approval of Department of Expenditure conveyed vide their ID Note No.7(1)/E. Coord.I/2017 Part (V) dated 12.12.2023.



(Debabrata Das)

Under Secretary to the Government of India.

Distribution:

- (i) The Secretaries of all Ministries/Departments of the Government of India.

- (II) The Secretary, Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi, with a request to Issue similar Instructions for compliance by Public Sector Banks/Financial Institution/Insurance Companies.
- (III) The Secretary, Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi, with a request to Issue similar Instructions for compliance by all Central Public Sector enterprises.
- (iv) The Secretary, Railway Board, Rail Bhavan, New Delhi.
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- (vii) The Secretary, Central Vigilance Commission, A-Block, GPO Complex, Satarkata Bhavan, INA, New Delhi, Delhi 110023.
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- (ix) The Registrar (Administration), Supreme Court of India, New Delhi.
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- (xiv) The Joint Secretary (Administration), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
- (xv) The Joint Secretary (Administration), Niti Aayog, Parliament Street, New Delhi.
- (xvi) The Deputy C&AG, Office of the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi.
- (xvii) Officer of the Chief Commissioner for Persons with Disabilities, 5th Floor, NISD Building, Plot No.G-2, Sector-10, New Delhi-110075.
- (xviii) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate Offices of this Ministry.
- (xix) The Director, NIC, DOPT - with the request to Immediately place this OM on the website of this Department ("what's new" tab) for information of all concerned.

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