

वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद् COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली.110 001 Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110 001



सा०: 5-1(39)/2008-PD

दिनांक: 06.09.2023

प्रेषक : संयुक्त सचिव (प्रशासन)

सेवा में : सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/मुख्यालय/एककों के निदेशक/प्रधान

विषय : बेंचमार्क दिव्यांग व्यक्तियों के संबंध में भारत सरकार के निर्देश ।

महोदय/ महोदया,

मुझे भारत सरकार द्वारा जारी निम्नलिखित कार्यालय ज्ञापनों को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निर्देश दिया गया है:

क. कार्मिक, लोक शिकायत और पेंशन मंत्रालय, कार्मिक और प्रशिक्षण विभाग के दिनांक 27.09.2022 के कार्यालय ज्ञापन सं 36035/02/2017-Estt(Res) का बेंचमार्क दिव्यांग व्यक्तियों के लिए आरक्षण - स्वयं की योग्यता की अवधारणा के स्पष्टीकरण के संबंध में।

ख. सामाजिक न्याय एवं अधिकारिता मंत्रालय, दिव्यांगजन सशक्तिकरण विभाग के दिनांक 07.09.2022 के कार्यालय ज्ञापन सं 30-12/2020-DD-III का बेंचमार्क दिव्यांगता वाले व्यक्तियों के लिए आरक्षित किए जाने वाले पहचाने गए पदों की सूची में रीढ़ की विकृति/रीढ़ की चोट वाले व्यक्तियों को शामिल करना - सामाजिक न्याय एवं अधिकारिता मंत्रालय की अधिसूचना दिनांक 04.01.2021 में संशोधन के संबंध में।

2. इस के अलावा, आप से यह भी अनुरोध है कि दिव्यांगजन सशक्तिकरण विभाग की दिनांक 04.01.2021 की अधिसूचना को दिनांक 29.08.2022 की संशोधन अधिसूचना के साथ पढ़ते हुए दिव्यांग व्यक्तियों के लिए आरक्षित रिक्तियों को भरते समय अनुपालन करें एवं ऑनलाइन पोर्टल सहित आवेदन पत्र को संशोधित करें ताकि दिनांक 04.01.2021 और 29.08.2022 की अधिसूचना में परिकल्पित दिव्यांग व्यक्तियों की सभी उप-श्रेणियों/श्रेणियों को शामिल करने के लिये सख्ती से अनुपालन किया जा सके।

भवदीय,

अवर सचिव (नीति प्रभाग)

संलग्न. : यथोपरि

प्रतिलिपि:

1) सी.एस.आई.आर. वेबसाइट

2) कार्यालय प्रति



वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद् COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली.110 001 Anusandhan Bhawan, 2, Rafi Marg, New Delhi- 110 001



No.: 5-1(39)/2008-PD

Dated: 06.09.2023

- From : Joint Secretary (Admn.)
- To : The Directors/Heads of all CSIR National Labs./Instts./Hqrs./Units
 - **Sub :** Government of India instructions regarding Persons with Benchmark Disabilities reg.

Sir/ Madam,

I am directed to forward herewith the following OMs issued by Government of India for your information, guidance and compliance:

- a. MoPPG&P, DoPT OM No. 36035/02/2017-Estt(Res) dated 27.09.2022 regarding Reservation for Persons with Benchmark Disabilities Clarification with regard to the concept of own merit.
- b. MoSJE, DEPwD (Divyangjan) OM No. 30-12/2020-DD-III dated 07.09.2022 regarding inclusion of persons with spine deformity/spine injury in the list of posts identified to be reserved for persons with benchmark disabilities – amendment to the notification dated 04.01.2021 issued by DEPwD.

2. Further, you are also requested to adhere to the DEPwD Notification dated 04.01.2021 read with amendment Notification dated 29.08.2022 while filling up the vacancies to be reserved for persons with disabilities and to revise the application form including online portals so as to include all sub-categories/categories of persons with disabilities as envisaged in the Notifications dated 04.01.2021 and 29.08.2022 for strict compliance.

Yours faithfully,

Under Secretary (PD)

Encl. : As above

Copy to:

- 1) CSIR Website
- 2) Office copy.

No.36035/02/2017-Estt(Res) Government of India Ministry of Personnel, Public Grievances and Pensions Department of Personnel and Training

North Block, New Delhi. Dated Sept. 27, 2022

Office Memorandum

Subject: Reservation for Persons with Benchmark Disabilities – Clarification with regard to the concept of own merit.

