

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

List of Abbreviations:

- DEAR: Disabled Employees Association of Railway
- DEPWD: Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment, Government of India
- DoPT: Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India
- MSJE: Ministry of Social Justice and Empowerment, Government of India
- O.M.: Office Memorandum
- PWD Act, 1995: Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- Railway Board: Railway Board, Ministry of Railways, Government of India.
- RPWDA: Rights of Persons with Disabilities Act, 2016
- SC/ST: Scheduled Castes/Scheduled Tribes

Framework & Approach:

This resource document provides a collated, summarised understanding and analysis of the law, and the efforts made towards realising the rights of persons with disabilities pertaining to issues faced by employees of the Railway Board such as, reservations in employment, promotions, allowances etc. Specifically, this compilation contains orders/circulars/notifications of the Railway Board 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) Ministry of Railways (<https://indianrailways.gov.in/>)
- b) DEAR (<https://www.dearrailway.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 that the order/circular/notification relates to.

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 Ministry of Railways and DEAR, published and readily available, as on 31 December 2024. Further developments concerning the orders/circulars/notifications mentioned, as well as orders/circulars/notifications which may be dated 31 December 2024 (or a date prior to the said date), but were published on the said website subsequent to 31 December 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 December 2024, and were available as on 31 December 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 issued by the Railway Board

The Railway Board is the apex body responsible for policy-making, planning, and management of the Indian Railways, overseeing its operations, safety, and administration. It regulates recruitment, training, promotions, and welfare of railway employees, ensuring efficient functioning across zones. For employees with disabilities, the Railway Board ensures adherence to reservation policies, provision of reasonable accommodations, and implementation of non-discriminatory practices, fostering an inclusive and accessible work environment in line with the RPWDA.

S.No.	Order/ Circular No.	Right/ Provision	Sector Tag
1.	E(NG)/2019/PM4/8. (E 3417344); RBE No. 06/2024 dated 18 January 2024	This circular clarifies that employees with disabilities in posts and services of the Central Government are to be extended reservation in promotion, at least on a notional basis, effective June 30, 2016, in accordance with the provisions of the RPWDA. This shall be subject to the fulfilment of eligibility conditions and will include promotion on seniority quota and Departmental Examination/ Departmental Competitive Examination.	Reservation, Promotion, Employment
2.	E(NG)/2023/PM4/13 (E 3437365); RBE No. 143/2023 dated 19 December 2023	The Railway Board through this circular clarified that employees with benchmark disabilities appearing in departmental examinations like the Intermediate Apprentice Selection exam, are not eligible for any upper age relaxation, as there is no provision for age relaxation for Railways employees with benchmark disabilities appearing in departmental examinations.	Promotion, Employment, Age Relaxation
3.	E(NG)/2019/PM4/8. (E 3417344); RBE No. 133/2023 dated 04 December 2023	This circular of the Railway Board provides clarification on the application of relaxed selection standards in promotional examinations for candidates with benchmark disabilities. Such relaxations shall be granted only if an adequate number of eligible candidates with benchmark disabilities are not available under the prescribed standards. Further, the circular specifies that if a relaxation is extended to SC/ST candidates in a departmental examination due to an insufficient number of qualified candidates,	Reservation, Promotion, Relaxation, Employment

		an equivalent relaxation may also be extended to candidates with benchmark disabilities who are not part of the SC/ST category. Candidates belonging to both the SC/ST and benchmark disability categories may choose to avail of the relaxation under either category but cannot claim benefits under both simultaneously.	
4.	E(NG)I/2023/PM4/13 RBE No.131/2023 dated 30 November 2023	<p>This circular outlines the reservation policy for employees with benchmark disabilities in promotions to identified, non-gazetted posts in Indian Railways. When such vacancies reserved for persons with benchmark disabilities are sought to be filled through selection, the zone of consideration is to be determined as per DoPT's O.M. No. 36012/1/2020-Estt.(Res-II) dated 17 May 2022 (paras 13.1, 13.2 and 13.3) which provides that:</p> <ol style="list-style-type: none"> a. For selection posts, candidates with benchmark disabilities within the normal zone of consideration are given priority. If adequate candidates are not available, the zone of consideration may be extended to five times the number of reserved vacancies. Vacancies remaining unfilled after this extension will be carried forward to the following year. If still unfilled after two consecutive years, the vacancies may be exchanged with other disability categories or eventually filled by non-disabled candidates, leading to the reservation lapsing. b. For non-selection posts, eligible candidates with benchmark disabilities within the normal zone of consideration are considered for promotion. If sufficient candidates are not available, the seniority list is extended to include more eligible candidates, provided the posts are identified for them. The same rules for carrying forward and exchanging vacancies apply as in the case of selection posts. c. Carried-forward vacancies from previous years must be prioritised over current ones. Reserved vacancies, including carried-forward posts, are required to be announced in advance. Importantly, the circular clarifies that the "zone of 	Reservation, Promotion, Relaxation, Employment

