

**Government of Nagaland**  
**Personnel and Administrative Reforms Department**  
**(Administrative Reforms Branch)**  
**Nagaland: Kohima**

**NOTIFICATION**

No. AR-3/Gen-9/97

Dated Kohima, the 13<sup>th</sup> August, 2020

**Sub : Reservation of Identified Posts for Persons with Benchmark Disabilities.**

In pursuance of Section 34 sub-section (1), (2) & (3) of THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016, which took effect from 13th Aug. 2019 the following directive are issued in line with the provisions made in the Act with regard to the reservation for Persons with Benchmark disabilities in the posts/services under the State Government of Nagaland. It is therefore directed that All the Departments shall strictly implement the mandatory requirement to send dor requisition for recruiement of each category of posts to the appropriate recruiting authority.

This supersedes this Department's Notification No. AR-3/Gen-9/97 dated 16th Jan, 2008 and Notification No. RCBT-5/87 (Pt-II) dated 14th April 2011, and this directive shall prevail in case of contradiction with any of the previous directives issued earlier.

**2. QUANTUM OF RESERVATION:**

In direct recruitment, 4% (four) percent of the total number of vacancies in the cadre strength in each group of posts i.e., 'A', 'B', 'C' and 'D' shall be reserved for persons with benchmark disabilities of which 1% (one) percent each shall be reserved for persons with benchmark disabilities under Section 34 clause (1) sub-clause (a), (b) and (c) and 1% (one) percent for persons with benchmark disabilities under sub-clause (d) and (e) namely:-

- (a) blindness and 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 9a) to (d) including deaf blindness in the posts identified for each disabilities.

**3. COMPUTATION & ELIGIBILITY CRITERIA OF RESERVATION:**

- (a) Reservation for persons with benchmark disabilities in case of Group 'C' and Group 'D' posts shall be computed on the basis for total number of vacancies occurring in all Group 'C' or Group 'D' posts, as the case may be, in the establishment, although the recruitment of the persons with disabilities would only be in the posts identified suitable for them. The number of vacancies to be reserved for the persons with disabilities in case of direct recruitment to Group 'C' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified posts under the establishment. The same procedure shall apply for Group 'D' posts.
- (b) Reservation for persons with benchmark disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in the cadre in all the Group 'A' posts or Group 'B' posts respectively and the computation of total vacancies shall include vacancies arising in the identified and non-identified posts.
- (c) The eligibility criteria as prescribed in the respective service/recruitment rules should duly be fulfilled for recruitment in the posts identified for persons with benchmark disabilities. The persons with benchmark disabilities shall also be required to meet special eligibility criteria in terms of functional Classification and Physical Requirements (abilities/disabilities) consistent with requirements of the identified post/service as prescribed in the **Annexure-A**

**4. IDENTIFICATION OF POSTS:**

As mandated under sub-section (i) & (ii) of Section 33 of the Rights of Persons with Disabilities Act, 2016, the Expert Committee constituted vide Notification No. AR-3/GEN-9/97 (Pt) dated 13th Aug, 2019 have identified the posts suitable to be held by persons with benchmark disabilities and the physical requirement for all the Group 'A', 'B', 'C' & 'D' posts which are listed in Annexure-A of this notification. The list of posts identified are subject to amendment from time to time to give effect to four per cent reservation to the persons with benchmark disabilities. However, it may be noted that:

- (a) The nomenclature used for any post shall mean and include nomenclature used for other comparable posts having identical functions.
- (b) The list of posts notified by this Department dated are not exhaustive and the Department shall have the discretion to identify posts in addition to the posts already identified. However, no Department shall exclude any identified post from the purview of reservation at its own discretion.
- (c) If a post identified for persons with benchmark disabilities is shifted from one group or grade to another group or grade due to change in the pay scale or otherwise, the post shall remain identified.

**5. RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO OR MORE CATEGORIES:-**

If a post is identified suitable only for one category of benchmark disability, reservation in that post shall be given to that category of persons with that benchmark disability on Reservation of 4% shall not be reduced in such cases and total reservation in the post will be given to persons suffering from that benchmark disability for which it has been identified Likewise, in case the post is identified suitable for two or more categories of benchmark disabilities, reservation shall be distributed between persons with those categories of benchmark disabilities equally, as far as possible. It shall however, be ensured that reservation in different posts in the establishment is distributed in such a way that the persons of all categories of benchmark disabilities, as far as possible, get representation to the posts identified for them.

