



Government of India
Ministry of Social Justice and Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan)

PATHWAYS TO ACCESS



Compilation of summaries of CAT decisions and important orders/circulars/notifications of the Government of India relating of service matters of persons with disabilities

Pathways to Access (Part III) - Rights of Persons with Disabilities related to Employment

List of Abbreviations:

- CAT: Central Administrative Tribunal
- CCS: Central Civil Services
- CPSEs: Central Public Sector Enterprises
- DEPWD: Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment, Government of India
- DoE: Department of Expenditure, Ministry of Finance, Government of India
- DoPE: Department of Public Enterprises, Ministry of Finance, Government of India
- DoPPW: Department of Pension and Pensioners' Welfare, Ministry of Personnel, Public Grievances and Pensions, Government of India
- DoPT: Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India
- M.A.: Miscellaneous Application
- NPS: National Pension System
- O.A.: Original Application
- O.M.: Office Memorandum
- PWD Act, 1995: Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- RPWDA: Rights of Persons with Disabilities Act, 2016
- RPWDR: Rights of Persons with Disabilities Rules, 2017

Framework & Approach:

This resource document provides a collated, summarised understanding and analysis of the law, and the efforts made towards realising the rights and provisions pertaining to the employment of persons with disabilities. For context, a brief overview of the relevant provisions of the RPWDA, that guarantee rights to persons with disabilities with respect to their employment, is provided in the section below. Specifically, this compilation contains orders/circulars/notifications of the DoE, DoPE, DoPPW, DoPT and CAT which have been issued in pursuance to the provisions of the RPWDA. As such, the orders/circular/notifications primarily concern employees in the public sector and cover rights/entitlement/benefits/concessions provided to Government employees with disabilities.

The orders/circulars/notifications were included based on their evaluation against the following criteria:

- a) The order/circular/notification of the relevant Department substantially details or clarifies the scope of a right/entitlement/benefit/concession provided to an employee with disability.
- b) The order/circular/notification of the relevant Department has been issued to implement such a right/entitlement/benefit/concession provided to an employee with disability.

Only those orders which meet one or both of the aforesaid criteria have been included in the present document.

This document has been prepared in plain English with due care to ensure that their essence is not compromised. The orders were identified through the website of:

- a) DoE (<https://doe.gov.in/>)
- b) DoPE (<https://dpe.gov.in/>)
- c) DoPPW (<https://doppw.gov.in/en>)
- d) DoPT (<https://dopt.gov.in/>)

In addition to the above, since the orders of the CAT were not readily searchable/accessible on their website (<https://cgat.gov.in/>), the relevant orders of the CAT were identified by way of a case law search conducted through a reliable online database of judgements and orders. If readers wish to obtain any additional information about the orders of the CAT mentioned in this compilation, including their compliance, implementation status, appeal status, etc., they are requested to verify the same from the relevant primary sources (the website of the CAT - <https://cgat.gov.in/>).

The particulars of the order/circular/notification are provided in the table below, and are hyperlinked for the convenience of the reader, to the document containing that order/circular/notification on the website of the relevant authority (except for orders of the CAT, for which a separate disclaimer has been provided under the section summarising those orders). Further, to allow easy navigation for readers interested in knowing the position of law on specific rights, entitlements, benefits, allowances or concessions, a set of tags for each entry is provided in the fourth column of the database. Appropriate tags have been identified for each entry by taking into account the specific employment related right/benefit/entitlement/concession that the order/circular/notification relates to.

Brief Overview of RPWDA framework:

The relevant orders/circulars/notifications included in this compilation primarily deal with provisions of the RPWDA and RPWDR relating to the employment of persons with disabilities. These include specific provisions which aim to ensure equality, non-discrimination, and the protection of rights for persons with disabilities in employment, as provided below:

Non-discrimination in Employment (Section 20 of the RPWDA):

- No government establishment can discriminate against persons with disabilities in matters related to employment.
- Government establishments must provide *reasonable accommodation* and ensure a barrier-free environment for employees with disabilities.
- Promotion cannot be denied to an employee solely on the basis of their disability.
- If an employee acquires a disability during service and is found unsuitable for their current post, they must be reassigned to a suitable position with the same pay and benefits. If no suitable post is available, the employee can be retained in a supernumerary post until retirement.

Further, the Rule 3(2) of the RPWDR requires the head of a Government establishment or Private establishment with 20 or more employees to act on complaints of discrimination on the grounds of disability by, either taking action under the RPWDA or providing a written explanation justifying the act or omission as a proportionate means to achieve a legitimate aim.

Equal Opportunity Policy (Section 21 of the RPWDA):

- Every establishment must have an equal opportunity policy that promotes inclusiveness in employment for persons with disabilities.
- The policy should be registered with either the Chief Commissioner or the State Commissioner for Persons with Disabilities.

Further, as per Rule 8(3) of the RPWD, equal opportunity policies for private establishments with 20 or more employees and all Government establishments must include: (a) facilities for persons with disabilities to perform their duties, (b) a list of suitable posts, (c) selection, training, transfer, and promotion processes, (d) provisions for assistive devices and accessibility, and (e) the appointment of a liaison officer to oversee disability recruitment.

Maintenance of Employment Records (Section 22 of the RPWDA):

- Establishments are required to maintain records of employees with disabilities, including details about employment, facilities provided, and other relevant information.
- These records must be available for inspection by authorised personnel.

Grievance Redressal (Section 23 of the RPWDA):

- Every government establishment must appoint a Grievance Redressal Officer to handle complaints related to discrimination towards persons with disabilities in employment.
- If a complaint is not resolved satisfactorily, the aggrieved person can approach the District-Level Committee on disability.

Identification of Posts for Reservation (Section 33 of the RPWDA):

- The appropriate government is responsible for identifying posts in government establishments that can be reserved for persons with benchmark disabilities.
- An expert committee, with representatives of persons with benchmark disabilities, must be constituted to assist with identifying such posts.
- A periodic review of these identified posts must be conducted every three years.

Reservation in Employment (Section 34 of the RPWDA):

- Government establishments are required to reserve at least 4% of vacancies for persons with benchmark disabilities. This reservation is further divided based on the types of disabilities.
- If vacancies cannot be filled in a recruitment year due to non-availability of suitable candidates, the vacancy can be carried forward to the next year. If a suitable candidate is still not available, the post can be filled by interchanging categories of disabilities or by appointing a non-disabled person as a last resort.
- Relaxation in the upper age limit may also be provided for persons with benchmark disabilities.

Additionally, Section 35 of the RPWDA provides **incentives to employers in the private sector** to employ at least 5% of their workforce from persons with benchmark disabilities.

Disclaimers:

1. This compilation is for general informational purposes only and is not intended to serve as an official record of any such orders/circulars/notifications. If readers wish to obtain any further information about the orders/circulars/notifications mentioned in this compilation, they are requested to verify the same from the relevant primary sources.

2. The information contained in this compilation is taken from the websites of the DoE, DoPE, DoPPW, DoPT and a reliable online database for CAT, published and readily available, as on 31 August 2024. Further developments concerning the orders/circulars/notifications mentioned, as well as orders/circulars/notifications which may be dated 31 August 2024 (or a date prior to the said date), but were published on the said website subsequent to 31 August 2024 have not been incorporated in this compilation.
3. Since the RPWDA came into force in April 2017, replacing the PWD Act, 1995, and reflecting India's updated international commitments under the United Nations Convention on the Rights of Persons with Disabilities, this compilation includes orders/circulars/notifications which were issued between April 2017 and 31 August 2024, and were available as on 31 August 2024. However, exceptions have been made for any orders/circulars/notifications issued prior to April 2017, i.e., during the older regime of the PWD Act, 1995, that remain legally valid and enforceable under the RPWDA.
4. For the purpose of filtering relevant orders/circulars/notifications pertaining to the rights of persons with disabilities, only those orders/circulars/notifications have been included in the compilation which deal with substantive rights, entitlements, benefits, allowances or concessions for persons with disabilities. Orders/circulars/notifications which may be valid only for a short period in terms of their scope and application (such as orders identifying relevant posts in specific departments for reservation for persons with disabilities, or orders advertising for hiring or persons with disabilities in such departments) have not been included in this compilation.

Compilation of orders/circulars/notifications on the rights of persons with disabilities related to employment

A) Department of Personnel and Training (DoPT)

The DoPT is the coordinating agency of the Government of India responsible for personnel matters, including recruitment, training, career development, and staff welfare. It formulates policies and ensures compliance across ministries on service conditions, postings, and deputations for Central Government employees (including employees of CPSEs). With respect to persons with disabilities, the DoPT ensures the implementation of reservation policies, promotes equal opportunities, and facilitates non-discriminatory employment practices within government jobs, aligning with its broader mandate of personnel management.

S. No.	O.M./Order No.	Right/Provision	Tags
1.	No.DOPT-1714455840135 dated 30 April 2024	Leave Travel Concession scheme is a concessional travel facility for Government employees to visit their hometown or any place in India. The travel expenses of the employees and their eligible family members are borne by the relevant Government. The Leave Travel Concession facility is available only for journeys undertaken in vehicles operated by the Government or any corporation in the public sector run by the Central or State Government or a local body. Taking into account that employees with disabilities are often unable to utilise authorised modes of transport, they are offered a concession while availing the scheme. The use of personal/hired vehicles for the journey on account of a disability of the Government employee or their dependent family member is permitted, and such employees are eligible to receive reimbursement for their expenses on undertaking such a journey. The O.M. references the previous O.M. issued by the DoPT on this matter O.M. No. 31011/3/2009-Estt.(A) dated 28 October 2009.	Travel Concession, Reimbursement for Travel
2.	No.DOPT-17120309	This O.M. is a compilation of instructions issued by the DoPT on various	Women with

	94647 dated 2 April 2024	allowances applicable to Central Government Employees. One such allowance relevant to persons with disabilities relates to grants for child care support to women employees with disabilities, especially when they have children with disabilities. Such employees are eligible to receive a special allowance of INR 3,000 per month for child care. The amount of the allowance is revised from time to time, based on the revisions to dearness allowance and pay structures for such employees. The allowance is payable from the time of the child's birth till the child is two years old, and is applicable to a maximum of two eldest surviving children. The O.M. references the previous O.M. issued by the DoPT on this matter OM No: A-27012/03/2017-Estt.(AL) dated 16 August 2017.	Disabilities, Child Care Allowance
3.	No.36011/1/2022-Estt(Res-I) dated 28 March 2024	This O.M. is a compilation of instructions issued by DoPT regarding reservation in appointments to posts and services under the Central Government, and concessions/relaxations extended to persons with benchmark disabilities. The O.M. states that four percent 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, in line with the RPWDA. The O.M. further clarifies which disabilities are eligible to apply for these reserved posts, how vacancies are to be calculated for the reserved posts, requirements for a person with benchmark disabilities to apply to these posts, maintenance of a register of complaints etc. The O.M. also discusses the reservation in promotion for persons with benchmark	Reservation in Central Government Posts, Reservation in Promotions

		disabilities, and reiterates the provision in Section 20(3) of the RPWDA which states that no promotion shall be denied to a person merely on the ground of disability. It clarifies how posts are to be identified for reservation, how vacancies are computed, horizontal reservation, reporting on filling of vacancies etc.	
4.	No.DOPT-1710921930511 dated 14 March 2024	This O.M. announces the launch of the PM-DAKSH-DEPWD digital platform by the DEPWD. This online portal serves as a comprehensive resource for the multifaceted employment needs for persons with disabilities, training organisations, as well as employers and job aggregators. All Ministries and Departments are instructed to disseminate information about the portal within their offices, including subordinate and attached offices, CPSEs, and autonomous bodies under their administrative control.	PM-DAKSH-DEPWD, Employment Portal
5.	No. 36035/44/2023-Estt(Res-II) dated 2 February 2024	This O.M. outlines several guidelines aimed at facilitating the rights and welfare of persons with disabilities who are employed by the Government of India. These guidelines aim to create an inclusive and supportive environment for government employees with disabilities, ensuring that their rights are upheld and that they have access to the necessary resources to perform their duties effectively. This includes: - Job Identification and Retention: Government departments are required to identify suitable jobs for persons with disabilities, allowing them to continue in these roles without facing unnecessary restrictions. - Training and Skill Development: Induction training for persons with disabilities should be conducted alongside other employees. Job-specific training, including post-recruitment and pre-promotion training, should be inclusive, with tailored modules as necessary. - Assistive Devices: Government offices must provide persons with disabilities with assistive devices such as high-tech aids, software, and special furniture as	Inclusive Work Environment, Reasonable Accommodations

