

34-16/2018-DD.III
Government of India
Ministry of Social Justice & empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan)

Dated the ¹⁵12th December, 2018

Office Memorandum

Sub:- Identification of posts suitable for persons with benchmark disabilities in pursuance of the provisions made in the Rights of Persons with Disabilities Act, 2016

The undersigned is directed to say that the list of posts identified suitable for persons with disabilities was last notified by this Ministry vide Notification No. 16-15/2010-DD.III dated 29th July, 2013. Under note 2 of the said notification dated 29.07.2013, it has been clearly stated that the list of posts is not exhaustive. The Ministries, Departments, Public Sector Undertakings and the autonomous bodies may further supplement the list. Subsequently, the Department constituted an Expert Committee to review this list as required by PwD Act, 1995.

2. Meanwhile, the Rights of Persons with Disabilities Act, 2016 (RPwD Act, 2016) was enacted which came into force from 19/04/2017. As per this Act, certain new category of disabilities (such as autism, intellectual disability, specific learning disability and mental illness, multiple disabilities etc) have been included for reservation in Government jobs. Accordingly, the Expert Committee was constituted to look into the identification of posts for these categories of disabilities as well. The Expert Committee is yet to finalize its report and will take more time as work involved is quite voluminous.

3. The Department is of the view that it would be appropriate that individual Ministry/Department undertake identification exercise at their level. Department of Telecom, M/o External Affairs etc have already started the process for various lower posts. Copies of minutes of the meetings of these Committees constituted by various Ministries/Departments are enclosed for reference.

4. In view of the above, it is requested that until process of identification of posts suitable for PwDs is completed, all the Ministries/Departments may constitute an Expert Committee in their Departments including Public Sector Units under their administrative control for the purpose of identification of posts suitable for all the categories of disabilities identified under Section 34(1) of the RPwD Act, 2016. In this Committee, they may include one representative from this Department and also persons with benchmark disabilities in terms of Section 33(ii) of the RPwD Act, 2016. In this connection, it may be recalled that various Central Ministries/Departments have already undertaken this exercise while finalizing recruitment to fill up posts in All India and various Central Services under Civil Services Examination, 2018.

5. It may be noted that this Department has received a representation from one Shri Pranay Pratik (a visually impaired person) through National Human Right Commission wherein it has been alleged that no PSU except ONGC has reserved vacancies for visually impaired persons (copy enclosed). It is requested that while identifying posts suitable for persons with disabilities, representation of Shri Pranay Pratik may be taken into consideration.

Encl: As above



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

To

Secretaries of all Ministries/Departments including D/o Public Enterprises

Copy to: O/o CCPD

Department of Telecommunications
Sanchar Bhawan, New Delhi
(SEA-III Section)

Minutes of the meeting of the Expert Committee held on 22/06/2018 at 1600 hours in DoT HQ, Sanchar Bhawan, New Delhi on identification of posts in Group C suitable to be filled up from new categories of disabilities mentioned in RPwD Act 2016.

A meeting of the committee constituted for identifying the posts in Group C cadre to be filled up from among the new categories of disabilities mentioned in RPwD Act, 2016 was held on 22nd June, 2018 at 1600 hours in Room No. 716, Sanchar Bhawan, New Delhi under the chairmanship of Director (SEA) with the following members:

- | | |
|--|------------|
| 1. Shri Manish Kumar Gupta, Director (SEA), DoT HQ | - Chairman |
| 2. Smt. Pooja Gupta, ADG (Exam. & Coord.), DoT HQ | - Member |
| 3. Shri O.P. Jairath, ADG (SEA), DoT HQ | - Member |
| 4. Shri D.K.Panda, Under Secretary (DEPD),
M/o Social Justice and Empowerment | - Member |
| 5. Shri N.K.Chauhan, ACAO (SEA), DoT HQ | - Convener |

2. The Department of Telecommunication is recruiting against the following posts of Group "C" posts in its different subordinate offices through the Staff Selection Commission under Direct Recruitment Quota:

S.No.	Name of the Post	Group
1.	Junior Accountant	Group "C"
2.	Stenographer Grade - II	
3.	Lower Division Clerk	
4.	Multi Tasking Staff	

3. The committee deliberated on the physical requirement and the functional classification of these above posts and it was of the view that all the Group "C" posts in the Department of Telecommunications Accounts & Finance wing are mostly suitable for all categories of Divyangjan in terms of Section 34 of RPwD Act, 2016 except deaf blindness. Post wise identification as recommended by the committee is as under:

Name of Post	Group	Physical Requirement	Identified Suitable for	Remarks
Jr. Accountant	C	S, ST, W, BN, SE, C, H, RW	(a) Blindness and low vision	The incumbent should be considered with aids and appliances wherever necessary
LDC			(b) Deaf and hard of hearing	
MTS			(c) Locomotor Disability (OA, OL, OAL, BL, BA) including leprosy cured, cerebral palsy, dwarfism, acid attack victims and muscular dystrophy,	
	(d) Autism, Intellectual Disability, specific learning disability and mental illness			
	(e) Multiple Disabilities from amongst (a) to (d) including deaf-blindness.			