**6. APPOINTMENT AGAINST UNRESERVED VACANCIES:**

In the posts which are identified suitable for persons with disabilities, a person with disability cannot be denied the right to compete for appointment against an unreserved vacancy. Thus, a person with disability can be appointed against an unreserved vacancy, provided the post is identified suitable for persons with disability of the relevant category.

**7. ADJUSTMENT OF CANDIDATES SELECTED ON THEIR OWN MERIT:**

In the posts which are identified suitable for persons with benchmark disabilities, a person with benchmark disability cannot be denied the right to compete for appointment against an unreserved vacancy. thus a person with benchmark disability can be appointed against an unreserved vacancy, provided the posts is identified suitable for persons with benchmark disability for the relevant category.

Persons with benchmark disabilities selected on their own merit without relaxed standards along with other candidates will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities which will thus comprise persons with benchmark disability candidates who are lower in merit than the last candidate i merit list but otherwise found suitable for appointment, if necessary, by relaxed standards.

**8. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:**

- (a) Every Government establishment shall maintain separate 100 point vacancy based reservation roster registers in the format given in Annexure-B for determining/ effecting reservation for the Persons with Benchmark disabilities - one each for Group 'A' posts filled by direct recruitment Group 'B' posts filled by direct recruitment, Group 'C' posts filled by direct recruitment, Group 'D' posts filled by direct recruitment.



- (b) Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks comprising the following points; (Annexure - B (A))
- 1st Block - point No. 1 to point No. 25
  - 2nd block - Point No. 26 to point No. 50,
  - 3rd Block - Point No. 51 to point No. 75,
  - 4th Block - point No. 76 to point No. 100
- (c) Points 1, 26, 51 and 76 of the roster shall be earmarked reserved for persons with benchmark disabilities - one point for each of the four categories of disabilities. The Head of the establishment shall ensure that vacancies identified at No. 1, 26, 51 and 76 are earmarked for the respective categories of the persons with benchmark disabilities. However, the Head of the establishment shall decide the placement of the selected candidate in the roster register.
- (d) All the vacancies in Group 'C' posts falling in direct recruitment quota arising in the establishment shall be entered in the relevant roster register. If the vacancy falling at point no. 1 is not identified for the Person with Benchmark Disability or the Head of the establishment considers it desirable not to fill it up by Persons with Benchmark Disabilities a disabled person or it is not possible to fill up that post by the Persons with Benchmark Disabilities for any other reason, one of the vacancies falling at any of the points from 2 to 25 shall be treated as reserved for the disabled and filled as such.
- (e) There is a possibility that none of the vacancies from 1 to 25 is suitable for any category of the Person with Disability. In that case two vacancies from 26 to 50 shall be filled as reserved for persons with disabilities. If the vacancies shall be filled as reserved from the third block containing points from 51 to 75. This means that if no vacancy can be reserved in a particular block, it shall be carried over into the next block.
- (f) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.
- (g) If the number of vacancies in a year is such as to cover only one block (say 25 vacancies) or two (say 50 vacancies), the category of the disabled should be accommodated as per the roster points. However, in case the said vacancy is not identified for the respective category, the Head of the establishment shall decide the category on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.
- (h) A separate roster shall be maintained for group 'C' posts for the posts filled by direct recruitment. Likewise, separate rosters shall be maintained for Group 'D' posts.
- (i) Reservation for persons with disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in all the Group 'A' posts of Group 'B' posts respectively, and the computation of total vacancies shall include vacancies arising in the identified and non-identified posts in the cadre. Separate rosters for Group 'A' posts and Group 'B' posts in the establishment shall be maintained.

**9. INTER-SE-EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:**

- (a) Reservation for each of the categories of persons with benchmark disabilities

identified for reservation shall be made separately. If the nature of vacancies in an establishment is such that a given category of person cannot be employed the vacancies may be interchanged among the categories identified for reservation. However, the Head of the establishment shall ensure that the reasons for interchanged may be recorded in writing before effecting the same.