		needed, either by supplying them or reimbursing costs. - Barrier-Free Work Environment: Workplaces must be accessible to persons with disabilities, with modifications like Braille signage, audio outputs in lifts, and colour contrast for employees with low vision. This aims to ensure ease of movement and accessibility in all government offices. - Government Accommodation: Priority should be given to persons with disabilities for accessible government housing, particularly on the ground floor, and existing accommodations should be renovated for accessibility. - Grievance Redressal: Special grievance redressal mechanisms should be established in each department to address the concerns of persons with disabilities. This includes appointing Liaison Officers familiar with disability issues to ensure compliance with disability-related matters. - Leave Provisions: Persons with disabilities are entitled to special casual leave for disability-related matters, including four days per year for personal disability requirements and ten days for participating in disability-related events such as conferences or workshops. - Transfer and Posting Preferences: Persons with disabilities should be exempt from routine rotational transfers, and where feasible, they should be retained in their current roles. When transfers are necessary, preference should be given to postings that accommodate their disability. - Exemption for Caregivers: Government employees who are primary caregivers for dependents with disabilities are exempt from routine transfers, ensuring stability in their roles while caring for family members with disabilities. All Government Ministries/Departments are instructed to inform appointing authorities of these guidelines and ensure compliance, including the DoPE which should implement them in CPSEs.	
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6.	No. 36012/1/2020-Estt. (Res-II) , dated 26 April 2023	The O.M. addresses the implementation of the Supreme Court of India's order in the case of Siddharaju v. State of Karnataka (M. A. No. 2171 of 2020 in C.A. No. 1567 of 2017) regarding reservation in promotions for persons with benchmark disabilities, under Section 34 of the RPWDA . The DoPT has issued guidelines on the implementation of the same (O.M. No.36012/1/2020-Estt (Res-II), dated 17 May 2022). However some contempt petitions and court orders predate this directive and may not be in line with the DoPT guidelines. Accordingly, all Ministries, Departments, CPSEs, and autonomous bodies are instructed to ensure compliance with the order of the Supreme Court of India and the DoPT guidelines, related to reservations for persons with benchmark disabilities. If any difficulties arise in implementing these orders, they must consult the Department of Legal Affairs and file an affidavit within the given time frame by the Supreme Court of India. The O.M. also reiterates the importance of following established procedures for handling court cases, ensuring consistent responses across departments.	Implementation of the RPWDA, Reservations in Promotions
7.	No.DOPT-16698942 87310 dated 1 December 2022	This O.M. consolidates the rules related to premature retirement and the Voluntary Retirement Scheme for government employees, issued by the DoPT. It highlights that if a government employee acquires a disability and submits a notice for voluntary retirement, they must be informed of their rights under Section 20 of the RPWDA. This section ensures that employees who acquire a disability can continue in service with the same pay scale and benefits. If the employee, after being advised of this option, chooses not to withdraw their retirement notice, the request for voluntary retirement may be processed.	Voluntary Retirement, Non-discrimination in Employment
8.	No.DOPT-16696183 25007 dated 28 November 2022	This O.M. consolidates all relevant instructions regarding exemptions from passing the Typewriting Test for Lower Division Clerks who do not belong to the Central Secretariat Clerical Service. The document is designed to serve as a	Typewriting Test Exemption, Physical Disability

		comprehensive guide, eliminating the need to refer to older O.M.s. Key provisions for persons with disabilities include an exemption for 'physically handicapped persons' (now persons with disabilities) from passing the Typewriting Test for Lower Division Clerks (including tests conducted on computers), as long as they are otherwise qualified for clerical posts and are certified by a Medical Board or Civil Surgeon as being unable to type. The term 'physically handicapped persons' does not cover those who are visually impaired or hearing impaired, but covers only those whose physical disability permanently prevents them from typing. This O.M. consolidates the instructions in F. No. 14020/2/91-Estt.D dated 29 September 1992; and F. No. 14020/1/2014-Estt.D dated 22 April 2015.	
9.	No.DOPT-16696971 76669 dated 2 November 2022	The O.M. outlines the Rotational Transfer Policy for the Central Secretariat Service. With respect to persons with disabilities, it addresses the unique challenges faced by officers with disabilities in terms of mobility and daily commute. It acknowledges that factors such as the location of public transportation, residential areas, and the means of conveyance can significantly impact their ability to perform official duties. As a result, transfer and posting requests from such officers will be considered on a case-by-case basis, to accommodate their specific needs and taking these challenges into account.	Rotational Transfer Policy, Transfer, Posting, Reasonable Accommodations
10.	No.DOPT-16675455 96919 dated 23 September 2022	This O.M. consolidates instructions from the DoPT regarding the handling of representations on service matters from government servants and the process for government servants to approach legal recourse if necessary. The O.M. clarifies that while representations on service matters should typically	Grievance Redressal, Representations on Service Matters

		be submitted by government servants themselves, an exemption is provided for persons with disabilities. If a government servant with a disability is unable to submit a representation, their relatives may submit the representation on their behalf. This exemption applies specifically in cases where the government servant is unable to submit the representation themselves due to their disability. The O.M. references the previous O.M. issued by the DoPT on this matter O.M. No: 25/21/63-Ests.(A) dated 19 September 1963.	
11.	No.DOPT-16675693 93892 dated 6 September 2022	The O.M. outlines the age relaxation provisions for persons with disabilities seeking direct recruitment to CCS or Civil Posts. It consolidates the instructions in O.M. No. 15012/1/2003-Estt.(D) dated 29 June 2015 and O.M. No.36035/2/2017-Estt(Res) dated 15 January 2018. It provides the following instructions: - Age relaxation of 10 years in upper age limit shall be allowed for persons with disabilities (15 years for Scheduled Caste/Scheduled Tribe candidates with disabilities and 13 years for Other Backward Class candidates with disabilities), subject to the maximum age of the applicant on the crucial date not exceeding 56 years. - The applicant should have minimum 40% of any of the following disabilities: (a) blindness or 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. - The age concession shall be admissible irrespective of the post being reserved for persons with disabilities or not, provided that the post is identified as suitable for the relevant category of disability. This provision is not applicable to Civil Services Examinations.	Age Relaxation in CCS, Defence Services Personnel with Disability

		- In case a person with disability is entitled to age concession by virtue of being a Central Government employee, concession will be admissible either as a 'person with disability' or as a 'Central Government employee' whichever may be more beneficial to them. This provision is not applicable to Civil Services Examinations. - These provisions are not applicable to posts/services for which other specific provisions regarding age relaxation are made by notification. Further, this O.M. also provides instructions for age-limit relaxation for Disabled Defence Services personnel. It consolidates the instructions in O.M. No. 14/42/65-Estt(D) dated 29 March 1966; O.M. No.13/35/71-Estt.(C) dated 24 December 1971; O.M. No. 15012/2/2010-Estt.(D) dated 27 March 2012; and O.M. No. 39016/5/1981-Estt.(C) dated 21 February 1981. It states as follows: - Upper age limit relaxation up to 45 years (50 years for Scheduled Caste/Scheduled Tribe candidates) for Group C posts filled through Employment Exchange and Group A and B posts filled outside UPSC Competitive Examinations. - Relaxation of age limit by up to 3 years (or 8 years for Scheduled Caste/Scheduled Tribe candidates) for competitive examinations. However, Disabled Defence Services personnel will not have more attempts than the maximum allowed for general candidates.	
12.	No. B-11011/1/2016-Ad-III dated 11 March 2016	This circular contains a Scheme for providing facilities to employees with disabilities of the DoPT. The objective of the Scheme is to enable and empower persons with disabilities in DoPT by providing certain additional facilities to help them discharge their duties more conveniently and effectively. Such facilities include wheelchairs (motorised, if required), special furniture, hearing aids with battery, low vision aids, smart canes, special software/computers, Braille signage	Employees with Disabilities in DoPT

		near lift area, toilets, canteen, fire, exit etc., sound in biometric attendance system and induction/lob specific training.	
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B) Central Administrative Tribunal (CAT)

The CAT was established under Article 323-A of the Constitution of India to adjudicate disputes related to recruitment and service conditions of individuals appointed to public services under the control of the Government of India. It serves as a specialised judicial body, tasked to provide speedy and effective justice in matters related to employment for Government employees, reducing the burden on regular courts and offering simplified procedures for seeking grievance redressal.

With respect to persons with disabilities, the CAT ensures the enforcement of service conditions, rights, and protections afforded to them under relevant laws, including the RPWDA, addressing issues related to recruitment, promotions, and discrimination. It plays a crucial role in ensuring non-discrimination and equal opportunities in public sector employment for individuals with disabilities.

Disclaimer: The following compilation includes only those orders of the CAT that address rights, entitlements, benefits, allowances, or concessions for persons with disabilities and that have not been overturned, modified or set aside on appeal by a higher court, including the High Courts or the Supreme Court of India, as on 31 August 2024.

The orders of the CAT have been recovered from a reliable online database for judgements and orders of various courts in India. If readers wish to obtain any additional information about the orders of the CAT mentioned in this compilation, including their compliance, implementation status, appeal status, etc., they are requested to verify the same from the relevant primary sources (the website of the CAT - <https://cgat.gov.in/>).

S.No.	Order no.	Summary of Judgement	Tags
1.	OA No. 1052 of 2023	<i>G.K. Soti vs. The Union of India and Ors. (29.05.2024 - CAT - Allahabad): MANU/CA/0900/2024</i> In this case, the applicant, currently working in a Group 'C' position, qualified	Railway Board, Medical Examination, Promotions for Persons with Disabilities

		for promotion to a Group 'B' post (Assistant Commercial Manager) in the Commercial Department of the Railway Board. After successfully passing the written exam, the applicant underwent a medical examination, where he was declared unfit for promotion due to colour blindness. The applicant challenged the medical report, claiming the examination was not conducted by an eye specialist and referred to policies that allow for the promotion of persons with disabilities, including those with visual impairments. The applicant argued that, as per the Railway Board's policies, the post was considered non-safety-related and therefore persons with disabilities should be eligible for promotion. The respondents relied on other rulings of the CAT, which stated that the post does involve safety-related duties and upheld the requirement for medical fitness. The CAT, in its order, reiterated that certain posts within the Railway Board, including the current post, require fulfilment of medical standards for safety reasons. It was also noted that promotions cannot be denied due to disabilities unless the disability affects the person's ability to perform the job's higher functions. As such, the CAT dismissed the case, finding no reason to interfere with the medical report.	
2.	O.A. No. 3188/2018	<i>Sumit vs. Govt. of NCT of Delhi and Ors. (17.05.2024 - CAT - Delhi): MANU/CA/0833/2024</i> In this case, the applicant, an orthopaedic candidate with a disability (63% permanent impairment of the left elbow), was required to take a typewriting skill test as part of a recruitment process. Despite his disability, the applicant participated in the test due to not being informed about the possibility of exemption. After failing the test, the applicant discovered that 16 other	Typewriting Test Exemption, Reasonable Accommodations

		candidates with disabilities had been exempted from the skill test. The applicant submitted multiple representations seeking exemption from the typing test, but the respondents argued that he had not presented the necessary disability certificate in time and did not apply for exemption before the test. The respondents contended that the applicant was negligent and sought relief only after the results were declared, which disqualified him from claiming exemption. The CAT noted that the applicant was not informed about the exemption, and such provisions for persons with disabilities should not be denied on technical grounds. The Tribunal emphasised that the RPWDA supports reasonable accommodation, and the applicant's disability should have been considered for exemption from the typing test. The order held that the applicant be granted exemption from the typing test, with notional seniority, but without consequential reliefs. The respondents were ordered to complete the necessary formalities within two months.	
3.	O.A.No. 181/00102/2019	<i>Sareena S.P. and Ors. vs. The Union Territory of Lakshadweep and Ors. (16.02.2024 - CAT - Ernakulam) : MANU/CA/0250/2024</i> In this case, the applicants are the mother and daughter (with 90% intellectual disability) of a deceased primary school teacher. The applicants are contesting the rejection of their application for compassionate appointment under the applicable scheme. The applicant's application for compassionate appointment was rejected due to not meeting the benchmark points required by the scheme. The CAT held that the the applicants faced serious injustices due to	Discrimination against Persons with Disabilities