Stenographer Grade – II	C	S, ST, W, RW, MF, L, PP, SE, C, H	(a) Blindness and low vision (b) Hard of hearing (c) Locomotor Disability (OA, OL, OAL, BL, BA) including leprosy cured, cerebral palsy, dwarfism, acid attack victims and muscular dystrophy. (d) Autism, Intellectual Disability, specific learning disability and mental illness (e) Multiple Disabilities from amongst (a) to (d) above except deaf-blindness.	The incumbent should be considered with aids and appliances wherever necessary
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Note: S-Sitting, ST-Standing, W-Walking, BN-Bending, L-Lifting, PP-pulling and pushing, SE-seeing, C-communicating, MF-manipulating with finger, H-hearing, RW-reading and writing, OA-one arm, OL-one leg, OAL-one arm one leg, BL-both legs, BA-both arms

The committee recommends the above identification of all the posts of Group C as laid down in para 3 for various categories of Divyangjan under the RPwD Act, 2016.


Pooja Gupta
ADG (Exam. & Coord.)
(Member)


O.P. Jairath
ADG (SEA)
(Member)


D.K. Panda
Under Secy (DEPD)
(Member)


N.K. Chauhan
ACAO (SEA-III)
(Convenor)

Manish Kumar Gupta
Director (SEA)
(Chairman)

Q/CAD/611/1/2018
 Ministry of External Affairs
 Administration Division

Minutes of the meeting of the Expert Committee held on 4/7/2018 at 1100 hours in Room No. 4095, Jawaharlal Nehru Bhawan, New Delhi on identification of posts in Group B and Group C in Ministry suitable to be filled up from new categories of disabilities mentioned in RPwD Act 2016

A meeting of the committee constituted for identifying the posts in Group B and Group C cadre in IFS(B) to be filled up from among the new categories of disabilities mentioned in RPwD Act, 2016 was held on 4th July, 2018 at 1100 hours in Room No. 4095, Jawaharlal Nehru Bhawan, New Delhi under the chairmanship of Director(ADP) with DS(PB), US(Cadre), US(PC, PD, PE) & Under Secretary, Department of Empowerment of Persons with Disabilities as its members.

2. The Ministry of External Affairs is recruiting against the following posts of Group "B" and Group "C" posts in IFS(B) General and Stenographers cadre and Multi-Tasking Staff through the Staff Selection Commission under Direct Recruitment Quota:

S.No.	Group C posts	Group B posts
1.	MTS	Assistant Section Officer (ASO)
2.	JSA	Personal Assistant
3.	Stenographers (Grade D)	

3. The Committee was informed that the post of ASO is a Group B post. ASOs are required to scrutinise and initiate financial and administrative proposals which requires analytical abilities and application of mind. Further, ASOs are the main source of recruitment into the IFS(B) General cadre. According to extant rules, officials of IFS(B) General cadre are inducted into the Indian Foreign Service at Senior Scale. Most of the officials being inducted in recent years joined Indian Foreign Service Branch B at the ASO grade. As regards, the post of Personal Assistant is also a Group B post, the Committee noted that as per existing rules, recruitment to this grade is through a combination of direct recruitment (62.5%) and promotion (25% per cent DP and 12.5% LDE). Stenographer Grade D is the feeder cadre for this post.

4. The Committee deliberated on the physical requirement and functional classification of these above posts and it was of the view that all the above posts except the post of ASO could be identified suitable for all category of Divyangjan covered under Section 34(1) of the RPwD Act, 2016 except deaf-blindness. Post wise identification as recommended by the Committee is as under:-

Name of the Post	Group	Physical Requirement	Identified suitable for	Remarks
MTS JSA	C	S, ST, W, BN, L, PP, SE, C, RW	(a) Locomotor Disability (OA, OL, OAL, BL, BA) including leprosy cured, cerebral palsy	The incumbent should be considered


