

No. P-13013/95/2023-UDID/IT/STATISTICS

Govt. of India

Ministry of Social Justice & Empowerment

Department of Empowerment of Persons with Disabilities (Divyangjan)

5th Floor, Pandit Deendayal Antyodaya Bhawan, CGO Complex, New Delhi-110003

Date 17th September, 2024

To,

1. All Secretaries of Government of India
2. Additional Chief Secretaries of Health/Principal Health Secretaries/Secretaries of Health Department/Directorate General of Health Services (All States/UTs Govt.)
3. Principal Secretaries of Social Welfare Department/Secretaries of Social Welfare Department/Director Social Welfare Department (All States/UTs Govt.)
4. Chairmen/Heads of all recruiting and examination bodies of Centre, State and UT Governments

Subject:- Advisory cum Standard Operating Procedure (SoP) to address cases of PwDs aggrieved with the decision of Medical Board Constituted by Government Employers (GEs) or Government Institutions of Higher Education (GIHE) and Other Higher Education Institutions (OHEI) aided by Government regarding.

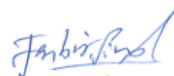
Sir/Madam,

I am directed to refer to the subject mentioned above and to enclose here with Advisory cum Standard Operating Procedure (SoP) to address cases of PwDs aggrieved with the decision of Medical Board Constituted by Government Employers (GEs) or Government Institutions of Higher Education (GIHE) and Other Higher Education Institutions (OHEI) aided by Government, for necessary compliance.

2. This issues with the approval of competent authority

Encl: As above

Yours sincerely,



(Jasbir Singh)

Copy to:

Deputy Secretary to the Government of India

1. Office of Chief Commissioner of Persons with Disabilities (CCPD), New Delhi
2. State Chief Commissioners of Persons with Disabilities (SCPDs) (All States/UTs Govt.)
3. Web manager, DEPwD with a request to upload on the website of the Dept. for wide publication



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Government of India

Ministry of Social Justice & Empowerment

(Department of Empowerment of Persons with Disabilities)

Date: 17th September, 2024

Advisory (Time Bound Inputs) and Standard Operating Procedure (SOP) to handle appeal cases of PwDs aggrieved with the decision of Medical Board Constituted by Government Employers (GEs) or Government Institutions of Higher Education (GIHE) and Other Higher Education Institutions aided by Government (OHEI) regarding.

(Effective from the date of issue)

1. I About the UDID Project: The objective of the "Unique Disability ID (UD ID)" project is to create a National Database for all Persons with Disabilities (PwDs) along with their socio-economic details. Under the UDJD project, certificates of disability and Unique Disability Identity cards are issued to Persons with Disabilities through competent medical authorities notified by respective State Governments/Union Territories.

1.2 Background:

Section 32 of the Rights of Persons with Disabilities Act, 2016 provides for reservation of not less than five percent seats for persons with benchmark disabilities in all **Government Institutions of Higher Education (GIHE)** and **other Higher Education Institutions (OHEI)** aided by the Government. Further Section 34 of this Act also mandates the appropriate Government to appoint in every Government establishment not less than four percent of the total number of vacancies in the cadre strength in each group of posts, duly identified by the appropriate Government as mandated under Section 33 of the Act to be filled with persons with benchmark disabilities.

1.3 The Standing operating procedure to deal with the grievances of the PwD has been prescribed in the flow chart below when a PwD with valid and active disability certificate applies for Government job (s) and admission in Government institutions of higher education (GJHE) or other higher education institutions (OHEI) aided by the Government and has been denied joining the Government job or the said admission on the ground of failing in the medical examination conducted by the empaneled. Hospital/Medical board of the Government Employer (GEs) or all **Government Institutions of Higher Education (GIHE)** or **other Higher Education Institutions (OHEI)** aided by the Government .An appeal Mechanism along with the list of Empanelled Hospitals and appellate hospital should be notified by all Principal exam agencies for GIHE/OHEI and recruitment agencies for GE within one month of issuance of advisory/So P. The following workflow (**Annexure-1**) has to be adopted by medical board to assess the PwD and PwD to appeal against the decision of medical board:

SoP for Appeal

Govt. Employers (GEs)/Govt. Institutions of Higher Education(GIHE) or Other Government aided higher education institutions (OHEI) where PwD with valid disability certificate has applied.



The GE/GIHE/OHEI has empanelled Hospitals for medical examination of PwD. PwD fails the job and admission requirements because his/her disability (ies) is assessed as below 40% by the the empanelled hospital or in certain cases where there is an upper cap like 60% or 80% etc on disability, the empanelled hospital may assess the percentage of disability at higher level than mentioned in the disability certificate



Many empanelled hospitals don't use Disability assessment guidelines notified by DEPwD. So, there is grievance that empanelled hospital assessment of disability and percentage of disability or Nature of the disability (Permanent/temporary) should not be relied upon.



In such cases, the aggrieved PwDs approach to the Courts, CCPD and SCPD for the resolution of their grievances because there is an absence of appellate mechanism in such empanelled Hospitals of GE, GIHE and OHEI.



Therefore, GE, GIHE and OHEI shall frame an appeal mechanism and their appellate hospitals must use Disability assessment guidelines notified by DEPwD to decide the type, nature and percentage of disability within short time frame.



In case, PwD is still dissatisfied with the decision of appellate Hospital of GE or GIHE or OHEI or as the case may be, then he/she can approach their respective court(s)

GE/GIHE/OHEI empanelled hospital (s) will report the mismatch of the type, percentage and nature of the disability to the disability certificate issuing authority.

The decision of appellate authority should be conveyed to disability certificate issuing authority through the official communication.