		administrative negligence and improper application of the compassionate appointment scheme and that respondents need to re-evaluate the applicants' application. The order noted significant lapses in the administration of the compassionate appointment scheme, including delayed processing of the application. The CAT also criticised the discrimination against disabled dependents. It directed that the provisions used to reject the applications be reconsidered, particularly in light of the principles of equality and reasonable accommodation for persons with disabilities.	
4.	O.A. No. 1850/2017	<i>Vempati Venkata Sai Seshagiri Rao vs. Railway Board and Ors. (22.04.2024 - CAT - Delhi) : MANU/CA/0612/2024</i> In this order, the applicant, who successfully passed the Engineering Services Examination, and belongs to the category of persons with benchmark locomotor disability, faced issues related to medical fitness despite being listed in the merit list. Out of 609 advertised posts, 29 were reserved for persons with disabilities. The applicant's candidature was rejected due to being declared medically unfit by both the initial and Appellate Medical Boards. The CAT held that the medical examination should have assessed his fitness according to his specific disability and the applicable reservation rules. The applicant's unfitness was assessed using general standards, which is inappropriate for individuals with disabilities who are entitled to specific accommodations. The order emphasised that the medical examination should have focused on whether the applicant's disability affected his ability to perform the duties of the specific post he was applying for. The CAT set aside	Medical Examination, Reservation in Employment

		the reports from the Medical and Appellate Medical Boards, ruling that the applicant was wrongly declared unfit. The decision underscores the necessity of fair and specific medical assessments for persons with disabilities, aligning with legal provisions and ensuring that reservation benefits are properly applied.	
5.	OA No. 339/2022	<i>Amit Yadav vs. Comptroller and Auditor General, New Delhi and Ors. (23.01.2023 - CAT - Delhi) : MANU/CA/0151/2023</i> The applicant was diagnosed with obsessive-compulsive disorder and bipolar disorder. The applicant qualified the Combined Graduate Level Examination and was recommended for the Auditor position by the Staff Selection Commission. However, the respondent returned his dossier, claiming he was unsuitable for the role and suggesting he be reallocated to another department. The CAT held that the respondent's decision was discriminatory and violated the RPWDA. The RPWDA mandates specific reservations for persons with benchmark disabilities. The Staff Selection Commission advertisement grouped various categories of disabilities under "Other Persons with Disabilities" without specifying posts for new categories like mental illness, leading to confusion. The order emphasised that persons with bipolar disorder and similar conditions require appropriate workplace accommodations and professional support. It criticised the respondent's blanket declaration of the applicant as "unfit for all services," which undermines the purpose of the RPWDA.	Reservation in Employment, Discrimination

		The CAT ruled that the applicant's suitability should be reassessed by an Independent Medical Board specifically for the Auditor position. If deemed unsuitable, he must be offered an alternative appointment to a suitable post in another department, with protections for his pay and conditions.	
6.	O.A. No. 170/01057/2019	<i>Santhosha H. vs. Union of India and Ors. (17.04.2023 - CAT - Bangalore) : MANU/CA/0902/2023</i> The CAT addressed the case of an applicant with over 40% hearing impairment who challenged the findings of medical examinations related to his eligibility for the Civil Services Examination. The applicant had a disability certificate from the All India Institute of Speech and Hearing, Mysore. However, during subsequent medical evaluations, the Central Standing Medical Board CSMB at Safdarjung Hospital and the Appellate Medical Board at AIIMS, New Delhi, assessed his hearing impairment as less than 40%. The Appellate Medical Board's decision was challenged by the applicant, who argued that the process was flawed. The CAT found that the procedures followed were in line with the regulations, and the medical assessments by AIIMS were deemed reliable. The applicant's higher disability percentage report was not considered relevant to the 2018 examination results. The CAT upheld the decisions of the medical boards and dismissed the applicant's challenge. The ruling underscores the importance of adhering to established procedures for disability assessments and the finality of medical board decisions in determining eligibility for reserved positions.	Disability Certification, Civil Services Examination
7.	O.A. No. 3057/2021 and M.A. No. 952/2023	<i>Atul Ranjan vs. Union of India and Ors. (04.07.2023 - CAT - Delhi) : MANU/CA/1368/2023</i>	Medical Evaluation, Civil Services Examination

		The CAT addressed the petition by Mr. Atul Ranjan challenging the findings of the medical examination, related to his eligibility for reservation under the Persons with Benchmark Disability category in the Civil Services Examination 2020. He argued that he should be categorised under "Multiple Disabilities" due to his hearing impairment and locomotor disability. However, his medical evaluations classified him under "Locomotor Disability". The AIIMS and Appellate Medical Boards concluded that Ranjan's disability was primarily locomotor and did not meet the criteria for speech disability or multiple disabilities. The percentage of his locomotor disability was recorded as 90%, but he was not considered under multiple disabilities as per the reports. The CAT held that the AIIMS medical report was valid and had no illegality or arbitrariness in the findings. It noted that the applicant's grievance, although genuine, could not override the procedural rules governing medical assessments for 'Persons with Benchmark Disability' candidates. This decision reinforces the adherence to established procedures for disability assessments and the finality of medical board evaluations in determining eligibility for disability reservations in competitive examinations.	
8.	O.A. No. 1788/2017	<i>Geeta vs. Govt. of N.C.T of Delhi and Ors. (19.04.2023 - CAT - Delhi) : MANU/CA/0846/2023</i> The applicant, a visually impaired individual, applied for the post of Assistant Teacher (Nursery) with the Municipal Corporation of Delhi (MCD) under the disability category. She had a 40% disability as per a certificate from AIIMS,	Certification of Disability, Employment

		however, her application was rejected based on an earlier certificate from Deen Dayal Upadhyay Hospital, which indicated a 35% disability. The applicant contended that the new disability certificate was valid and should have been considered. She argued that visual impairment percentages can vary, and the older certificate may have been based on outdated or incorrect medical parameters. The CAT found that the respondents failed to properly consider the more recent disability certificate. The rules require compliance with the RPWDA and provisions for disability verification. It noted that disability conditions may change over time and the process should be more flexible. The order directed the respondents to form a new Medical Board.	
9.	O.A. No. 1344/2023	<i>Amzad vs. Northern Railway and Ors. (11.10.2023 - CAT - Delhi): MANU/CA/1852/2023</i> The CAT addressed a case concerning the reservation process for the post of Senior Clerk cum Typist/Comm'l Clerk. The issue arose when a written examination was planned to fill six positions, but only five candidates holding the post of Clerk Cum Typist were deemed eligible. One of these positions was reserved for a Scheduled Caste candidate who was also required to be a person with benchmark disability. The applicant, a person with benchmark disability, was unfairly excluded from consideration because the reservation was specifically for an SC candidate with a disability, despite the applicant's eligibility. This was contrary to the RPWDA which mandates that reservations for persons with benchmark disabilities should be treated as a separate category.	Reservation for Persons with Benchmark Disabilities

		The CAT found that this approach violated the RPWDA, which clearly stipulates that persons with benchmark disabilities should be considered a distinct category for reservation purposes. The initial process, which had included the applicant, was improperly modified by reassigning the reservation to Scheduled Caste candidate. The CAT's decision was to mandate a new process. This new process must adhere strictly to the RPWDA and relevant rules, ensuring that reservations for persons with benchmark disabilities are treated independently from other categories. The CAT directed that such reservations be applied directly and that category assignments be based solely on merit following the selection.	
10.	O.A. No. 180/00403/2020	<i>P.K. Sadanandan vs. Union of India and Ors. (04.01.2022 - CAT - Madras) : MANU/CA/0063/2022</i> The CAT addressed the case of a postal employee with a disability, who was denied promotions despite being entitled to benefits under the RPWDA. The applicant, who had been receiving a Conveyance Allowance for his orthopaedic disability since 1985, argued that his disability status should have entitled him to promotions under the persons with disabilities category. Despite his long service, he was promoted after almost four decades of service, when he should have been promoted much earlier under the quota. The applicant contended that the Department of Posts did not maintain a proper roster to track reservations for persons with disabilities, as mandated by government guidelines. The respondents argued that the applicant was initially appointed on compassionate grounds, not under the persons with disabilities category, and thus was not entitled to promotion benefits under the RPWDA.	Reservation in Promotion

		However, the CAT rejected this argument, citing the Supreme Court's ruling in <i>Rajeev Kumar Gupta v. Union of India</i>, which states that persons with disabilities are entitled to benefits under the RPWDA regardless of the mode of recruitment. It held that the Department of Posts had failed to follow the guidelines for maintaining a roster for reservations, which led to the applicant being denied promotions he was entitled to. The CAT directed the Department of Posts to correct this oversight by implementing the reservation guidelines and promoting the applicant retrospectively, with notional fixation of salary and pension adjustments.	
11.	OA/100/3754/2015	<i>Manish vs. Delhi Transport Corporation, (11.02.2022 - CAT -New Delhi)</i> MANU/CA/0128/2020 The applicant, who was a driver with the Delhi Transport Corporation (DTC), contested his termination following a medical declaration of unfitness due to an accident. The court determined that employees on probation who develop a disability are entitled to protections under Section 47 of the PWD Act, 1995. This ruling affirms that disabled employees cannot be dismissed and should be reassigned to an alternative position with equivalent pay and benefits.	Unlawful Termination, Non-discrimination in Employment
12.	O.A. No. 60/164/2019	<i>Ashwani Kumar vs. Union of India and Ors., (20.02.2020 - CAT - Chandigarh)</i> MANU/CA/0157/2020 The applicant, a person with 100% visual impairment, sought a directive for the grant of family pension as a child with disability of a Government employee, under the Railway Services (Pension) Rules, 1993. The respondent authorities refused his claim, arguing that he was not eligible for the pension as he was over 25 years of age.	Family Pension, Eligibility Criteria

		The CAT reviewed the case under Rule 75(6) of the Railway Services (Pension) Rules, 1993, which allows family pension for life to children with disabilities of employees, if they are unable to earn a livelihood. The CAT found that the applicant's 100% blindness qualified him as a child with disability, irrespective of his age.	
13.	O.A. No. 60/547/2018 and 60/1988/2019	<i>Rakesh Kumar vs. The Northern Railways and Ors., (20.02.2020 - CAT - Chandigarh) MANU/CA/0228/2020</i> The plaintiff, a 100% disabled individual, was denied family pension on the grounds of his "Bilateral Profound Sensory-Neural Hearing Loss" and his marital status. However, Rule 75(6) of the Railway Services (Pension) Rules, 1993, provides that while unmarried sons and unmarried, widowed, or divorced daughters are eligible for family pension only until they marry or remarry, this rule does not apply to children with disabilities, who remain eligible even if they marry, provided they are unable to earn a living. The CAT found that the Railways Board's denial was inconsistent with Rule 75(6)(b) of the Railway Services (Pension) Rules, 1993, which entitles dependents who have a disability to a pension if they cannot earn a livelihood. The CAT upheld that a dependent with disability should receive a pension regardless of their marital status or the type of their disability, as long as they are unable to earn a living.	Marital Status, Family Pension
14.	O.A No. 040/00323/2016	<i>Manas Ranjan Mohapatro vs. The Union of India and Ors., (06.03.2020 - CAT - Guwahati) MANU/CA/0244/2020</i> The CAT addressed the denial of promotion to the applicant on the grounds of a disability. Despite securing the 3rd position in the Limited Departmental Competitive Examination for the promotion to Assistant Engineer Group B,	Non-discrimination, Promotion in Employment

		the applicant's promotion was nullified because of his visual impairment (colour vision deficiency). The Chief Medical Officer had recommended that the applicant be considered for specific posts within the non-safety category, which would accommodate his condition under relaxed medical standards. His promotion was rejected on the grounds that accommodating him would be contrary to safety norms and not in the best interest of the Railway Administration due to his long residual service. The CAT found this reasoning inadequate, noting that the applicant's long service should have been an asset, not a liability. The CAT set aside the rejection letters and directed the authorities to reconsider Mohapatro's promotion, ensuring it aligns with his medical fitness for the specified posts.	
15.	O.A. No. 210/0533/2014	<i>Ramesh Kallappa Kiwande vs. The General Manager (P), South Central Railway and Ors., (05.02.2020 - CAT - Mumbai) MANU/CA/0357/2020</i> The applicant, who sustained a severe injury in 2003, was declared unfit for duty and discharged in 2004. He argued that the Railway Board's refusal to grant him an 'invalid pension' under Rule 55 of Railway Service (Pension) Rules, 1993 and the creation of a supernumerary post was contrary to Section 47 of the PWD Act, 1995. The CAT held that the Railway Board's instructions were inconsistent with the PWD Act, 1995 which mandates supernumerary posts for employees declared unfit but still needing alternative employment. The CAT directed the Railway to grant the applicant supernumerary status from the date of his discharge, ensure all due payments, and provide immediate financial assistance.	Non-discrimination, Injury during Employment