- (b) Where, in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the identified categories for reservation purpose and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability. The Government establishment shall interchange vacancies only if due process of recruitment to fill up the vacancies meant for persons with benchmark disabilities has been complied with.
- (c) If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a backlog reserved vacancy' to the subsequent recruitment year.

In the subsequent recruitment year, the backlog reserved vacancy shall be treated as reserved for the category of disability for which it was reserved in the initial year of recruitment. However, if a suitable person with that benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation. In case no suitable person with benchmark disability is available for filling up the vacancy in the succeeding year also, the employer may fill up the vacancy by a person other than a person with benchmark disability. If the vacancy is filled by person of other category of benchmark disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with benchmark disability in the subsequent recruitment year, reservation shall be carried forward for a further period up to two recruitment years where after the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

- (d) In order to ensure that cases of lapse of reservation are kept to the minimum any recruitment of the disabled candidates shall first be counted against the additional quota brought forward from previous years, if any in their chronological order. If candidates are to available for all the vacancies would be carried forward if it is filled up.

10. **HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES.**

Reservation for backward tribes is called vertical reservation and the reservation for categories such as persons with benchmark disabilities is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected against the quota for persons with benchmark disabilities have to be placed in the appropriate category viz. BT/Uncreserved candidates



depending upon the category to which they belong in the roster meant for reservation of BTs. To illustrate, if in a given year there are two vacancies reserved for the persons with benchmark disabilities and out of two persons with benchmark disabilities appointed, one belongs to a Backward Tribe and the other to Unreserved category, then the benchmark disabilities BT candidate shall be adjusted against the BT point in the reservation roster and the Unreserved candidate with benchmark disability against unreserved point in the relevant reservation roster.

**11. RELAXATION IN AGE LIMIT:**

As per Rule 38 of Nagaland Rights of Persons with Disabilities Rules 2019 and Section 34 clause (3) of The Rights of Persons with Disabilities Act, 2016:

- (i) Upper age limit for persons with benchmark disabilities shall be relaxable (a) by ten years (15 years for STs) in case of direct recruitment to Group 'C' and Group 'D' posts, (b) by 5 years (10 years for STs) in case of direct recruitment to Group A and Group 'B' posts where recruitment is made otherwise than through open competitive examination E.g. Compassionate Appointment, and (c) by 10 years (15 years for STs) in case of direct recruitment to Group 'A' and Group 'B' posts through open competitive examination.
- (ii) Relaxation in age limit shall be applicable irrespective of the fact whether the post is reserved or not, provided the post is identified suitable for persons with benchmark disabilities.

**12. RELAXATION OF STANDARD OF SUITABILITY:**

If sufficient number of person with benchmark disabilities candidates is not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for persons with benchmark disabilities cannot be filled on the basis of general standards, candidates belonging to this category may be taken by relaxing the standards by lowering the cut-off marks to make up the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the posts/ posts in question.

**13. SPECIFIED DISABILITY:**

Following are the specified disabilities for the purpose of applicability of reservation for Persons with Benchmark Disabilities:

Physical disability

A. Visual impairment

- (a) "blindness" means a condition where a person has any of the following conditions, after best correction
  - (i) total absence of sight; or
  - (ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or
- (b) "low-vision" means a condition where a person has any of the following conditions, namely:
  - (i) visual acuity not exceeding 6/18 or less than 20/60 up to 3/60 or up to 10/200 (Snellen) in the better eye with best possible correction; or

- (ii) Limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.
- B. Hearing impairment
  - (i) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;
  - (ii) "hard of hearing" means persons having 60 DB to 70 DB hearing loss speech frequencies in both ears;
- C. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting form affliction of musculoskeletal or nervous system or both), including.
  - (a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from
    - (i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with not manifest deformity;
    - (ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;
    - (iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation and the expression "leprosy cured" shall construed accordingly;
  - (b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination caused by damage to one or more specific areas of the brain, usually occurring before during or shortly after birth;
  - (c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimetres) or less.
  - (d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;
  - (e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.
- D. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day social and practical skills including
  - (a) "specific learning disabilities" means a heterogeneous group of conditions wherein there is a deficit in processing language spoken or written that may manifest itself as a difficulty to comprehend speak read writs spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;
  - (b) "autism spectrum disorder" means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others and is frequently associated with unusual or stereotypical rituals or behaviours.