		consideration" pertains to the total number of vacancies and not just those identified for reservation, ensuring broader inclusivity in the promotion process.	
5.	E(NG)I/2023/PM4/17 (E 3443610); RBE No. 123/2023 dated 10 November 2023	The Railway Board through this circular clarified that, as stated in DoPT's O.M. No. 36012/1/2020-Estt.(Res-II) dated 17 May 2022 (para 4.2), an employee who acquires a disability after joining service will be eligible for reservation in promotion as a person with a benchmark disability. However, their seniority among employees with benchmark disabilities will be determined from the date their disability is certified as being 40% or more in the categories specified under the RPWDA.	Reservation, Promotion, Certification, Employment
6.	PC-V/2017/A/TA/1(E); RBE No. 10/2023 dated 11 January 2023	The Railway Board adopted the Ministry of Finance's O.M. No. 21/1/2018-E.IIB dated 15 September 2022, whereby it had issued a compendium of instructions regarding grant of transport allowance at double the normal rates to persons with disabilities employed in the Central Government. These instructions on adoption of the said O.M. by the Railway Board were made applicable to Indian Railways employees with benchmark disabilities, as defined under Section 2(r) of the RPWDA, who possess valid certificates of disability issued by the Certified Medical Authority. They were accordingly made eligible for transport allowance at double the normal rates, as per the procedure prescribed by the instructions.	Transport, Allowance, Employment
7.	E(NG)I-2019/PM4/8; RBE No. 169/2022 dated 27 December 2022	This circular clarifies that reservation for persons with benchmark disabilities is a horizontal reservation. This reservation will apply, as far as permissible, to vacancies in non-gazetted categories filled through the General Departmental Competitive Examination. The circular also specifies that this decision is prospective, meaning it applies only to future cases, and previously decided cases will not be revisited.	Reservation, Employment
8.	E(NG)I-2022/PM4/9;	This circular states that railway employees with specified disabilities covered under	Employment,

	RBE No. 162/2022 dated 9 December 2022	the definition of Section 2(s) of the RPWDA, but not covered under the definition of Section 2(r) of the RPWDA, i.e. persons having less than 40% disability and having difficulty in writing, shall be entitled to facility of scribe and/or compensatory time, in terms of the Guidelines issued by the DEPWD for conducting written examination for such persons, in O.M No. 29-6/2019-DD-III dated 10 August 2022.	Examination, Relaxation
9.	E(NG)I-2015/CFP/7; RBE No. 149/2022 dated 11 November 2022	<p>This circular clarifies that candidates with benchmark disabilities (or not less than 40% disability) who are otherwise qualified for clerical posts are exempted from the typing skill test required for promotion.</p> <p>This exemption is granted upon the presentation of a certificate from a competent Medical Board certifying them as being unable to type. The circular also clarified that its application be prospective, from the date of the circular, i.e., 11 November 2022 and the cases decided contrary to the above rule, in the past, will not be reopened.</p>	Promotion, Relaxation, Employment
10.	E(NG)I/2019/PM4/8; RBE No.74/2022 dated 1 July 2022	<p>In this circular, the Railway Board adopted the DoPT guidelines (vide DoPT's O.M. No. 36012/1/2020-Estt.(Res.-II) dated 17 May 2022) for granting 4% reservation in promotion for persons with benchmark disabilities across Group 'C', Group 'B', and lower levels of Group 'A' posts in Indian Railways. This reservation applies to posts identified as suitable for such disabilities, and vacancies are distributed among disability categories as specified. For promotions, reservation is applied through a 100-point roster, ensuring fair allocation.</p> <p>The circular also outlines that promotions cannot be denied due to disability, and employees acquiring a disability must be reassigned or placed in supernumerary posts with the same pay and benefits. Ministries and departments must maintain and report data on recruitment and promotions of persons with benchmark disabilities, ensure liaison officers handle reservation-related matters, and appoint</p>	Promotions, Reservations, Employment