16.	O.A. No. 4467/2017	<i>Sudhir Kumar vs. Govt. of NCTD and Ors. (18/07/2019, CAT- Delhi): MANU/CA/0443/2019</i> The applicant, who has a visual disability, argued that he should receive a double transport allowance due to his condition. Initially, his disability was reported as 75%, but a re-examination reduced his disability to 40%. However it was noted that the applicant did not cooperate during the medical re-examination, and the applicant complained of mistreatment. The CAT held that the reduction of his transport allowance was effectuated only because of the applicant's refusal to undergo further medical re-examinations. His claim of harassment was rejected, and it was determined that the decision to pay him the normal rate was correct, until he agreed to undergo a proper medical examination. The case was dismissed, but the respondent was directed to adjust the travel allowance based on future medical evaluations.	Medical Examination, Disability Certificate, Travel Allowance
17.	O.A. No. 1763/2015	<i>Rajesh Kumar Meena vs. Ministry of Railways and Ors. (31.10.2019 - CAT- New Delhi) MANU/CA/0904/2019</i> The applicant, who had applied for a post in the Railway Board, was declared unfit for the post by the Railway Medical Board due to the amputation of two fingers. Although a government hospital certified him as having 5% disability, but physically fit for the job, his application was still rejected. The CAT held that if an employee has a bodily infirmity or disability which does not affect the performance of day to day duties, the employees can be considered for the appointment.	Non-discrimination in Employment

18.	O.A. No. 180/00100/2015	<i>Sudhir Kumar B. vs. Union of India and Ors. (18.07.2019, CAT- Ernakulam) : MANU/CA/0041/2019</i> The applicant, a Trained Graduate Teacher, developed a 75% visual disability, certified by a Medical Authority, and was granted double transport allowance. However, following complaints, a fact-finding inquiry questioned the legitimacy of the certificate, leading to a re-examination that the applicant allegedly evaded. The Medical Authority later revised his disability to 40%. The respondent-department reduced his allowance and issued a warning, which the applicant contested in the CAT. The CAT found the applicant's refusal to cooperate with re-examination unjustified, dismissed his plea, and upheld the department's actions, allowing further disciplinary measures if necessary.	Valid Disability Certificate, Travel Allowance
19.	O.A. No. 180/00140/2016	<i>K. Rajendraprasad vs. Union of India and Ors. (23.01.2019, CAT- Ernakulam) : MANU/CA/0042/2019</i> In this case the applicant, grievously injured while on duty in 1998, was declared medically unfit and placed in a lower grade post without pay protection. He later learned that under the PWD Act, 1995, he was entitled to supernumerary status and full pay protection, which he had been denied. Despite his retirement in 2010, the applicant sought these benefits. The respondents rejected his claim due to delay. The Tribunal, referencing the Supreme Court's judgement in <i>M.R. Gupta v. Union of India</i>, held that the applicant's rights under the PWD Act, 1995 constituted a continuing cause of action. The CAT directed the respondents to grant the applicant all benefits under the PWD Act, 1995 including pensionary benefits, within three months.	Disability Entitlements, Pension, Delay in Application

20.	O.A Nos. 2233 and 2236/2017	<i>Pradeep Kumar Shrivastava and Ors. Vs. Central Bureau of Investigation and Ors. (08.02.2018, CAT- Delhi): MANU/CA/0078/2018</i> In this case, the applicant sought judicial intervention in the matter of his transfer on specified grounds i.e., mental illness of the applicant's child of 13 years (suffering from autism) and also his wife, who is suffering from schizophrenia. The CAT held that different treatment shall be given to the applicant, since the transfer policy in question was meant for Government employees whose circumstances were normal and not extraordinary. In its order, the CAT discussed various provisions of the RPWDA, and held that shifting of the applicant would have an adverse impact on the child and wife of the applicant. The CAT concluded that the applicant has to be given different treatment than envisaged under the transfer policies of the respondents. The respondents had failed to take into consideration the circumstances mentioned by the applicant indicating disability of his child and spouse requiring special attention, care and high support. The CAT held that the decision of transfer in such a case is against public policy and the provisions of the RPWDA.	Transfer, Disability of Family Members
21.	O.A. No. 050/00465 of 2014	<i>Ranjeet Kumar Vs. Union of India and Ors. (30.08.2017, CAT - Patna): MANU/CA/0670/2017</i> The applicant challenged his forced retirement on the grounds of disability. He had worked in the position of Track Man in the Railway Board, but pursuant to a subsequent medical examination it was found that he was unfit and was retired without any alternate employment consideration.	Retirement, Invalid Pension

		The CAT upheld the retirement and stated that once a railway employee is declared by a medical authority to be permanently incapacitated for further service, he has to retire from service (while being provided invalid pension), if alternate employment is not possible for him.	
22.	O.A. No. 279/2012	<i>Hanuman Singh Vs. Union of India and Ors. (27.05.2016, CAT- Jodhpur): MANU/CA/0549/2016</i> This case involved a Diesel Mechanic employed with the Railways Board. He was medically deemed unfit for employment due to low vision that he acquired during his service. He was placed in a lower post as a clerk and his pay was fixed according to relevant rules. The CAT ruled that it is illegal to dispense with or reduce the rank of an employee who acquires a disability during his service. The pay scale and service benefits of such persons after acquiring disability is protected by Section 47 of the PWD Act, 1995 (corresponding to Section 20(4) of the RPWDA).	Non-discrimination in Employment

C) Department of Expenditure (DoE)

The DoE is the nodal body responsible for overseeing public financial management in the Government of India, including state finances, implementing recommendations of the Finance and Central Pay Commissions, and ensuring effective expenditure management across Government Ministries and Departments. With respect to the employment of persons with disabilities, the DoE ensures that budgetary provisions and policies are inclusive, aligning financial resources and expenditure policies to support the implementation of non-discriminatory employment practices and welfare measures for employees with disabilities.

S. No.	O.M./Notification No.	Rights/Provisions	Tag
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1.	No.21/1/2018-E.IIB dated 15 September 2022	This O.M. contains a compendium of instructions on the grant of travel allowance at twice the normal rates for persons with disabilities employed in the central government. This consolidated master O.M. issued by the DoE supersedes all earlier instructions issued on this subject. This transport allowance at double the normal rates can be availed by central government employees with benchmark disabilities, having a valid certificate of disability issued by the Certified Medical Authority. The O.M. specifies that the additional condition of recommendation of the concerned Head of Department of a government hospital has been done away with. The rates of such transport allowances are determined and notified time to time by the DoE as per the recommendations of Central Pay Commissions.	Transport Allowance, Employee Benefits
2.	No. 24(35)/PF-II/2012 dated 3 April 2018	This O.M. modifies a previous O.M. issued by the DoE (O.M. No. 24(35)PF-II/2012 dated 5 August 2016) on the guidelines for formulation, appraisal and approval of Public Funded Plan Schemes and Projects. Through this O.M., the DoE has amended the format for appraisal of schemes/projects in the guidelines to include a requirement to bring out any special interventions and measures proposed to meet the needs of persons with disabilities, including accessibility requirements under the RPWDA.	Publicly Funded Schemes and Projects, Accessibility
3.	Manual on Procurement of Goods, Manual on Procurement of Consultancy and Other Services, and	The DoE's Manuals on Procurement of Goods, Procurement of Consultancy and Other Services, and Procurement of Works were updated and amended in June 2022. The amended manuals mandate that procuring authorities are responsible for conducting public procurement in a way that prioritises accessibility for persons with disabilities.	Procurement, Accessibility

	Manual on Procurement of Works , updated in June 2022		
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D) Department of Pension & Pensioners' Welfare (DoPPW)

The DoPPW is the nodal department responsible for formulating policies regarding pensions and retirement benefits for Central Government employees governed by the CCS (Pension) Rules, 1972, and other related legislations. It also focuses on promoting the welfare of pensioners and provides a platform for addressing grievances related to pensions.

With respect to persons with disabilities, the DoPPW ensures that policies related to pensions and retirement benefits are inclusive and accommodate the specific needs of Government employees with disabilities, ensuring equitable access to retirement benefits and welfare provisions. It plays a key role in addressing disability-related pension issues and ensuring non-discrimination in post-retirement benefits for pensioners with disabilities.

S. No.	O.M./Notification No.	Right/Provision	Tag
1.	No. - 57/03/2022-P&PW(B)/8361 (2) dated 28 October 2022	This O.M. discusses the pension entitlements on discharge from service on account of invalidation or disablement, available to Central Government employees covered under the NPS. The O.M. reiterates the process for application for discharge from service on account of invalidation or disablement under Rule 16 and 17 of the CCS (Implementation of NPS) Rules, 2021. The DoPPW has directed all relevant government ministries and departments to train personnel dealing with the pensionary benefits in that ministry or department and inform them about the procedures under the CCS (Implementation of NPS) Rules, 2021, in order to strictly implement the notified rules.	NPS, Pension Benefits

2.	No. - 57/03/2022-P&PW(B)/8361 dated 26 October 2022	This O.M. clarifies and reiterates the options available to a Government employee to avail of a pension under various schemes, on discharge from service on account of invalidation or disablement. Rule 10 of the CCS (Implementation of NPS) Rules, 2021, allows employees, at the time of joining service, the option to avail benefits under the NPS or CCS (Pension) Rules, 2021 or CCS (Extraordinary Pension) Rules, 1939 in the event of their death, disablement or invalidation during service. Existing Government employees covered under the NPS can also exercise this option to avail of pension under any one of the alternatives provided under Rule 10. The O.M. describes the process for Government employees to avail of the options for pension and directs all relevant government ministries and departments to inform personnel dealing with pension services about the available options for Government employees.	Pension Benefits, Options for Pension Schemes
3.	F.No. 1/1(1))-2022-P&PW (E) dated 26 October 2022 (available at pg. no. 161)	This O.M. discusses the grant of family pension under the CCS (Pension) Rules, 2021 to a deceased Government employee's child or sibling with disability. Rule 50 of the CCS (Pension) Rules, 2021 states that if the child or sibling of a deceased Government employee has a physical or mental disability and is not earning a livelihood, they are eligible to receive family pension benefits of the deceased employee for life. This has been reiterated from a previous O.M. of the DoPPW (1/17/2019-P&PW(E)) dated 8 February 2021), which amended the provisions of Rule 54 of the CCS (Pension) Rules, 1972. As per this, a child or sibling with disability is deemed to be not earning a livelihood if their overall income from sources	Family Pension, Child with Disability, Sibling with Disability

		other than family pension is less than the entitled family pension and dearness relief. The O.M. also clarifies that the family pension is available to a child or sibling of a deceased Government employee if: - The child or sibling has any disability covered under the RPWDA, and has a valid disability certificate; - The existence of the disability of the child or sibling predates the death of the Government employee or pensioner; and - The child or sibling is not earning a livelihood.	
4.	1/4/2021-P&PW(E) Part-I dated 19 January 2022	In this O.M., the DoPPW reiterated that according to Rule 50(9)(h)(vii) of the CCS (Pension) Rules, 2021, in case a child of a Government employee with intellectual disability or mental illness is eligible to receive family pension, the family pension can be paid through a guardian nominated by the Government employee or the pensioner. In case the Government employee has not nominated a guardian for their child during their lifetime, the guardian nominated by the spouse of such Government employee or family pensioner will be considered eligible to receive the family pension on behalf of the child with disability. The Guardianship Certificate issued under Section 14 of the National Trust Act, 1999 will also be accepted for nomination or appointment of guardian for grant of family pension. The DoPPW has noticed that in some cases, the Pension Disbursing Banks have been demanding a guardianship certificate issued by a court of law for payment of family pension through a guardian for the child with disability. However, it is clarified that no such guardianship certificate issued by a court	Family Pension, Pension Disbursing Banks, Child with Disability

