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**SOCIAL SECURITY & EMPOWERMENT OF PERSONS WITH DISABILITIES
DEPARTMENT
RESOLUTION**

The 5th September, 2017

Sub: Reservation and other concessions for the Persons with Disabilities in various posts or services under State Government or Public Sector undertakings.

The Government of India have enacted "the Rights of Persons with Disabilities Act, 2016" by repealing the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 which has come into force with effect from 19th April 2017. The new Act has provided 4% reservation for Persons with Disabilities. Keeping in view the change the Government have been pleased to issue the following instructions in superseding all previous orders and instructions.

1. Quantum of Reservation.

(1) Not less than four per cent of the vacancies in case of direct recruitment to Group A, B, C and D posts shall be reserved for Persons with Disabilities (PwDs) of which one percent 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, dwarf, acid attack victims and muscular dystrophy
- (d) Autism, intellectual disability, specific learning disability and mental illness,
- (e) Multiple disabilities from amongst persons under clause (a) to (d) including deaf-blindness in the posts identified for each disability time to time.

- (2) Out of 4% (four per cent) reservations for Persons with Disabilities, one per cent reservation shall be earmarked for women with disabilities.

2. Definition, percentage of Disabilities and Certifying Authority to issue disability certificate.

- (1) Disability means disability as defined in Section 2(zc) and the specified disability enlisted in the schedule of the "Rights of Persons with Disabilities Act, 2016".
- (2) Persons with more than 40% of any disability as certified by a competent Certifying Authority appointed under Section 57(1) of "Rights of Persons with Disabilities Act, 2016" irrespective of nature of disability, shall be eligible for reservation.
- (3) Authority to give disability certificate. The disability certificate shall be issued by the competent Certifying Authority as notified by the Central and State Government from time to time.
- (4) Verification of disability certificates: The Appointing Authorities shall verify the disability certificate before appointment to prevent false or fake claims and to ensure appointment of genuine persons with disability. They may initiate action against such persons who attempts to commit fraud and avail of the benefits meant for Persons with Disabilities. The appointing authorities shall get all disabilities verified by "the Appellate Authority" being appointed under section 59(1) of "Rights of Persons with Disabilities Act, 2016" by this department from time to time before issue of appointment orders to the candidates.

3. Computation of reservation.

- (1) Reservation for persons with disabilities in case of Group-C and Group-D posts shall be computed on the basis of total number of vacancies occurring in all Group-C and Group-D posts, as the case may be, in the establishment, although the recruitment of the persons with disabilities would only be, in the posts identified for them.
- (2) The number of vacancies to be reserved for persons with disabilities in case of direct recruitment to Group-C post in an establishment shall be computed by taking into account the total number of vacancies arising in Group-C posts being filled by direct recruitment in a recruitment year, both in the identified and non-identified posts under the establishment. The same procedure shall be applied for Group-D posts.

- (3) Reservation for Persons with Disabilities in Group-A and Group-B posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in the entire identified Group-A and Group-B posts respectively in the cadre.
- (4) All Departments or Establishments of the Government of Odisha shall compute the number of vacancies available in all the cadres under their control including attached offices, subordinate offices, public sector undertakings, Government companies, Boards etc. and fill up all such vacancies through special recruitment drives.

4. Inter se-Exchange and carry forward.

- (1) Reservation for each categories mentioned in sub-Para. (1) of Para. 1 shall be made separately. But, if the nature of vacancy in an establishment is such that a person with specific category cannot be employed, the vacancies may be interchanged among these categories. The Head of the Department shall be the Competent Authority to allow exchange. If the post is identified for more than one category, preference should be given to the category, which is less represented.
- (2) If any vacancy reserved for any category of disability cannot be filled due to unavailability of suitable persons with that disability or, for any other sufficient reasons, such vacancies shall not be filled and shall be carried forward as a "backlog reserved vacancy" to the subsequent recruitment year.
- (3) 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 disability is not available, it may be filled by interchange among these categories.
- (4) The vacancy reserved for persons with disability shall be filled by the persons with disabilities only and de-reservation shall not be made in case of direct recruitment. The reserve vacancy shall remain vacant till it is filled by recruitment of the persons with disability. Employer shall make sincere efforts even within the same recruitment year to fill up reserved vacancy.
- (5) If it is not possible to fill up the reserve post by persons with disabilities, even after following procedure of sub-Para. (4) above, the post may be filled by persons other than a person with disability and the reservation should be carried forward for up to three recruitment years, where after the same can be filled up after exemption from reservation following Para. 10.