		<p>grievance redressal officers to address complaints.</p> <p>These provisions aim to ensure equitable promotion opportunities, proper implementation of reservation policies, and protection against discrimination for employees with benchmark disabilities.</p>	
11.	No. 96/M(C)165/22 Vol III dated 1 February 2021	<p>The Harmonised Guidelines for Standard of Accessibility and Provisions of Facilities of Persons with Disabilities in Indian Railway issued by the Ministry of Railways for making railways services accessible to persons with disabilities, in compliance with the RPWDA.</p> <p>These Guidelines cover accessibility of facilities such as information systems, built infrastructure, concessions for railway travel, wheelchair facilities, standardised signage. They also aim to make the railway coaches and stations accessible by retrofitting existing infrastructure with accessible facilities, and by integrating accessibility in new infrastructure from the planning and design stage.</p>	Accessibility of Railways
12.	E(NG)I-2020/RE-3/4; RBE No. 108/2020 dated 09 December 2020	<p>This circular extends the DoPT guidelines on Voluntary Retirement from Service for persons with disabilities (O.M. No. 25012/I/2015-Estt.A-IV dated 07 September 2020) to all Zonal Railways with necessary modifications. These guidelines align with Section 20 of the RPWDA, replacing the provisions of Section 47 of the PWD Act, 1995. They safeguard employees with disabilities from discrimination in employment, mandate reasonable accommodations, ensure barrier-free environments, protect employees from denial of promotion due to disability, and prohibit demotions or dismissals if disability is acquired during service.</p> <p>The circular also addresses cases of voluntary retirement due to medical reasons or disability. Authorities must assess whether such cases fall under Section 20(4) of the RPWDA. If applicable, the employee must be informed about their right to continue in service with the same pay and benefits. If the employee withdraws their</p>	Voluntary Retirement, Discrimination, Termination, Employment

		retirement notice, their case will be handled per Section 20 of the RPWDA. If they still choose to retire, their request will be processed as per the applicable rules.	
13.	F.No. 2020/AC-II/21/3; RBE No. 68/2020 dated 2 September 2020	<p>The Railway Board reiterated the instructions of the Department of Pension & Pensioners' Welfare that permanently disabled child/ children or sibling(s) can be co-authorised in the pension payments orders for retiring employees, if there are no other eligible prior claimants for family pension, other than the spouse.</p> <p>The procedural guidelines issued by the Department of Pension & Pensioners' Welfare on the subject matter of co-authorisation of permanently disabled child/ children or sibling(s) were also reiterated by the Railway Board for ensuring their strict compliance.</p>	Family Pension, Dependents with Disabilities
14.	E(NGI)/2014/PMI/3 dated 26 August 2019	The Railway Board issued guidelines for providing various facilities (including scribes) to persons with disabilities at the time of departmental examinations for recruitment as well as promotions. These facilities are also available to persons who have been certified disabled by a Railway Doctor due to disability during service.	Accommodations during Examinations, Promotions
15.	E(NG)II2019/RC-2/4 dated 12 April 2019	<p>The Railway Board issued guidelines answering frequently asked questions on reservation for persons with benchmark disabilities in posts/services under the Central Government.</p> <p>These guidelines clarify that:</p> <ol style="list-style-type: none"> Reservations for persons with benchmark disabilities are vacancy based as per Section 34 of the RPWDA. The 4% reservation for persons with benchmark disabilities is divided between persons with blindness and low vision (1%), persons with deafness and hearing disabilities (1%), persons with locomotor disabilities (1%) and persons with autism, intellectual disabilities, specific learning disabilities, mental illness and multiple disabilities (1%). 	Reservations, Employment

		<p>c. Candidates with benchmark disabilities can compete for appointment by direct recruitment against unreserved vacancies.</p> <p>d. Vacancies earmarked as reserved for persons with benchmark disabilities are to be computed based on the total number of vacancies in the cadre strength, in identified and unidentified categories of posts.</p> <p>e. Central Government agencies are required to maintain a separate roster register for reservations for persons with benchmark disabilities.</p>	
16.	E(NG)II/2017/RC-2/1 Policy RBE No. 23/2018 dated 16 February 2018	This circular relates to the recruitment of persons with disabilities from the open market as employees of the Indian Railways. It clarifies that pursuant to the RPWDA, four (4) percent of the total number of vacancies to be filled by direct recruitment in the cadre strength of non-Gazetted staff shall be reserved for persons with benchmark disabilities.	Reservations, Employment
17.	E(W)2017/ED-2/4 RBE No. 190/2017 dated 7 December 2017	<p>By way of this circular, the Railway Board adopted DoPT's O.M. No. A-27012/03/2017-Estt.(AL) dated 16 August 2017 on the recommendations of the Seventh Central Pay Commission relating to special allowances for child care for women with benchmark disabilities.</p> <p>As per this, women with benchmark disabilities are entitled to INR 3000 per month as special allowance for child care from the time of the child's birth till the child is two years old (applicable to two eldest surviving children).</p>	Child Care for Women with Disabilities, Railway Employees
18.	E(NG)I-2015/TR/20; RBE No. 12/2017 dated 10 February 2017	This circular states that non-Gazetted Railways employees have been exempted from the applicability of the condition of completion of minimum five (05) years' service prior to entertaining requests for inter-railway transfers, provided that they are either themselves persons with disabilities (" <i>physically handicapped</i> ") or are caregivers to a child with disability.	Transfer, Employment