		of law is required as long as a guardian has been appointed in accordance with Rule 50(9)(h)(vii) of the CCS (Pension) Rules, 2021. Pension Disbursing Banks are directed to disburse the family pension in respect to such a child without delay. This O.M. supersedes and reiterates the previous O.M. of the DoPPW on this matter, No.1/6/2020-P&PW (E) dated 3 March 2020, states the process of co-authorization of children with a permanent disability in Pension Payment Orders for receiving the entitlement of family pension.	
5.	1/3/2019-P&PW(F) dated 1 January 2021	Through this O.M., the DoPPW clarifies that a Government employee with disability, appointed on or after 1 January 2004 and covered under the NPS, is also be eligible to receive a lump sum compensation computed in under of Rule 9(3) of CCS (Extraordinary Pension) Rules 1939, if the disability is attributable to the Government service and the Government employee is retained in service post acquiring the disability. The DoPPW clarified that previously, the entitlement of a lump sum compensation was available to a Government employee covered under the NPS, only if they were relieved from service due to a disability attributable to the Government service. This was stated in the DoPPW's O.M. No. 38/41/06-P&PW (A) dated 5 May 2009. However, the present O.M. amends the previous O.M. in order to extend the benefit of a lump sum compensation even to Government employees who were retained in service post acquiring the disability.	Lump sum Compensation, Retention in Government Service
6.	No.1/7/2017--P&PW (F) dated 28 July 2020	The O.M. clarifies the process for computation of pension for any Central Government employee who was boarded out due to an injury/disability attributable to the Government service, prior to 1 January 2006.	Disability Pension, Service Element

		Previously, if such an employee had a qualifying service of less than ten years, they would be eligible to receive only the disability element of their disability pension, and not the service element. However, this O.M. does away with the requirement of ten years of qualifying service and states that any Central Government employee who was boarded out due to an injury/disability attributable to the Government service will be eligible to receive both, the disability element and the service element of their disability pension.	
7.	No.12/4/2020-P&PW(C)-6300 dated 28 July 2020 (available on pg. no. 18)	This O.M. consolidates instructions for Pension Disbursing Authorities to ensure smooth payment of pension/family pension to pensioners/family pensioners. With respect to disbursement of family pension to children of Government employees who have a disability, the O.M. clarifies that if the disability of the child is temporary, the guardian of such a child shall produce a disability certificate once every five years, as long as the child continues to have the disability. The child with disability is also required to self-certify every year that they have not started earning a livelihood.	Pension Disbursing Authorities, Child with Disability, Family Pension
8.	No.1/6/2017-P&PW(F) dated 10 October 2018	This O.M. clarifies the procedure for calculation of disability pension and family pension under the CCS (Extraordinary Pension) Rules, 1939 for pre-1996 and pre-2006 disability pensioners and family pensioners. The revision now includes a Non-performing Allowance as part of the disability pension and family pension covered under the CCS (Extraordinary Pension) Rules, 1939 to retired Medical Officers.	Retired Medical Officers, Non-performing Allowance
9.	No.1/4/2016-P&PW(F) dated 12 October 2017	The O.M. revises the disability pension and family pension for pre-2016 pensioners under the Civil Services (Extra Ordinary Pension) Rules, 1939, in	Pre-2016 Disability Pensioners, Disability

		accordance with the recommendations of the 7th Central Pay Commission. The O.M. includes revisions to the disability and family pensions based on the 7th Central Pay Commission pay matrix and details the revised pension rates. This applies to pensioners who retired or died before 2016. Further, the revision is not subject to the maximum pension limits, and the changes apply to various government employees, including those under the NPS.	Pension, Family Pension
10.	No.1/4/2017--P&PW (F) Dated 2 August 2017 (available on pg. no. 32)	This O.M. reflects the recommendation of 7th Central Pay Commission to increase the Constant Attendant Allowance for employees with disabilities. to INR 6750 per month from INR 4500 per month. The Constant Attendant Allowance is granted to pensioners who retired from Government service and were eligible for disability pension under the CCS (Extraordinary Pension) Rules, 1939. Such Constant Attendant Allowance is provided to pensioners with 100% disability (where the individual is completely dependent on somebody else for day-to-day function) and is paid in addition to the disability pension.	Constant Attendant Allowance, Disability Pension
11.	No.1/4/2016-P&PW (F) dated 2 August 2017	This O.M. issues a clarification on the quantum of disability pension/family pension under CCS (Extraordinary Pension) Rules, 1939, in order to implement the recommendations of the 7th Central Pay Commission. It clarifies that the disability pension would continue to be calculated in accordance with Schedule II of CCS (Extraordinary Pension) Rules, 1939. However, the minimum disability pension with effect would be INR 18,000 per month, with effect from 1 January 2016 for all categories of employees with disabilities.	Minimum Disability Pension
12.	No. 1/4/2016-P&PW(F)	This O.M. issues a clarification on the issue of upper ceiling for disability	Upper Ceiling of Pension,

	dated 11 November 2016	pension and family pension. As per OM No. 38/37/2016-P&PW(A)(ii) dated 4 August 2016 issued by the DoPPW, the upper ceiling of disability pension and family pension was indicated to be 50% and 30% respectively of the highest pay in the Government, ie. INR 2,50,000. However, through the present O.M., the DoPPW has clarified that this ceiling of disability pension/family pension is applicable only in the case of pension drawn under the CCS (Pension) Rules, 1972 and will not apply in the case of disability pension/family pension under CCS (Extraordinary Pension) Rules, 1939. Under the latter rules, the calculation of disability pension/family pension includes a 'disability element', in addition to the 'service element', and as such the upper ceiling of disability pension and family pension is not applicable.	Pension Calculation
13.	No.45/3/2008-P&PW (E) dated 8 August 2016	The O.M. revises the disability and family pensions for pre-2006 pensioners under the CCS (Extraordinary Pension) Rules, 1939. Previously, the service element of disability pension was available only to pensioners who had completed 33 years of service. This requirement is now removed for pre-2006 disability pensioners, making them eligible to receive the revised disability pension without pro-rata reduction, and arrears payable from 1 January 2006.	Pre-2006 Disability Pensioners
14.	No.1/18/200 1 - P&PW(E)(Vol.II) dated 27 January 2016	The DoPPW has issued this O.M. to answer the clarifications sought by the Ministry of Railways regarding grant of family pension to a Government employee's child or sibling with disability. It clarified that non-intimation of the disability of the child/sibling to the Pension Sanctioning Authority in the lifetime of the Government employee does not make a child/sibling ineligible for family pension.	Family Pension, Death of Pensioner

		It further clarified that a disability certificate issued for the child/sibling after the death of the employee/pensioner for a disability which existed before their death may be accepted by the Pension Sanctioning Authority if they are satisfied that: (i) it renders the child or sibling unable to earn a living, (ii) the child/sibling had that disability on the date of death of the pensioner/employee. Further, the O.M. reiterates that there is no requirement of obtaining a fresh disability certificate specifically for the family pension if the child/sibling already has a permanent disability certificate issued by the authorised medical authority.	
15.	Gazette Notification G.S.R. 141 dated 22 September 2022	This notification amended the General Provident Fund (Central Services) Rules, 1960. The amendment makes the following changes to the payment of provident fund for persons with disabilities: - Amendment to Sub-rule (1) of Rule 12 allows the Head of Office to approve the payment of an advance to any subscriber to cover costs associated with illness (confinement) or disability, including, if required, travel expenses for the subscriber, their family, or any person who is dependent on them. - Amendment to Sub-rule (1) of Rule 15 allows the Head of Department to approve withdrawals for covering costs associated with an illness (confinement) or disability, including, if required, travel expenses for the subscriber, their family, or any person who is dependent on them.	Provident Fund, Advances, Travel Expenses
16.	Gazette Notification	This notification amended Rule 38 of the CCS (Pension) Rules, 1972. It	Disability Pension, Invalid

	G.S.R. 12(E) dated 04 January 2019	introduces changes related to disability and invalidity pensions for government employees. The amendment specifies that if a government employee acquires a disability, their case will be governed by Section 20 of the RPWDA, provided they submit a disability certificate from a competent medical authority. Further, it clarifies that if Section 20 of the RPWDA is not applicable and the employee retires due to bodily or mental infirmity, they are still eligible for invalid pension under Rule 49 of the CCS (Pension) Rules, 1972. This applies even if the employee has less than 10 years of qualifying service, as long as they were medically examined and declared fit for service when appointed and meet all other conditions for invalid pension. These amendments align the CCS (Pension) Rules, 1972 with the provisions of the RPWDA, and ensure fair pension benefits for government employees retiring due to disability or infirmity.	Pension
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E) Department of Public Enterprises (DoPE)

The DoPE serves as the central coordinating agency for the formulation of policies and guidelines related to the functioning, performance, and governance of public sector enterprises in India. With respect to persons with disabilities, the DoPE plays a crucial role in ensuring that public sector enterprises implement inclusive policies that support the recruitment, retention, and welfare of employees with disabilities. It helps formulate guidelines to promote equal opportunities and non-discriminatory practices within public sector enterprises, contributing to the broader mission of responsible and inclusive governance.

Note: In addition to the orders/circulars/notification of the DoPE itself, often the orders/notifications/circulars of the DoPT are also required to be adopted and implemented by the DoPE (instances of which are indicated in the summaries of the DoPT orders/notifications/circulars above). This ensures that public sector enterprises follow inclusive policies regarding the recruitment, retention, and welfare of persons with disabilities.

S. No.	O.M./Notification No.	Right/Provision	Tag
1.	DPE-GM-0043/2014-GM (FTS-1899) dated 5 April 2023	This O.M. emphasises on the strict adherence to provisions and guidelines regarding the transfer of employees with disabilities in CPSEs. It has been issued by the DoPE pursuant to an order of the Office of the Court of Chief Commissioner for Persons with Disabilities (Case No./ F.No.: 13604/1022/2022 dated 07 February 2023), which lays down the relevant legal provisions and benefits for employees with disabilities, which protect them from arbitrary transfers, ensuring reasonable accommodations and barrier-free environments. Key highlights include: - Transfer Policies: Divyang employees should be exempted from routine transfers, and if transferred, they should preferably remain close to their current location or native place. - Promotion-Related Transfers: Employees should not be transferred during promotion if a vacancy exists in their current branch or town. If relocation is necessary, it should be to the nearest possible location. - Caregiver Exemptions: Employees who are caregivers to disabled dependents are also protected from routine transfers under specified conditions. The DoPE directs all CPSEs to comply with these guidelines, ensuring a supportive work environment for employees with disabilities.	Transfer Policies, Promotion, Caregivers of Persons with Disabilities

2.	O.M. No. W-02/0015/2021-DPE (WC) dated 21 February 2022	This O.M. addresses the inclusion of additional/double Transport Allowance for persons with disabilities, in the list of allowances which are exempt from an upper ceiling. In the matter of Sh. K. Shiva Reddy & Ors. (Case No. 11927/1024/2020 dated 12 February 2021), the office of Chief Commissioner for Persons with Disabilities recommended that the DoPE should amend its previous O.M. (No. W-02/0030/2018-DPE (WC) dated 10 July 2018) to exempt transport allowance from the ceiling of 35% of basic pay for perks and benefits for persons with disabilities. The O.M. states that following consultation with the DoE, it was decided that: 1. Employees with disabilities are entitled to double the transport allowance to facilitate their commute. 2. The additional transport allowance for employees with disabilities will be excluded from the 35% ceiling on perks and benefits CPSEs are instructed to review and fix transport allowance in consultation with their administrative ministries. In order to implement this O.M., the DoPE issued another O.M. No.W-02/0015/2021-DPE (WC)-GL-V/2023 dated 16 March 2023 to clarify that the exemption from the upper limit for travel allowance for employees with disabilities will be in effect from 21 February 2022.	Transport Allowance, Ceiling
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3.	O.M. No. 6(9)/2014(SC/ST Cell)/FTS-1955 dated 23 February 2016	This O.M. of the DoPE directs CPSEs to conduct accessibility audits of their infrastructure and to make their built up environment accessible to persons with disabilities. CPSEs are directed to increase accessibility through ramps in common/public buildings, accessible parking, accessible toilets, Braille symbols and auditory signals in elevators etc.	Accessibility Audit, Built up Environment
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Government of India
Ministry of Social Justice and Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan)