The undersigned is directed to refer to Para 4.2 of the OM of even number, dated 15.1.2018 and Para 7.2 of OM N o. 36012/1/2020-Estt(Res.-II), dated 17.5.2022, which, inter alia, states that the Persons with Benchmark Disability (PwBD) selected without relaxed standard, along with other unreserved candidates, will not be adjusted against the vacancies reserved for them and that the vacancies reserved for PwBDs will be filled up separately from amongst the eligible PwBD candidates who are lower in merit than the last unreserved candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standard.

2. Queries have been received in this Department, from time to time, on the following three aspects: -

- whether PwBD candidates who have qualified on their own merit without any relaxed standard should be appointed against the vacancies not reserved for PwBDs, i.e., against the unreserved vacancies which will be in addition to the vacancies earmarked for PwBD category candidates;
- ii. whether the facility of a scribe availed by a PwBD candidate, along with the compensatory time, shall be treated as relaxed standard; and
- iii. whether the disability a PwBD candidate is suffering from, shall be treated as relaxation in medical standard, which will disable him from being treated as own merit category.

3. In this connection, it is also pertinent to mention that this Department had constituted a Committee which deliberated upon the above three aspects, particularly in

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respect of Civil Services Examination (CSE), and recommended, inter-alia, the following: -

- i. the 'own merit' concept for PwBD category candidates should be implemented in CSE, in accordance with Establishment (Reservation) Division's OM No.36035/2/2017-Estt(Res), dated 15.01.2018.
- ii. The facility of scribe, extra-time and relaxation in medical standards available to PwBD category candidates should not be treated as 'relaxed standard'.

4. Accordingly, the following clarifications are issued: -

- i. In line with the spirit of the O.M. No.36035/2/2017-Estt(Res.), dated 15.1.2018, and O.M. No.36012/1/2020-Estt(Res-II), dated 17.5.2022 on the subject, the concept of own merit for PwBD shall be implemented in all direct recruitment examinations, including the CSE and promotions, wherever applicable. In other words, PwBD category candidates selected without relaxed standard, along with other unreserved 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 general merit list, but unreserved otherwise found suitable for appointment, if necessary, by relaxed standards.
- ii. In accordance with Para 3 of the OM No.29-6/2019-DD-III, dated 10.8.2022, issued by the Department of Empowerment of Persons with Disabilities, the facility of scribe, along with compensatory time shall not be treated as relaxed standard. DoPT, in agreement with this provision, reiterates that the facility of scribe taken by a PwBD candidate, along with compensatory time, shall not be treated as relaxed standard.
- III. In terms of Corrigendum No. 34-02/2015/DD-III(Pt.), dated 08.02.2019, the phrase 'extra time or additional time' is required to be replaced by the phrase 'compensatory time'.

iv. The spirit of the term 'own merit' will get defeated if the

disability a person is suffering from, is treated as relaxed medical standard, as no PwBD will get the benefit of the term 'own merit' as stipulated in the OMs, dated 15.1.2018 and 17.5.2022 in such a scenario. Accordingly, it is clarified that disability of a person, which he is suffering from, shall not be treated as relaxed standard in medical fitness test for the purpose of 'own merit'.

5. All the Ministries/Departments of the Government of India are requested to bring the above instructions to the notice of all the appointing authorities under their control to provide the benefit of 'own merit' to the PwBDs, in accordance with these guidelines.

6. This is being issued after having consultation with the Department of Empowerment of Persons with Disabilities and the Department of Legal Affairs.

7. This issues with the approval of <u>Secsetasy</u> (P).

(S.P. Pant) Director (Res-II) Ph.23093074

То

- 1. The Secretaries of all the Ministries/Departments of the Government of India.
- 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.
- 3. 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.
- The Secretary, Railway Board, Rail Bhavan, New Delhi, (v) The Secretary, President Secretariat, Rashtrapati Bhavan, New Delhi.
- 5. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi.