5. Persons with disability selected on their own merit shall not occupy Reserve roster.

Persons with disabilities selected on their merit without relaxed standards, along with other candidates shall not be adjusted against the reserved share of vacancies. The reserve vacancies shall be filled up separately from amongst the eligible candidates with disabilities, which will thus comprise persons with disabilities who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standard available for Persons with Disabilities in addition to the SC and ST candidates. It will apply for direct recruitment wherever reservation for persons with disabilities is admissible.

6. Horizontal reservation for persons with disabilities.

- (1) Reservation for backward classes of citizen (SCs, STs, OBCs) is called 'vertical reservation' and the reservation for categories such as persons with disabilities, ex-servicemen, sportspersons etc is called horizontal reservation. Horizontal reservation cuts across vertical reservation and is called interlocking reservation, and the persons selected against the quota for persons with disabilities shall be placed in the appropriate category of SC, ST, OBC and General.
- (2) Since the persons with disabilities have to be placed in the appropriate category viz, SC, ST, OBC and General in the roster meant for reservation of SCs, STs, and OBCs, the application form for the post should clearly indicate that the candidates applying under the quota reserved for persons with disabilities to indicate whether they belong to SC, ST, OBC or General category.

7. Mention Sub-category of disabilities in advertisement.

While inviting application for filling up of reserved vacancies meant for persons with disabilities the sub-category of disability shall be mentioned, as example given below:

Category of disability and Sub-category

Locomotor disability

One Arm, One Leg, Both Leg, etc.

8. Appointment of persons with disabilities against un-reserved vacancies.

Unreserved vacancies are open to all including the reserved category like persons with disabilities, if post is identified to be suitable for them. Debarring of any category of persons with disabilities shall be violation of Government instruction. Persons with disabilities shall not be debarred from applying for the posts identified as suitable for them.

9. Identification of post.

- (1) Each establishment under State Government or Public Sector undertakings shall identify posts in Group A, B, C and D posts to be reserved for persons with disabilities in consultation with this Department. The Appointing Authority may also

give appointment against any post which is not included in the list of post as identified, if it is considered that the physical requirement of the post can be suitable for a person with disabilities.

- (2) If identified post is upgraded or its nomenclature has been changed but physical requirement to perform that job remain the same, that post shall remain as identified post for such categories.
- (3) Preference shall be given to persons with disabilities, while appointing persons in that post which are identified as suitable for them, even in excess of the 4% quota.

10. Exemption from reservation orders.

Where a Department of the Government consider that it is not possible to provide employment for persons with disabilities to the extent of reservation in view of the nature of duties expected to be performed by the employees in that particular Department, that Department could be partly or fully exempted from implementing the reservation order. The grant of such exemption shall be decided by the Social Security and Empowerment of Persons with Disabilities Department based on recommendation of an inter-Departmental Committee constituted for the purpose.

11. Manner of filling of vacancy earmarked for persons with disabilities.

- (1) Keeping in view the provisions of the "the Rights of Persons with Disabilities Act, 2016" four categories of persons with disabilities as given below shall be appointed covering following categories in order namely:—

Category	Types of disabilities	Per cent
Category I	(a) Blindness and Low Vision;	1 %
Category II	(b) Deaf and hard of hearing;	1 %
Category III	(c) Locomotor disability including Cerebral Palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;	1 %
Category IV	(d) Autism, intellectual disability, specific learning disability and mental illness; (e) Multiple disabilities from amongst persons under clause (a) to (d) including deaf-blindness in the posts identified for each disability from time to time.	1 %

- (2) If reserved posts in any point are not filled due to unavailability of Persons with Disabilities or the posts are not identified as suitable for given categories of disabilities, those posts shall be reserved for subsequent roster Groups and all

reserved posts shall be filled up by persons with disabilities from next roster Groups accordingly.

- (3) Appointing Authorities shall maintain separate model rosters register for each Group A, B, C and D posts being filled by direct recruitments.
- (4) Persons with disabilities selected on their own merit without any relaxed standards along with other candidates, shall not occupy reserve roster point.

12. Relaxations, Exemption and Concessions.

The relaxation, exemption and concessions which have been granted to Persons with disabilities are given below namely:-

(1) Age relaxation.

The relaxation of upper age limit prescribed in rule 3 of the Odisha Civil Service (Fixation of Upper Age Limit) Rules, 1989 for the category of physically handicapped person is 10 years and the same provision shall apply to the Person with Disability for relaxation of upper age limit for entry into Government Service.