PATHWAYS TO ACCESS



Compilation of summaries of important orders
/circulars/notifications of the Government of India
pertaining to healthcare for persons with disabilities

Pathways to Access (Part III) - Rights of Persons with Disabilities related to Healthcare

List of Abbreviations:

- CGHS: Central Government Health Scheme, Ministry of Health and Family Welfare
- DEPWD: Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment, Government of India
- MoHFW: Ministry of Health and Family Welfare, Government of India
- NHM: National Health Mission, Ministry of Health and Family Welfare
- O.M.: Office Memorandum
- PWD Act, 1995: Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- RPWDA: Rights of Persons with Disabilities Act, 2016

Framework & Approach:

This resource document provides a collated, summarised understanding and analysis of the law, and the efforts made towards realising the rights and provisions pertaining to the healthcare of persons with disabilities. For context, a brief overview of the relevant provisions of RPWDA, that guarantee healthcare related rights to persons with disabilities, is provided in the section below. Specifically, this compilation contains office memorandums/guidelines/programmes/schemes of MoHFW and DEPWD which have been issued in pursuance to the provisions of the RPWDA. As such, the office memorandums/guidelines/programmes/schemes concern the healthcare of persons with disabilities and cover rights/entitlement/benefits provided to persons with disabilities and their families.

The office memorandums/guidelines/programmes/schemes were included based on their evaluation against the following criteria:

- a) The office memorandum/guideline/programme/scheme of the relevant Ministry/Department/authority details or clarifies the eligibility/scope of a healthcare related right/entitlement/benefit provided to persons with disabilities.
- b) The office memorandum/guideline/programme/scheme of the relevant Ministry/Department/authority has been issued to implement a healthcare related right/entitlement/benefit provided to persons with disabilities.

Only those orders which meet one or both of the aforesaid criteria have been included in the present document.

This document has been prepared in plain English with due care to ensure that their essence is not compromised. The office memorandums/guidelines/programmes/schemes were identified through the website of:

- a) MoHFW (<https://mohfw.gov.in/>)
- b) DEPWD (<https://depwd.gov.in/>)
- c) NHM (<https://nhm.gov.in/>)
- d) CGHS (<http://cghs.gov.in/>)
- e) the National Trust (<https://www.thenationaltrust.gov.in/>)

The particulars of the office memorandums/guidelines/programmes/schemes are provided in the table below, and are hyperlinked for the convenience of the reader, to the document containing that office memorandum/guideline/programme/scheme of the relevant authority. Further, to allow easy navigation for readers interested in knowing the position of law on specific rights, entitlements, benefits, a set of tags for each entry is provided in the fourth column of the database. Appropriate tags have been identified for each entry by taking into account the specific healthcare related right/entitlement/benefit that the office memorandum/guideline/programme/scheme pertains to.

Brief Overview of RPWDA framework on healthcare:

The relevant office memorandums/guidelines/programmes/schemes within this compilation primarily address provisions of the RPWDA related to the healthcare of persons with disabilities. These provisions aim to ensure equality, non-discrimination, and the protection of rights for persons with disabilities with respect to their healthcare.

Necessary Schemes and Programmes (Section 24, RPWDA)

- The appropriate government is responsible for formulating schemes/programmes for establishing community centres which provide access to healthcare, and for provision of aids and appliances, medicine, diagnostic services and corrective surgery free of cost to persons with disabilities (with such income ceiling as may be notified).

Free Healthcare and Other Measures (Section 25, RPWDA)

- The appropriate government and local authorities are required to take necessary measures to provide free healthcare to persons with disabilities, especially in rural areas (subject to the notified threshold for family income).
- The appropriate government and local authorities are responsible for providing barrier-free access and priority in attendance and treatment to persons with disabilities, in Government and private hospitals and other healthcare institutions and centres.

- The appropriate government and local authorities are responsible for promoting healthcare and preventing disabilities through annual child screenings, staff training, public awareness, and education on hygiene and health. The provision emphasizes maternal and child care, healthcare during emergencies, and access to reproductive health services, particularly for women with disabilities.

Rehabilitation Services and Programmes (Sec 27,RPWDA)

- The appropriate government and local authorities are responsible for undertaking rehabilitation initiatives in health, education, and employment, based on their economic capacity and development goals.

Disclaimers:

1. This compilation is for general informational purposes only and is not intended to serve as an official record of any such office memorandums/guidelines/programmes/schemes. If readers wish to obtain any further information about the office memorandums/guidelines/programmes/schemes mentioned in this compilation, they are requested to verify the same from the relevant primary sources.
2. The information contained in this compilation is taken from the websites of the MoHFW, DEPWD, NHM, CGHS, and the National Trust, published and readily available as of 10 November 2024. Further developments concerning the office memorandums/guidelines/programmes/schemes mentioned, as well as office memorandums/guidelines/programmes/schemes which may be dated 10 November 2024 (or a date prior to the said date), but were published on the said website subsequent to 10 November 2024 have not been incorporated in this compilation.
3. Since the RPWDA came into force in April 2017, replacing the PWD Act, 1995, and reflecting India's updated international commitments under the United Nations Convention on the Rights of Persons with Disabilities, this compilation includes office memorandums/guidelines/programmes/schemes which were issued between April 2017 and 10 November 2024, and were available as on 10 November 2024. However, exceptions have been made for any orders/circulars/notifications issued prior to April 2017, i.e., during the older regime of the PWD Act, 1995, that remain legally valid and enforceable under the RPWDA.

Compilation of office memorandums/guidelines/programmes/schemes on the healthcare related rights of persons with disabilities

A. Ministry of Health and Family Welfare (MoHFW)

The MoHFW is responsible for overseeing public health initiatives, disease prevention, and the regulation of medical education and healthcare institutions in India. The MoHFW plays a vital role in implementing various national health programs, promoting universal healthcare for all.

The MoHFW also oversees the creation of accessible healthcare infrastructure for persons with disabilities. It is also responsible for the training of medical professionals for early identification and prevention of disabilities, and for instituting comprehensive rehabilitation programs, ensuring access to public health services for persons with disabilities.

The flagship schemes and programmes of the MoHFW are:

- 1) [Central Government Health Scheme](#) (CGHS): CGHS provides comprehensive, affordable and accessible medical care to the Central Government employees and pensioners enrolled under the scheme. Beneficiaries are provided outpatient care, hospitalisation, specialist consultations, and laboratory services through a network of wellness centers, polyclinics and empaneled private hospitals across India. It covers rehabilitation services for persons with disabilities and facilitates referral to specialised centres, if required.
- 2) [National Health Mission](#) (NHM): The NHM is a programme in India that aims to provide access to affordable, quality healthcare in rural and urban areas. It covers reproductive and maternal care, neonatal/child/adolescent health, and communicable and non-communicable diseases. It has initiatives aimed at early identification and early intervention for children with birth defects, malnutrition, deficiencies, developmental delays and disabilities.

The following are the orders/schemes/notifications of the MoHFW on healthcare of persons with disabilities:

S.NO.	O.M. No./Scheme	Right/Provision	Tags
1.	Rashtriya Bal Swasthya Karyakram	It is an initiative launched by the MoHFW under the NHM, for providing early screening and early intervention services for children (0-18 years), focusing on defects, deficiencies, diseases, and developmental delays (including disabilities). It provides critical support for children with disabilities and their caregivers by providing accessible early healthcare, specifically:	Screening of Children, Early intervention

		● Screening at various sites: At birth (delivery points), newborns at home (Accredited Social Health Activists), young children (Anganwadi Centers), and school-age children (government schools). ● District Early Intervention Centers: Children with identified conditions are referred for specialised management, and free treatment is provided for all identified conditions, ensuring that families incur no cost. ● Free Treatment: The programme covers 30 selected health conditions, supporting early diagnosis and management to prevent or minimise disabilities.	
2.	Ayushman Bharat Pradhan Mantri Jan Arogya Yojna	This is a publicly funded health insurance scheme which aims to provide health cover up to INR 5,00,000 for secondary and tertiary care hospitalisation (in empanelled hospitals), to underprivileged families in India. Persons with disabilities who meet the eligibility criteria are entitled to benefits under the scheme. The scheme covers a comprehensive range of medical expenses, including consultations, pre- and post-hospitalization care, diagnostics, intensive care, and follow-up treatment for up to 15 days, with an annual limit of INR 5,00,000 on a family floater basis. There is no cap on family size or member age, and coverage includes pre-existing conditions.	Health Insurance for Underprivileged Families
3.	O.M. No. S.11012/1/2024-EHS , dated 27 June 2024	This O.M. was issued by the MoHFW under the CGHS to outline eligibility requirements of a dependent son with disability of a serving employee or pensioner. A dependent son with disability can be included as an eligible beneficiary on a CGHS card, provided a disability certificate from an authorized medical board is submitted. This applies particularly to sons over 25 years of age. Such dependents of a serving employee or pensioner can secure medical benefits under the CGHS at empanelled hospitals, offering essential support for those who may require specialized or emergency healthcare services. This O.M. also references a previous O.M. F. No. 4-24/96-C&P/CGHS(P)/EHS dated 7 May 2018 issued by the MoHFW, which outlines the eligibility criteria for unmarried dependent sons and broadens the definition of disability to include the categories	CGHS Benefits, Unmarried Dependent Son with Disability

		stipulated under the RPWDA (physical, mental, intellectual, and multiple disabilities). It specifies that an unmarried dependent son, regardless of age, is eligible for CGHS benefits if he has a permanent benchmark disability (40% or more).	
4.	F.No. T.21017/20/2021-NCD.I (NPPCD)/Part dated 4 May 2023	The MoHFW has issued and notified the "Guidelines for Accessibility of Healthcare Facilities and Services for Persons with Disabilities." These guidelines aim to eliminate barriers in healthcare access for persons with disabilities, ensuring compliance with the RPWDA. They mandate that both government and private healthcare institutions provide equitable, dignified, and independent access to services for persons with disabilities. Key highlights include: ● Accessible Infrastructure: Implementation of ramps, elevators, and wheelchair-friendly pathways to facilitate movement within healthcare facilities. ● Adapted Facilities: Provision of accessible toilets and other amenities designed to meet the needs of persons with disabilities. ● Specialized Medical Equipment: Availability of height-adjustable examination tables and other equipment tailored for use by persons with disabilities. ● Staff Training: Comprehensive training programs for healthcare staff to enhance sensitivity and awareness regarding disabilities, improving service delivery. These guidelines are crucial for removing physical, informational, and attitudinal barriers, thereby enhancing healthcare accessibility for persons with disabilities.	Accessibility of Healthcare Facilities
5.	Office Memorandum File No: S.11030/86/2022-EHS dated 1 May 2023	This O.M. details the guidelines issued by the MoHFW under CGHS and the Central Services (Medical Attendance) Rules, 1944 to support therapies for persons with Autism Spectrum Disorder, Attention Deficit Hyperactivity Disorder, and Specific Learning Disabilities. They provide financial assistance for occupational therapy, speech therapy, and applied behavior analysis therapy to eligible persons with disabilities, with a reimbursement ceiling of INR 400 per session. Beneficiaries can access services at both empanelled and non-empanelled centers, provided the therapists meet specified qualifications. This	Therapies for Autism Spectrum Disorder, Attention Deficit Hyperactivity Disorder, and Specific Learning Disabilities

		initiative enhances access to essential therapies, supporting social integration and independence for persons with disabilities.	
6.	O. M. No. S. 14025/10/2002/M dated 26 May 2015	This O.M. issued by the MoHFW revises the ceiling rates on financial assistance for hearing aids and provides that the covered cost of hearing aids includes all taxes and a three year warranty period. It specifies that beneficiaries under CGHS are eligible to obtain hearing aids if they are referred to a CGHS/Government hospital Ear-Nose-Throat Specialist from a parent CGHS wellness centre.	Access to Hearing Aids

B. Department of Empowerment of Persons with Disabilities (DEPWD)

The DEPWD promotes equitable and accessible healthcare for persons with disabilities in India through comprehensive schemes and programmes, covering rehabilitation, health insurance, assistive services, and capacity building.