1/3021712/2022

- 6. The Secretary, Central Vigilance Commission, A-Block, GPO Complex, Satarkata Bhavan, INA, New Delhi, Delhi 110023.
- 7. The Secretary, Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
- The Registrar (Administration), Supreme Court of India, New Delhi.
- 9. The Joint Secretary (Administration), Prime Minister's Office, South Block, New Delhi.
- 10. The Sr. Principal Secretary, Election Commission of India, Nirvachan Sadan, New Delhi.
- 11. The Joint Secretary (Administration), Lok Sabha Secretariat, Parliament House Annexe, New Delhi.
- 12. The Joint Secretary (Administration), Rajya, Sabha Secretariat, Parliament House Annexe, New Delhi.
- 13. The Joint Secretary (Administration), Cabinet Secretariat, Rashtrapati Bhavan, New Delhi.
- 14. The Joint Secretary (Administration), Niti Aayog, Parliament Street, New Delhi.
- 15. The Deputy C&AG, Office of the Comptroller & Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi
- 16. Office of the Chief Commissioner for Persons with Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi-110001

F.No. 30-12/2020-DD-III Government of India Ministry of Social Justice and Empowerment Department of Empowerment of Persons with Disabilities (Divyangjan) 5th Floor, Antyodaya Bhavan, CGO Complex, Lodhi Road, New Delhi

Dated: 07.09.2022

OFFICE MEMORANDUM

Subject: Inclusion of persons with spine deformity/spine injury in the list of posts identified to be reserved for persons with benchmark disabilities - amendment to the notification dated 04.01.2021 issued by DEPwD - regarding

The undersigned is directed to refer to this Department's OM No. 38-16/2020 dated 20.01.2021 regarding the list of posts identified to be reserved for various categories of persons with benchmark disabilities notified on 04.01.2021 and to say that Spine Injury (SI)/Spine Deformity (SD) was not clearly indicated in the said list. Hon'ble High Court of Delhi in its order dated 18.04.2022 directed this Ministry to elaborate the various categories under which persons with different disabilities could apply in recruitment of government posts.

2. In compliance of the said directions, the Department has issued a notification on 29.08.2022 (copy enclosed) amending the earlier notification dated 04.01.2022 to clarify the position in this regard. Persons with spine injury/spine deformity can be classified into the following two categories:

(i) persons with SD/SI without any associated neurological/limb dysfunction and

(ii) persons with SD/SI with associated neurological/limb dysfunction

3. As per the notification dated 29.08.2022, it has now been mandated that a separate sub category i.e. **Spinal Deformity (SD) and Spinal Injury (SI) without any associated neurological/limb dysfunction** shall be incorporated under Locomotor Disability in addition to OA, OL, BA, BL, OAL, /BLOA and BLA. Thus, all the posts identified in the list stands identified suitable for persons with **SD/SI without neurological/limb dysfunction**.

Persons with SD/SI with associated limb dysfunction shall be covered under the respective sub category such as OA, OL, BA, BL, OAL, BLOA and BLA, as the case may be. For example, if a post is identified suitable for OA and OL, the post is also to be suitable for persons with SD/SI with associated limb dysfunction of OL/OA.

4. All Central Ministries/Departments are requested to adhere to the notification dated 4.1.2021 read with amendment notification dated 29.08.2022 and issue appropriate instructions to the organisations under their administrative control while filling up vacancies to be reserved for persons with benchmark disabilities. Appropriate instructions may also be issued to revise the application form including online portals so as to include all sub-categories/categories of persons with benchmark disabilities as envisaged in the notification dated 04.01.2021 read with notification dated 29.08.2022 for strict compliance. Λ

Encl: As above

Secretaries of all Central Ministries

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(Mrityunjay Jha) Deputy Secretary to the Government of India Tel: 24369045 Email: mrityunjay.jha@nic.in

File No. 38-16/2020-DD-III Government of India Department of Empowerment of Persons with Disabilities Ministry of Social Justice& Empowerment

Room No. 4, 5th Floor, Pt. Deendayal Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi Dated 🎜 January,2021

OFFICE MEMORANDUM

Sub: Identification of posts suitable for Persons with benchmark disabilities under the Rights of Persons with Disabilities Act, 2016-Notification regarding.

The undersigned is directed to say 'that the central Government has enacted the Rights of Persons with Disabilities Act, 2016, which came into effect from 19.4.2017. As per Section 34(1) of the said Act, every Government establishment is required to reserve not less than four percent of vacancies for various categories of persons with benchmark disabilities 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 (a) to (d) above including deaf-blindness.

2. C Section 33 of the said Act mandates the appropriate Government to 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 of the Act. In accordance with the said provision, the Department has notified the list of posts suitable for various categories of persons with benchmark disabilities across all group of posts (A,B,C&D) on 4.1.2021 on the basis of the recommendations of an Expert Committee. This list supersedes earlier list of identified posts notified by this Ministry vide Notification No. 16-15/2010-DD III dated 29th July, 2013 in terms of the repealed Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation), Act, 1995.