(2) Exemption from Typing or Computer qualification.

The persons with disabilities, who are otherwise qualified to hold clerical posts and who are certified by the Certifying Authority or by a civil surgeon where there is no such board, as being unable to type due to permanent physical disability (Locomotor disabilities, cerebral palsy) which prevent them from typing, shall be exempted from the typing test (typing on computer, or typewriter machine) or computer qualification.

(3) Relaxed standard of selection.

The persons with disabilities shall be provided relaxations in standards in the case of direct recruitment as is being provided to candidates of SC or ST by the Government of Odisha.

(4) Guidelines for conducting written examination.

The facility of Scribe/Reader/Lab Assistant should be allowed to any person who has disability of 40% or more if so desired by the person for all regular and competitive examinations. The candidate should have the discretion of opting for his own scribe/ reader /laboratory assistant on request to the Examination Body for the same.

- (i) The examining body may also identify the scribe/ reader/ laboratory assistant to make panels at the District/Division/State level as per the requirements of the examination. In such instances the candidates should be allowed to meet the scribe a day before the examination so that the candidates get a chance to check and verify whether the scribe is suitable for him or not. Criteria like educational qualification, marks scored, age or other such restrictions for the scribe or reader or laboratory assistant should not be fixed. But it should be

ensured that a scribe should not possess same/ similar/ higher qualification and must not also be from same discipline for any competitive examination.

- (ii) The invigilation system should be strengthened, so that the candidates using scribe/ reader/ laboratory assistant do not indulge in malpractices like copying and cheating during the examination. There should also be flexibility in accommodating any change in scribe or reader or laboratory assistant in case of emergency. The candidates should also be allowed to take more than one scribe or reader for writing different papers especially for languages.
- (iii) Persons with disabilities should be given the option of choosing the mode for taking the examinations i.e. in Braille or in the computer or in large print or even by recording the answers as the examining bodies can easily make use of technology to convert question paper in large prints, e-text or Braille and can also convert Braille text in English or regional languages. The candidates should be allowed to check the computer system one day in advance so that the problems, if any, in the software/system could be rectified.
- (iv) The procedure of availing the facility of scribe should be simplified and the necessary details should be recorded at the time of filling up of the forms. Thereafter, the examining body should ensure availability of question papers in the format opted by the candidate as well as suitable seating arrangement for appearing in the examination.
- (v) Compensatory time allowed should not be less than 20 minutes per hour of examination for persons who are making use of scribe/ reader/ laboratory assistant. All the candidates with disability not availing the facility of scribe may be allowed additional time of minimum of one hour for examination of 3 hours duration which could further be increased on case to case basis.
- (vi) The candidates should be allowed in the examination to use assistive devices like talking calculator (in cases where calculators are allowed for examinations), tailor frame, Braille slate, abacus, geometry kit, Braille measuring tape and augmentative communication devices like communication chart and electronic devices.
- (vii) Proper seating arrangement (preferably on the ground floor) with barrier free access should be made prior to the commencement of examination to avoid confusion or distraction during the day of the exam. The time of giving the question papers should be marked accurately and timely supply of supplementary papers should be ensured.
- (viii) The examining body should also provide reading material in Braille or e-text or on computers having suitable screen reading software for open book examination. Similarly online examination should be in accessible format i.e. websites, question papers and all other study material should be accessible as

per the international standards laid down in this regard. Alternative objective questions in lieu of descriptive questions should be provided for Hearing-Impaired persons, in addition to the existing policy of giving alternative questions in lieu of questions requiring visual inputs such as picture, graphics, maps, etc., for persons with Visual Impairment.

- (ix) The officials (supervisors, invigilators) handling the written examination must be made aware that any oral instruction given during the written/skill test must be communicated to hearing impaired persons in writing. Pursuant to requirement of provisions contained under clause (a) of Section 29, written exam of hearing impaired candidates shall be conducted in the local language which they have learnt and options may be asked in application form itself.

(5) Exemption from Examination fee.

Persons with disabilities shall be exempted or treated at par with SC/ST candidates on payment of application fee and examination fee in respect of competitive examination. This exemption shall be available for both reserved and unreserved posts, if those posts are identified for persons with disabilities.

13. Pre recruitment/skill up-gradation Training.

The Recruiting Agencies or the Appointing Authorities shall ensure pre-recruitment skill up-gradation training for candidates with disabilities, who have applied to the posts, to enhance their knowledge and skills, so that they can have better opportunities to get selected.