S.No.	O.M./Order No.	Right/Provision	Tags
1.	Deendayal Divyangjan Rehabilitation Scheme (Revised Guidelines w.e.f. 1 October 2024)	The Deendayal Divyangjan Rehabilitation Scheme offers financial assistance to voluntary organizations to provide comprehensive rehabilitation services for persons with disabilities, including early intervention, development of daily living skills, education and training. Model projects considered for financial assistance under this scheme include early intervention and therapy for young children to support developmental milestones, half-way homes for mental health rehabilitation and projects based on providing assistive devices and therapy equipment to persons with disabilities.	Rehabilitation, Financial Assistance to Voluntary Organisations
2.	Niramaya Health Insurance Scheme	The Niramaya Health Insurance Scheme, launched by the DEPWD, provides affordable health insurance for persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities. It offers up to INR 1,00,000 annually, covering essential health-related needs, including outpatient treatments, preventive and routine care, surgical and non-surgical interventions, rehabilitation therapies, alternative medicine and ancillary travel costs.	Health Insurance for Persons with Autism, Cerebral Palsy, Mental

		Persons with disabilities who have at least one of the disabilities covered under the National Trust Act, 1999 with a valid disability certificate are eligible for insurance coverage. This scheme promotes equitable healthcare access, helping persons with disabilities manage their health needs affordably.	Retardation, and Multiple Disabilities
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Ministry of Social Justice and Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan)

PATHWAYS TO ACCESS



Compilation of summaries of important orders/circulars
/notifications of the Government of India pertaining to
financial services for persons with disabilities

Pathways to Access (Part III) - Rights of Persons with Disabilities related to Financial Services

List of Abbreviations:

- DEPWD: Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment, Government of India
- DFS: Department of Financial Services, Ministry of Finance, Government of India
- DoPT: Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India
- IRDAI: Insurance Regulatory and Development Authority of India
- O.M.: Office Memorandum
- PWD Act, 1995: Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- RBI: Reserve Bank of India
- RPWDA: Rights of Persons with Disabilities Act, 2016
- RPWDR: Rights of Persons with Disabilities Rules, 2017
- SEBI: Securities and Exchange Board of India

Framework & Approach:

This resource document provides a collated, summarised understanding and analysis of the law, and the efforts made towards realising the rights and provisions pertaining to financial services for persons with disabilities. For context, a brief overview of the relevant provisions of the RPWDA relating to financial services for persons with disabilities, is provided in the section below. Specifically, this compilation contains orders/circulars/notifications of the DFS, IRDAI, RBI and SEBI which have been issued in pursuance to the provisions of the RPWDA.

The orders/circulars/notifications were included based on their evaluation against the following criteria:

- a) The order/circular/notification of the relevant Department substantially details or clarifies the scope of a right/entitlement/benefit/concession provided to a person with disability.
- b) The order/circular/notification of the relevant Department has been issued to implement such a right/entitlement/benefit/concession provided to a person with disability.

Only those orders which meet one or both of the aforesaid criteria have been included in the present document.

This document has been prepared in plain English with due care to ensure that their essence is not compromised. The orders were identified through the website of:

- a) DFS (<https://financialservices.gov.in/>)
- b) IRDAI (<https://irdai.gov.in/>)
- c) RBI (<https://www.rbi.org.in/>)
- d) SEBI (<https://www.sebi.gov.in/>)

The particulars of the order/circular/notification are provided in the table below, and are hyperlinked for the convenience of the reader, to the document containing that order/circular/notification on the website of the relevant authority. Further, to allow easy navigation for readers interested in knowing the position of law on specific rights, entitlements, benefits, allowances or concessions, a set of tags for each entry is provided in the fourth column of the database. Appropriate tags have been identified for each entry by taking into account the specific right/benefit/entitlement/concession related to financial services that the order/circular/notification deals with.

Brief Overview of RPWDA framework:

The relevant orders/circulars/notifications included in this compilation primarily deal with provisions of the RPWDA relating to the financial services available to persons with disabilities. These measures emphasise inclusivity in financial services, ensuring that persons with disabilities have the same opportunities and protections as others when it comes to banking and insurance.

Access to Financial Services (Section 2(x) of the RPWDA)

The RPWDA defines 'public facilities and services' to include delivery of banking, finance, and insurance related services. These services must be made accessible to persons with disabilities, ensuring non-discriminatory access to essential financial services.

Legal Capacity for Financial Affairs (Section 13 of the RPWDA)

The RPWDA mandates that persons with disabilities must have equal rights to manage their financial affairs, including access to bank loans, mortgages, and other forms of financial credit. The appropriate Government is tasked with ensuring that these rights are protected, allowing persons with disabilities to enjoy full legal capacity to handle their finances without discrimination.

Comprehensive Insurance Scheme (Section 26 of the RPWDA)

The appropriate Governments should develop a comprehensive insurance scheme for persons with disabilities who are not covered by other schemes such as the Employees State Insurance Scheme. This provision aims to ensure that those excluded from traditional statutory insurance systems still have access to appropriate insurance coverage.

Accessibility (Section 40 of the RPWDA)

The Central Government, in consultation with the Office of the Chief Commissioner for Persons with Disabilities, is tasked with setting accessibility standards for the physical environment, transport, and information and communication systems. These standards are crucial for ensuring equal access to services in both urban and rural areas. Other than

In addition to the Harmonised Guidelines and Space Standards for Universal Accessibility in India, 2021 and Accessibility for ICT Products and Services (Part I & II), 2022, sector specific accessibility guidelines are also prepared by the concerned Ministries/Department and are included through amendments in Rule 15 of the RPWDR.

Disclaimers:

1. This compilation is for general informational purposes only and is not intended to serve as an official record of any such orders/circulars/notifications. If readers wish to obtain any further information about the orders/circulars/notifications mentioned in this compilation, they are requested to verify the same from the relevant primary sources.
2. The information contained in this compilation is taken from the websites of the DFS, IRDAI, RBI and SEBI, published and readily available, as on 30 September 2024. Further developments concerning the orders/circulars/notifications mentioned, as well as orders/circulars/notifications which may be dated 30 September 2024 (or a date prior to the said date), but were published on the said website subsequent to 30 September 2024 have not been incorporated in this compilation.
3. Since the RPWDA came into force in April 2017, replacing the PWD Act, 1995, and reflecting India's updated international commitments under the United Nations Convention on the Rights of Persons with Disabilities, this compilation includes orders/circulars/notifications which were issued between April 2017 and 30 September 2024, and were available as on 30 September 2024. However, exceptions have been made for any orders/circulars/notifications issued prior to April 2017, i.e., during the older regime of the PWD Act, 1995, that remain legally valid and enforceable under the RPWDA.

4. For the purpose of filtering relevant orders/circulars/notifications pertaining to the rights of persons with disabilities, only those orders/circulars/notifications have been included in the compilation which deal with substantive rights, entitlements, benefits, allowances or concessions for persons with disabilities. Orders/circulars/notifications which may be valid only for a short period in terms of their scope and application (such as orders identifying relevant posts in specific departments for reservation for persons with disabilities, or orders advertising for hiring of persons with disabilities in such departments) have not been included in this compilation.

Compilation of orders/circulars/notifications on the rights of persons with disabilities related to financial services

A) Department of Financial Services (DFS)

The DFS is the nodal agency overseeing India's banking, financial services, and insurance sectors. It administers key financial legislation, implements reforms, and drives initiatives related to financial inclusion, technology adoption, and cybersecurity. DFS plays a pivotal role in extending financial services to marginalised groups, including persons with disabilities.

S. No.	O.M. No.	Right/Provision	Tags
1.	Accessibility Standard Guidelines for infrastructure and services in Financial Institutions across India , Annexure to Notification no. 17/24/2024-IF-I dated 2 September 2024	The 'Accessibility Standard Guidelines for infrastructure and services in Financial Institutions across India' issued by the DFS aim to ensure that financial institutions in India provide equitable access to their services and facilities for people with disabilities, in line with the accessibility mandate under the RPWDA. These guidelines apply to all premises owned, operated, or managed by financial institutions, such as banks and infrastructure lending institutions. These guidelines require financial institutions to adhere to local building laws while implementing accessibility measures like ramps, signage, accessible toilets, and lifts. The guidelines also focus on non-infrastructure provisions to ensure accessibility in financial institutions. Financial Institutions are required to: - Train employees to support customers with disabilities. - Assist with filling forms, provide magnifying glasses for low-vision users, and ensure website accessibility through screen readers, adjustable text sizes, and contrast settings. - Provide doorstep delivery of services and documents to customers with disabilities via agents or electronic means. - Appoint a nodal officer to provide specialised assistance, with their contact details clearly displayed.	Accessibility, Financial Institutions

2.	Accessibility Standards and Guidelines for infrastructure and services in Insurance Sector, Notification No. 16017/6/2022 Ins. I, dated 20 August 2024	The 'Accessibility Standards and Guidelines for infrastructure and services in Insurance Sector' issued by the DFS apply to all insurance companies and are designed to ensure equal access to services for people with disabilities, in compliance with the RRPWDA. The guidelines focus on both infrastructure and non-infrastructure accessibility, such as accessible services and accessible information and communication technology. The guidelines require insurance companies to adhere to the Harmonized guidelines and Standards of Universal Accessibility in India, 2021 as amended from time to time, issued by the Ministry of Housing and Urban Affairs. This includes the provision of ramps, tactile guidance, and accessible service counters. Other provisions emphasise offering home delivery of insurance documents and providing assistance in filling forms, and accessibility of digital services like websites and apps. The overall aim is to create an inclusive environment that removes barriers to accessing insurance services, enabling people with disabilities to fully participate in financial activities through accessible infrastructure, digital solutions, and customer support services.	Accessibility, Insurance Sector
3.	Accessibility Standards and Guidelines for Banking Sector, F.No. 7/32/2022-BOA-I dated 2 February, 2024	The 'Accessibility Standards and Guidelines for the Banking Sector' issued by the DFS apply to all banks and financial institutions, ensuring they provide inclusive services for people with disabilities. These guidelines cover both physical and digital accessibility. Banks are required to implement accessible infrastructure, such as ramps, tactile guiding paths, and accessible service counters. This also includes accessible ATMs, with features like ramps, tactile indicators, wheelchair access, and Braille-enabled keyboards. In addition to accessible infrastructure, the guidelines emphasise measures such	Accessibility, Banking Sector, ATMs

		as training staff to support customers with disabilities, providing accessible digital services like websites and mobile apps, and offering customised banking solutions such as Braille-enabled credit and debit cards. The overall aim is to ensure equal access to financial services and facilities for all, in compliance with the RPWDA.	
4.	F.No.3/1/2021-Welfare dated 6 June 2022	This O.M. of the DFS adopts the DoPT's consolidated O.M. (F.No. 36012/1/2020-Estt.(Res.-II), dated 17 May 2022) on reservation for persons with benchmark disabilities in Government of India posts and services, The O.M. includes directives for 4% reservation in filling posts and in promotions for persons with benchmark disabilities. It also outlines directives for identifying suitable posts for such reservations and clarifies the applicability of these reservations to different categories of disabilities.	Reservation for Employees with Disabilities
5.	F.No.20/26/2014-Welfare dated 15 March 2016	By way of this O.M., the DFS adopted the O.M. of the DoPT, on the transfer policy for employees who have dependents with disability. The DFS directed all Public Sector Banks, Financial Institutions, Public Sector Insurance Companies, Bhartiya Mahila Banks, the RBI, the IRDAI, the General Insurance Public Sector Association and the Institute of Banking Personnel Selection to comply with this O.M. The O.M. specifies that a Government employee who is a caregiver for a child with disability is exempt from the routine exercise of transfer/rotational transfer. The O.M. highlights that after consultations with the DEPWD, the scope of 'disability' for a child would be expanded to include Thalassemia and Haemophilia, in addition to blindness, low vision, hearing impairment, locomotor disability, cerebral palsy, leprosy cured individuals, mental illness, intellectual disabilities, multiple disabilities and autism. It was recognized that such Government employees may be required to provide caregiver support on a continuous basis, and should be exempt from transfers or rotations.	Exemption from Transfers, Caregivers of Children with Disabilities

B) Insurance Regulatory and Development Authority of India (IRDAI)

The IRDAI regulates and promotes the insurance industry, ensuring fair treatment to policyholders and fostering industry growth. Its key functions include certifying insurers, protecting policyholders' rights, and promoting transparency in the insurance market. Specifically, for persons with disabilities, IRDAI enforces inclusive insurance policies, protecting their financial rights through fair terms, accessible services, and regulations that prevent discrimination.