			<p>dwarfism, acid attack victims and muscular dystrophy.</p> <p>(b) blind and low vision</p> <p>(c) Hard of hearing and deaf</p> <p>(d) Autism, Intellectual Disability, specific learning disability and mental illness.</p> <p>(e) Multiple Disabilities from amongst (a) to (d) above except deaf-blindness.</p>	with aids and appliances wherever necessary
Stenographers	C	S, ST, W, RW, MF, L, PP, SE, C, H	<p>(a) Locomotor Disability (OA, OL, OAL, BL) including leprosy cured, cerebral palsy, dwarfism, acid attack victims and muscular dystrophy.</p> <p>(b) blind and low vision</p> <p>(c) Hard of hearing</p> <p>(d) Autism, Intellectual Disability, specific learning disability and mental illness</p> <p>(e) Multiple Disabilities from amongst (a) to (d) above except deaf-blindness.</p>	The incumbent needs to take decision and also reproduce through typing. Reasonable level of hearing is required for effective two way communication. The incumbent should be considered with aids and appliances wherever necessary
Personal Assistant	B		<p>(a) Locomotor Disability (OA, OL, OAL, BL) including leprosy cured, cerebral palsy, dwarfism, acid attack victims and muscular dystrophy.</p> <p>(b) blind and low vision</p> <p>(c) Hard of hearing and deaf</p> <p>(d) specific learning disability</p>	
ASO.	B	S, ST, W, RW, SE, H, C	<p>(a) Locomotor Disability (OA, OL, OAL, BL) including leprosy cured, cerebral palsy, dwarfism, acid attack victims and muscular dystrophy.</p> <p>(b) blind and low vision</p> <p>(c) Hard of hearing and deaf</p> <p>(d) specific learning disability</p>	The post involves application of mind and needs to take decisions under certain circumstances. The incumbent


		(e) Multiple Disabilities from amongst (a) to (d) above except deaf-blindness.	should be considered with aids and appliances wherever necessary.
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Note: S-Sitting, ST-Standing, W-Walking, BN -Bending, L-Lifting, PP-pulling and pushing, SE-seeing, C-communicating, MF -manipulating with finger, H-hearing, RW -reading and writing, OA -one arm, OL -one leg, OAL -one arm one leg, BL-both legs, BA-both arms

5. The Committee recommends the identification of posts of Group B and Group C as laid down in paras 4 above for the categories of Divyangjan as prescribed under the RPwD Act, 2016.


(D.K.Panda)
 Under Secretary (DEPD)
 Member


(Jitender Singh Negi)
 US (PC,PD,PE)
 Member


(Manusmriti)
 Under Secretary (Cadre)
 Member


(Madan Kumar Ghildiyal)
 DS (PB)
 Member

(Kartik Pande)
 Director(ADP)
 Chairperson

Assistant Registrar(LAW)
Fax No. : 011-2465 1332
Home Page : <http://nhrc.nic.in>

Case No. 220/34/4/2016/OC
NATIONAL HUMAN RIGHTS COMMISSION

(LAW DIVISION)

MANAY ADHIKAR BHAVAN
BLOCK 'C', G.P.O. COMPLEX, INA, NEW DELHI - 110023

Case No. 220/34/4/2016

To

Dated 06/04/2018

17 APR 2018

✓
THE DIRECTOR
M/O OF SOCIAL JUSTICE AND EMPOWERMENT
PERSONS WITH DISABILITIES, PARYAVARAN
BHAVAN, CGO COMPLEX, DELHI

Sub : Complaint / Intimation from

PRANAY PRATIK
C/O PRAMOD KUMAR, BF1/A, F - TYPE, SAIL - ISP,
CHASNALLA,
DHANBAD, JHARKHAND.

Sir/Madam,

With reference to your letter no. _____ dated _____ I am directed to say that the matter was considered by the Commission on 22/03/2018 and the Commission has directed as follows.

This Proceeding shall be read in continuation of the earlier Proceedings in the matter.

In the instant case, the complainant is a visually impaired student of B. Tech (Mechanical Engineering) Final Semester. It was alleged that no PSU except ONGC has reserved vacancies for visually impaired persons, in violation of Supreme Court guidelines and rules framed by the Government of India.

Vide last Proceedings dated 28.2.2017 Commission directed as under:

"The Commission has considered the material placed on record. As per the report of the Director, Deptt. of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India, New Delhi, the issue was to be referred to the expert committee to identify the posts suitable for persons with disabilities in Group 'A', 'B', 'C' and 'D' for consideration. The Commission has not received any further communication in this regard. In the circumstances, the Commission directs the Director, Deptt. of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India, New Delhi to intimate whether issue regarding identification of posts for persons with disabilities has been considered by the expert committee. Copy of the proceedings along with the report dated 11.04.2016 of the Director, Deptt. of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India, New Delhi be transmitted to the complainant at the following address : Pranay Pratik, C/o Pramod Kumar BF1/A, F-Type, Sail-ISP, Chasnalla, Dhanbad, Jharkhand, Pin - 828135."