3. A copy of the notification dated 4.1.2021 (without annexure) is enclosed. Details of the notification with annexures are available on the website of the Department i.e. www.disabilityaffairs.gov.in. It can also be downloaded from the link http://egazette.nic.in/WriteReadData/2021/224370.pdf.

4. It may be noted that the list is not exhaustive and the Central Ministrics and Departments, autonomous bodies/Central Public Sector Undertakings may supplement the list. In case a post in any organisation is not included in the notified list, the same may be identified on the basis of functional requirement vis-à-vis nature of duties.

All Central Ministries/Departments are requested to adhere to the notification dated 4.1.2021 while filling up vacancies to be reserved for persons with benchmark disabilities and issue appropriate instructions to all autonomous bodies/ central public sector undertakings under their respective administrative control for compliance.

Ercl. As Above

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(K.V.S. Rao) Director Tel: 24369054

To,

- 1. All Central Ministries/Departments as per list attached.
- 2. Secretary, UPSC
- 3. Secretary, SSC
- 4. Secretary, UGC
- 5. JS & CEO, National Trust
- 6. CMD, ALIMCO
- CMD, NHFDC
- 8. Member Secretary, RCI
- 9. Directors of All NIs of DEPwD

Copy to:

Joint Secretary, Administration, DEPwD

रजिस्ट्री सं. डी.एल.- 33004/99

REGD. No. D. L.-33004/99



सी.जी.-डी.एल.-अ.-29082022-238443 CG-DL-E-29082022-238443

> असाधारण EXTRAORDINARY

भाग I—खण्ड I PART I—Section 1 प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

सं. 206]	नई दिल्ली, सोमवार, अगस्त 29, 2022/भाद्र 7, 1944
No. 206]	NEW DELHI, MONDAY, AUGUST 29, 2022/BHADRA 7, 1944

सामाजिक न्याय और अधिकारिता मंत्रालय

(दिव्यांगजन सशक्तिकरण विभाग)

अधिसूचना

नई दिल्ली, 24 अगस्त, 2022

फा. सं. 30-12/2020-डीडी-III.—दिव्यांगजून अधिकार अधिनियम, 2016 की धारा 33 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार अधिसूचना संख्या 38-16/2020-डीडी-III दिनांक 04.01.2021 में एतद्वारा निम्नलिखित संशोधन करती है:

नोट 9 के बाद निम्नलिखित नोट को अंतः स्थापित किया जाएगा अर्थातु;

"नोट10: लोकोमोटर दिव्यांगता के तहत ओए, ओएल, बीए, बीएल, ओएएल, बीएलओए और बीएलए के अलावा एक अलग उपश्रेणी अर्थात किसी भी संबद्ध तंत्रिका संबंधी / लिंब डिस्फंक्शन के बिना स्पाइनल डिफॉर्मिटी (एसडी) और स्पाइनल इंजरी (एसआई) को शामिल किया जाएगा। इस प्रकार, सूची में अभिचिन्हित सभी पदों को तंत्रिका संबंधी / लिंब डिस्फंक्शन के यिना एसडी / एसआई वाले व्यक्तियों के लिए उपयुक्त अभिचिन्हित किया गया है। संबंधित तंत्रिका संबंधी / लिंब डिस्फंक्शन वाले एसडी / एसआई वाले व्यक्तियों को संबंधित उपश्रेणी जैसे ओए, ओएल, बीए, बीएल, ओएएल, वीएलओए और बीएलए जैसा भी मामला हो, के तहत कवर किया जाएगा। "

राजेश कुमार यादव, संयुक्त सचिव

5784 GI/2022

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MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

[Department of Empowerment of Persons with Disabilities (Divyangjan)]

NOTIFICATION

New Delhi, the 24th August, 2022

F. No. 30-12/2020-DD-III.—In exercise of powers conferred upon by Section 33 of the Rights of Persons with Disabilities Act, 2016, the Central Government hereby makes the following amendments in the notification number 38-16/2020-DD-III dated 04.01.2021 as under:

After Note 9 the following Note shall be inserted namely;

"Note 10: A separate sub category i.e. Spinal Deformity (SD) and Spinal Injury (SI) without any associated neurological/limb dysfunction shall be incorporated under Locomotor Disability in addition to OA, OL, BA, BL, OAL, BLOA and BLA. Thus, all the posts identified in the list stands identified suitable for persons with SD/SI without neurological/limb dysfunction. Persons with SD/SI with associated limb dysfunction shall be covered under the respective sub category such as OA, OL, BA, BL, OAL, BLOA and BLA, as the case may be."

RAJESH KUMAR YADAV, Jt. Secy.

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