S. No.	O.M./Circular No.	Right/Provision	Tags
1.	IRDAI/ACTL/MSTCIR/MISC/89/6/2024 dated 12 June 2024	This Master Circular on Life Insurance products issued by the IRDAI directs all life insurers to ensure equitable access to life insurance products for persons with disabilities. It specifies the following: - Inclusivity Requirement: Life insurers are required to design products and riders that cater to all customer segments, including persons with disabilities. - Wide Choice: Insurers are required to provide a variety of products that suit the specific needs of persons with disabilities. - Flexibility and Affordability: Products should be flexible and affordable to ensure accessibility for persons with disabilities. - Clear Information: Insurers must present customer information (benefits, exclusions, etc.) in a simple, easy-to-understand format to help persons with disabilities make informed decisions, including information of the size of benefit payable on disability due to accident before the end of the policy term. - Partial Withdrawal: Persons with disabilities should be allowed to partially withdraw amounts for their life insurance products to meet medical and incidental expenses arising from disability or incapacitation.	Special Provisions in Life Insurance Policies for Persons with Disabilities

2.	IRDAI/HLT/CIR/PRO/84/5/2024 dated 29 May 2024	This Master Circular on Health Insurance products issued by the IRDAI directs all health insurers to ensure that: - Specific health insurance products are designed and offered to persons with disabilities, individuals affected by HIV/AIDS, and persons with mental illness. - Health insurance products are designed in line with the scope and parameters of such policies, as outlined in a previous IRDAI circular (IRDAI/HLT/CIR/MISC/58/2/2023 dated 27 February 2023). This circular specifies that insurers may broaden the scope of these health insurance products for persons with disabilities, but they cannot narrow the coverage beyond the minimum standards set by the model product.	Special Provisions in Health Insurance Policies for Persons with Disabilities
3.	IRDAI/HLT/REG/CIR/104/5/2022 dated 27 May 2022	This circular modified the definitions of 'Multiple Sclerosis with Persisting Symptoms' and 'Loss of Speech' contained in the Master Circular on Standardization of Health Insurance Products (IRDAI/HLT/REG/CIR/193/07/2020 dated 22 July 2020), which prescribes the nomenclature and procedure for 22 'Critical Illnesses' that may form part of health insurance policies.	Definition of Disabilities, Multiple Sclerosis with Persisting Symptoms, Loss of Speech
4.	IRDAI/HLT/REG/CIR/119/05/2021 dated 5 May 2021	The IRDAI issued Guidelines on Standard Domestic Travel Insurance Products, which include the following provisions for persons with disabilities: - The insurer is required to pay 100% of the insured sum if the insured person suffered permanent total disablement (as specified in Section 3 of the Guidelines) due to an accident during the period of insurance, while travelling on a passenger on a common carrier; and - The insurer is required to pay 50% of the insured sum if the insured person suffered permanent partial disablement (as specified in Section 4 of the Guidelines) due to an accident during the period of insurance, while travelling on a passenger on a common carrier.	Domestic Travel Insurance

5.	IRDA/HLT/GDL/MIS C/036/02/2021 dated 25 February 2021	The IRDAI issued Guidelines on Standard Personal Accident Insurance Products, which include the following provisions for persons with disabilities: - The insurer is required to pay 100% of the sum insured if the insured person suffers permanent total disablement directly due to an accident during the policy period. - The insurer is required to pay up to 50% of the sum insured if the insured person suffers permanent partial disablement directly due to an accident during the policy period. - Compensation is payable if the insured person suffers from temporary total disablement and is incapacitated from engaging in employment due to an accident, at the rate of 0.2% of the base sum insured per week, for up to 100 weeks, provided the disablement period exceeds 4 weeks; and - Following an admissible claim under the policy for Death or Permanent Total Disability of the insured person, a one-time educational grant of 10% of the base sum insured per child is payable.	Personal Accident Insurance Products
6.	IRDAI/Life/Cir/Misc/254/10/2020 dated 15 October 2020	This circular clarifies that riders can be included in Standard Individual Term Life Insurance Product for total/ partial payment of insured sum, in case of Permanent Disability.	Individual Life Term Insurance Products
7.	IRDAI/NL/CIR/MOT/144 /06/2020 dated 9 June 2020	This circular permits issuing a stand-alone 'Compulsory Personal Accident' cover for owners/drivers under Motor Insurance Policies, in cases of death and permanent disability (total and partial). This circular supersedes the previous circular of the IRDAI on Motor insurance Policies (IRDAI/NL/CIR/MOTP/ 200/12/2018 dated 11 December 2018).	Motor Accident, Insurance
8.	IRDAI/HLT/MISC/CI R/129/06/2020	The IRDAI has mandated that insurance companies include persons with disabilities, those affected by HIV/AIDS, and people with mental illnesses in their	Inclusive Health Insurance Policies

	dated 2 June 2020	health insurance coverage. Insurers are required to develop underwriting policies that address not only standard applicants but also those with additional health challenges. These policies must be in line with the IRDAI (Health Insurance) Regulations, 2016. and comply with laws such as the HIV and AIDS Prevention and Control Act, 2017 and the Mental Healthcare Act, 2017, ensuring that these individuals are not unfairly excluded. Further, insurers are required to publicly disclose their approach to offering coverage to these groups and publish their underwriting philosophy on their websites, providing clear information about how they assess and offer insurance to persons with disabilities, people with HIV/AIDS, and those with mental illnesses. This step ensures transparency and promotes inclusivity in health insurance practices.	
9.	IRDAI/HLT/MISC/CIR/128/08/2018 dated 16 August 2018	This circular of the IRDAI directs all insurance companies to comply with the provisions of the Mental Healthcare Act, 2017. As per Sec 21(4) of the Mental Healthcare Act, 2017, every insurer is required to make provision for medical insurance for treatment of mental illness on the same basis as is available for treatment of physical illness.	Insurance for Mental Illness
10.	IRDAI/F&A/CIR/MISC/052/03/2018 dated 27 March 2018	This circular of the IRDAI addresses the exemption of reinsurance schemes from paying Goods and Services Tax, for some specified insurance schemes, which includes Niramaya Health Insurance Scheme implemented by the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. This ensures reduced premium cost for persons with disabilities under this insurance scheme. The circular emphasises that the benefit of premium	Goods and Service Tax Exemption

		reduction due to non-payment of the Goods and Services Tax should be passed on to persons with disabilities.	
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C) Reserve Bank of India (RBI)

The RBI plays a critical role as India's central bank, regulating monetary policy, managing foreign exchange, and ensuring the stability of the financial system. It supervises banking operations to protect depositors' interests and maintain public confidence. Specifically, to protect the financial rights of persons with disabilities, the RBI mandates inclusive banking practices, ensuring that banking services, including payment systems, are accessible to all. It promotes cost-effective and fair banking services for marginalised groups, ensuring financial inclusion and equal access to essential financial services for persons with disabilities.

S. No.	O.M./Circular No.	Right/Provision	Tags
1.	RBI/2024-25/20 FIDD.GSSD.CO.BC.No.03/09.01.003/2024-25 dated 16 April 2024	The RBI's Master Circular on the Deendayal Antyodaya Yojana - National Rural Livelihoods Mission (DAY-NRLM) includes specific provisions related to persons with disabilities: - The circular specifies that self-help groups for persons with disabilities may include both men and women. This provision is an exception to the usual gender-specific self-help groups promoted by DAY-NRLM, which are predominantly women-centric. - In the case of self-help groups for persons with disabilities, the group size can be reduced to a minimum of 5 members, unlike the usual self-help groups, which typically consist of 10-20 members. - Banks are required to open savings accounts for all self-help groups, including those with members with disabilities. Self-help groups that promote savings among their members are eligible to open such accounts. These provisions aim to ensure that individuals with disabilities are integrated into the financial inclusion initiatives under DAY-NRLM, making the scheme	Deendayal Antyodaya Yojana, Self-help Groups

		more inclusive.	
2.	RBI/2024-25/06 DGBA.GAD.No.S1/31.02.007/2024-25 1 April 2024	This Master Circular on 'Disbursement of Government Pensions by Agency Banks' clarifies that if pensioners are too ill to sign a cheque or cannot be physically present at the bank or or even provide a thumb impression due to physical incapacity, they are categorised as pensioners with disabilities, and can be provided special services by the Agency Banks. The pensioners with disabilities can also authorise someone else to withdraw the pension on their behalf. The Agency Banks are required to instruct their branches to display the instructions issued in this regard on their notice board so that sick and disabled pensioners can make full use of these facilities. These provisions ensure that pensioners with disabilities can still access their funds without undue hardship.	Pensioners with Disabilities
3.	RBI/2019-20/203 DOR.CO.Leg.BC.No.59/09.07.005/2019-20 dated 31 March 2020	This RBI circular on 'Doorstep Banking Services for Senior Citizens and Differently Aabled Persons' outlines the following key provisions for persons with disabilities: - Doorstep Banking Services: Banks are required to offer basic banking services at the doorstep of customers with disabilities. - Pan-India Implementation: These services must be provided across India. Banks need to develop a Board-approved policy to determine which branches or centres will offer the services mandatorily and which ones will offer them on a best-effort basis - Public Awareness: Banks are instructed to give adequate publicity to these services. The information must be prominently displayed on bank websites and in brochures.	Doorstep Banking Services
4.	RBI/2017-18/89	This RBI circular outlines specific measures to ensure that persons with	Banking Facilities

	DBR.No.Leg.BC.96/09.07.005/2017-18 dated 9 November 2017	disabilities and senior citizens can access banking services without difficulty. Key points for persons with disabilities include: - Dedicated Counters: Banks are required to provide dedicated or priority service counters for persons with disabilities, including those who are visually impaired. - Cheque Book Facility: Persons with disabilities can request cheque books without needing to visit the bank physically. - Additional Support for Visually Impaired: The circular extends special services to visually impaired customers. This includes allowing account operations through a thumb/toe impression or through an authorised person. - Doorstep Banking: For persons with disabilities, including those with chronic illness or disability, banks must offer doorstep banking services, such as cash pickups, delivery of cash, demand drafts, and submission of documents at their residence. These measures are designed to improve access to essential banking services for differently-abled individuals, ensuring they face no barriers in managing their financial needs.	
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D) Securities and Exchange Board of India (SEBI)

SEBI regulates India's securities markets, ensuring investor protection, promoting market integrity, and facilitating the orderly growth of the stock market. Its key functions include regulating stock exchanges, intermediaries, and mutual funds, and ensuring transparency in securities transactions. SEBI also protects investors by preventing fraud and malpractices and promoting education and awareness about securities markets. While it appears that SEBI has not yet issued any specific circulars addressing the rights of persons with disabilities (as investors), it has recognized the importance of fostering inclusivity in its organisational framework and employment policies.

S. No.	O.M./Circular No.	Right/Provision	Tags
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1.	Office Circular No. 31/2019 dated 25 October 2019	SEBI has published an Equal Opportunity Policy for persons with disabilities in compliance with Rule 8 of the RPWDR. This policy has specific provisions to identify posts suitable for persons with disabilities in the establishment, and to provide them with amenities and facilities including training, preference in transfer and posting, special leave, preference in allotment of residential accommodation. Other provisions include assistive devices and barrier-free accessibility.	Equal Opportunity Policy
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