14. Relaxation on ban orders.

Provision of ban orders regarding filling up vacant posts will not be applicable in the case of reserved vacancies to be filled by persons with disabilities to the extent of the quota reserved for them.

15. Nodal Officer.

- (1) Each Department of the Government shall nominate a State Nodal Officer not below the rank of a Joint Secretary. There shall be District and Block Level Nodal Officers, not below the rank of Deputy Secretary and Under Secretary respectively. They will conduct roster verification of each office, at least once annually.
- (2) Block level Nodal Officer will submit office wise compliance report to the District Nodal Officer and District Nodal Officer will send office wise compliance report to State Nodal Officer of the concerned department in the form prescribed by Government.
- (3) The State Nodal Officers of concerned Department will send compiled report to Social Security and Empowerment of Persons with Disabilities Department with their recommendation and suggestions, if any on the roster verification.
- (4) In case any Nodal Officer finds any discrepancies, lapse, negligence in implementation of Government instruction related to persons with disabilities, it

should be brought to the notice of the Appointing Authorities under intimation to State Nodal Officer of concerned Department and Social Security and Empowerment of Persons with Disabilities Department immediately.

16. Posting or transfer of employees with disabilities.

The employees with disabilities should preferably be posted or transferred near to their native places or at least in their native districts subject to administrative constraints. The Government employees having children or spouse with disabilities should be posted or transferred to such places where facilities of health or education or vocational training are available. Persons with Disabilities may be given posting according to their choice, if possible.

17. Notification of Vacancy for Persons with Disabilities.

Every employer shall notify the vacancies reserved for person with disabilities to Special Employment Exchange for Physically Handicapped, National Career Service Centre for Differently Aabled, Government of India, Pokhariput, P. O. Khandagiri, Bhubaneswar- 751030 and State Institute of Disability Rehabilitation, Capital Hospital Campus, Unit-6, Bhubaneswar- 751001.

18. Reservation in contractual or out-source posts.

The provision contained in this resolution is also applicable for the posts identified by the Government for Persons with Disabilities from time to time where the vacancy is proposed to be filled up by way of contractual or out-source appointment.

19. Discretionary allotment of General pool Residential Accommodation (GPRA).

Estate officers of various Departments shall mark 4% quota for residential accommodation to persons with disabilities. Discretionary allotment of General Pool Residential Accommodation shall also be made to employees with disabilities as decided by the Government from time to time, which will be out of turn allotment. The employees who are having spouse or children with disabilities should also be considered for discretionary allotment of GPRA, in case employees with disabilities are not available.

20. Non-Handicapping Worksites or Places or Machines.

The appointing authorities should ensure barrier free, non-handicapping worksites, places, machines, etc. by making adoptions, modifications and barrier free environment, suitable for persons with disabilities.

21. Reservation Entitlements.

No reservation entitlements including recruitment and other benefits for persons with disabilities shall be claimed by any person if he or she recovers from the disablement condition. Similarly, if any person in employment at any point of time acquires disability shall be eligible for benefits subject to production of disability certificate from the competent Certifying Authority.

22. Miscellaneous.

- (a) The posts identified for Persons with Disabilities earlier shall also be deemed to be identified for Persons with Disabilities.
- (b) The Government establishment or Employers shall ensure that all type of required Software, Hardware, Assistive devices, etc., are provided to Persons with Disabilities who are appointed or working in their establishments to enable them to perform the assigned jobs.
- (c) If any Person with Disability is already working in any Government post, that post shall be deemed to be identified for Persons with Disabilities.
- (d) If any base level post has been identified for Persons with Disabilities, the promotional post of the cadre will also be deemed to be identified for Persons with Disabilities.

23. Submission of Annual Report.

All Departments of the Government shall send consolidated status reports to Social Security and Empowerment of Persons with Disabilities Department by 31st March every year in respect of all attached and subordinate offices under their control.

ORDER

Ordered that this Resolution be published in the Extraordinary Issue of *Odisha Gazette* for information of General Public. Ordered also that copies of the Resolution be forwarded to All Departments of Government/ All Heads of Departments/ All Collectors/ Registrar, Odisha high Court, Cuttack/ Registrar, Odisha Administrative Tribunal, Bhubaneswar/ Secretary, Odisha Public Service Commission/ Secretary, Odisha Staff Selection Commission, Bhubaneswar/ Secretary, Odisha Sub-ordinate Staff Selection Commission, Bhubaneswar/ Commissioner, Persons with Disabilities, Bhubaneswar.

By Order of the Governor

NITEN CHANDRA

Principal Secretary to Government