In response, a report dated 21.4.2017 has been received from the Director, Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities, stating that the sub-committee for visually impaired is in the process of identification of posts suitable for persons with visual disabilities in Groups 'A', 'B', 'C' and 'D'. The Department has forwarded the case/complaint of Shri Pranay Pratik to the Sub-Committee for Visual Impairment for consideration. The report of the Sub-Committee for Visual Impairment is awaited.

It is further stated that a representation from Shri Pranay Pratik was also received through Prime Minister Office, regarding non-availability of vacancies of Mechanical Engineers posts for persons with visual impairment in Public Sector Units including NTPC, HPCL, NPCL, BPCL, which was forwarded to Department of Public Enterprises for consideration.

As per the Department's Notification, No. 16-15/2010-DD.III dated 29th July, 2013, the lists of posts notified is not an exhaustive list and the Ministries, Departments, Public Undertakings and the autonomous bodies may further supplement the lists. Accordingly, Department of Public Enterprise has been requested separately to identify the Mechanical Engineer posts suitable for persons with visual impairment if physical requirement attached to the post are met by the persons with visual impairment.

A reply has also been received from the complainant requesting for acknowledging the matter as he could not sit for GATE 2017 and there was no opening for VH Mechanical Engineers in the job advertisement of PSUs excepting ONGC.

Let status report of submission of the report by the Expert Sub-Committee for Visual Impairment be furnished by the Director, Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities within six weeks.

2. It is therefore, requested that the additional/complec report as directed by the Commission in the matter be sent latest by 28/05/2018, for further consideration by the Commission.

Yours faithfully,



ASSISTANT REGISTRAR (LAW)

Pranay Pratik / 11/10/2015 299

Dated: 14/10/2015
27 OCT 2015
DAK SECTION

235

To
Shri Narendra Modi
Honorable Prime Minister of India
7 Race Course Road
New Delhi

Sub: regarding non-representation of visually impaired mechanical engineers in the job openings of public sector units.

R/Sir,

I am a 50% visually impaired Final year mechanical engineering student studying at I.S.M., Dhanbad. Sir, NTPC, HPCL, ONGC, NPCL have declared openings for the job of Management / Executive Trainees in their concerns though the score of GATE 2016. I am pained to bring to your kind notice that except ONGC non of the PSUs mentioned above have created any scope for visually impaired mechanical engineers.

Sir, I opted for mechanical engineering as per the directions given in the IIT Counseling Brochure which was sent to me after cracking IIT-JEE-2012. The IIT Brochure clearly stated that I could opt for any branch of Engineering apart from Mining and Mining Machinery Engineering (the Xerox of the brochure attached herewith).

Sir, in the course of my study as a Mechanical Engineer I never experienced any difficulty whatsoever. I am the campus ambassador of The United Nations RIO+22 Programme. I have represented my college in various National level Tech-fests. I have also been awarded special Appreciation Certificate for 'Reduction of startup Delay in Assembly Procedure Excavator'. Now this biased discrimination has not only shattered my dreams but also denied me right to earn my livelihood. This has clipped my wings before I could soar.

Sir, if ONGC can identify job for a visually impaired mechanical engineer why cannot the other PSUs of identical nature of work find openings for V.I. Mechanical Engineers? This is not only against the very spirit of the welfare state but also undermines my right to earn a livelihood.

Sir, I am very worried about my life and future. It seems like I have lost my struggle for survival. A dark future is staring at me. I have come this far fighting poverty and disability. I am studying after obtaining loan from S.B.I. which I have to repay soon.

I request you to kindly take up my matter at the appropriate level, intervene and help me from being decimated.

In anticipation of your kind help and intervention.

Thanking you.

Yours Faithfully
Pranay Pratik
Pranay Pratik

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Indian School of Mines, Dhanbad
Dhanbad-826004, Jharkhand
Ph no.--+91-7763937090
e-mail id : mailpranaypratik@gmail.com
pranaypratikofficial@gmail.com

Encl:
1. Xerox of relevant documents

Mr. Social Justice & Emp
52

Assistant Registrar (LAW)
Fax No.: 011-2465 1332
Home Page : <http://nhrc.nic.in>

Case No. 220/34/4/2016/OC
NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)

MANAV ADHIKAR BHAWAN
BLOCK 'C', G.P.O. COMPLEX, INA, NEW DELHI - 110029

Dated 22/10/2018

Case No. 220/34/4/2016
To

THE DIRECTOR
DEPTT. OF EMPOWERMENT OF PERSONS WITH
DISABILITIES, M/O SOCIAL JUST. EMP., ANTYODAYA
BHAVAN, CGO COMPLEX, DELHI

- 1 NOV 2018

Sub : Complaint / Intimation from

PRANAY PRATIK
C/O PRAMOD KUMAR, BF1/A, F - TYPE, SAIL - ISP,
CHASNALLA,
DHANBAD, JHARKHAND.

Sir/Madam,

With reference to your letter no. _____ dated _____, I am directed to say that the matter was considered by the Commission on 09/10/2018 and the Commission has directed as follows.

The petitioner is a visually impaired student of B.Tech (Mechanical Engineering) final semester. It was alleged that no PSU except ONGC has reserved vacancies for visually impaired persons, in violation of Supreme Court guidelines and rules framed by the Government of India. Pursuant to the notice of the Commission dated 25.02.2016, the Director, Deptt. of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India, New Delhi, vide his letter dated 11.04.2016 informed that the complaint was examined by the Ministry and a notification No.16-15/2010-DD III dated 29.07.2013 was issued to identify the posts suitable for mechanical engineers with disabilities. It is the view of the Department that so long as person with disability can fulfil the physical requirement attached to the post and he should be considered eligible for that post. The issue would be referred to the expert committee to identify the posts suitable for persons with disabilities in Group 'A', 'B', 'C' and 'D' for consideration.

The Commission vide proceedings dated 07.06.2016 transmitted a copy of the report to the complainant for his comments. However, the communication was received back undelivered.

The Commission considered the material placed on record on 28.2.2017 when it observed and directed as under:

"As per the report of the Director, Deptt. of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India, New Delhi, the issue was to be referred to the expert committee to identify the posts suitable for persons with

BT see
PL Pat + b
20/11/18

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Handwritten notes on the left margin: '19/11/18' and '18/11/18'.

disabilities in Group 'A', 'B', 'C' and 'D' for consideration. The Commission has not received any further communication in this regard. In the circumstances, the Commission directs the Director, Deptt. of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India, New Delhi to intimate whether issue regarding identification of posts for persons with disabilities has been considered by the expert committee. Copy of the proceedings along with the report dated 11.04.2016 of the Director, Deptt. of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India, New Delhi be transmitted to the complainant at the following address: Pranay Pratik, C/o Pramod Kumar BF1/A, F-Type, Sail-ISP, Chasnalla, Dhanbad, Jharkhand, Pin - 828135."

In response, a report dated 21.4.2017 had been received from the Director, Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities, stating that the sub-committee for visually impaired is in the process of identification of posts suitable for persons with visual disabilities in Groups 'A', 'B', 'C' and 'D'. The Department has forwarded the case/complaint of Shri Pranay Pratik to the Sub-Committee for Visual Impairment for consideration. The report of the Sub-Committee for Visual Impairment is awaited. It is further stated that a representation from Shri Pranay Pratik was also received through Prime Minister Office, regarding non-availability of vacancies of Mechanical Engineers posts for persons with visual impairment in Public Sector Units including NTPC, HPCL, NPCL, BPCL, which was forwarded to Department of Public Enterprises for consideration. As per the Department's Notification No. 16-15/2010-DD.III dated 29th July, 2013, the lists of posts notified is not an exhaustive list and the Ministries, Departments, Public Undertakings and the autonomous bodies may further supplement the lists. Accordingly, Department of Public Enterprise has been requested separately to identify the Mechanical Engineer posts suitable for persons with visual impairment if physical requirement attached to the post are met by the persons with visual impairment. A reply has also been received from the complainant requesting for acknowledging the matter as he could not sit for GATE 2017 and there was no opening for VH Mechanical Engineers in the job advertisement of PSUs excepting ONGC.

The Commission again considered the matter on 22.3.2018 when it directed as under: -

"Let status report of submission of the report by the Expert Sub-Committee for Visual Impairment be furnished by the Director, Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities within six weeks".

In response, the Director, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India vide his communication dated 9.5.2018 has submitted that the process of identification of posts suitable for the category is still underway and due to the voluminous work involved, the expert committee may take some more time in submitting the final report. The final report is however still awaited. Let a Notice be sent to the Director, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Govt. of India calling upon him to submit the final report as above within a period of 8 weeks without fail.

2. It is therefore, requested that the additional/complete report as directed by the Commission in the matter be sent latest by 27/12/2018, for further consideration by the Commission.

Yours faithfully,



ASSISTANT REGISTRAR (LAW)