Mental behaviour "mental illness" means a substantial disorder of thinking mood perception orientation or memory that grossly impairs judgement behaviour capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete



development of mind of a person, specially characterised by sub normality of intelligence.

- E. Multiple disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication developmental and educational problems.

**14. DEGREE OF DISABILITY FOR RESERVATION:**

Only "person with benchmark disability" would be eligible for reservation in posts/services with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms as certified by the certifying authority. A person who wants to avail of benefit of reservation will have to submit a Disability Certificate issued by a Competent Authority, i.e. Health & Family Welfare Department.

**15. APPLICATION FOR DISABILITY CERTIFICATE**

As per Rule 60 of Nagaland Rights of Persons with Disabilities Rules 2019:

- (i) Any person desirous of obtaining a certificate will submit his/her application in Form-B and submit the application to:-
- (a) a medical authority or any other notified competent authority to issue such a certificate in the district of residence of the applicants mentioned in the proof of residence in the application ; or
  - (b) the concerned medical authority in a government hospital where he/she may be undergoing or may have undergone treatment in connection with his/her disability:
- (ii) The application shall be accompanied by :-
- (a) Residence - proof of place;
  - (b) two recent passport size coloured photographs; and
  - (c) Aadhaar Card or Aadhaar enrolment number, if any
- No other proof of residence shall be required from the applicant who has Aadhaar enrolment number.
- (iii) Where a Person with Disability is a minor or is a person with intellectual disability or any other disability which renders him/her unfit or unable to make such an application himself/herself, the application on his/her behalf may be made by his/her legal guardian or by any organisation registered under the Act having the minor or person under its care.

**16. ISSUE OF DISABILITY CERTIFICATE:**

As per Rule 61 of Nagaland Rights of Persons with Disabilities rules, 2019.

- (1) On receipt of an application under rule 60, the notified certifying authority shall verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government (MSJ&E) Department of Empowerment of Persons with Disabilities Guidelines of Evaluation and proceeding for certification of various specified disabilities. Notification No. S.O. 76(E) dated 4th January, 2018) and after satisfying himself/herself that the applicant is a person with disability issue a certificate of disability in his/her favour in Form-C , Form-D and Form-E as the case may be
- (2) the medical certifying authority shall issue the certificate of disability within a month from the date of receipt of the application'

- (3) The medical certifying authority shall, after due examination issue
  - (a) a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability; or
  - (b) a temporary certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.
- (4) If an applicant is found ineligible for issue of certificate of disability, the medical certifying authority shall convey the reasons to him in writing under Format-F within a period of one month from the date of receipt of the application.

**17. MEDICAL EXAMINATION:**

As per rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with benchmark disabilities for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with benchmark disabilities of the relevant category and the candidate shall then be examined medically keeping this fact in view and also the Disability Certificate issued earlier to the holder shall be re-verified.

**18. CERTIFICATE BY REQUISITIONING AUTHORITY:**

In order to ensure proper implementation of the provisions of reservation for persons with benchmark disabilities, the requisitioning authority while sending the requisition to the NPSC, SSB, DRB etc. for filling up of posts shall furnish the following certificate to the recruiting agency:

(i) "It is certified that the requirement of the 'THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 on 28th December, 2016, which took effect from 13th day of August 2019 and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition tall at Block/Point no \_\_\_\_\_ of cycle no \_\_\_\_\_ of 100 point reservation roster out of which number of vacancies are reserved for persons with benchmark disabilities."

**19. SUBMISSION OF ANNUAL COMPLIANCE REPORT:**

All the Departments shall prepare Annual Compliance Report Starting the number of Persons with Benchmark Disabilities who were appointed in each Category of posts/services under their respective departments on 1st January of every year. The figures in respect of Persons with Benchmark Disabilities shall include persons appointed by reservation as well as appointed otherwise. The attached/subordinate offices shall send data to their administrative Department. All Departments shall consolidate information in respect of all attached and subordinate offices under its administrative control and submit by 1st April of every year (1) the Annual Compliance Report along with a copy of (2) the Roster Register for Reservation of Persons with Disabilities given at Annexure-B of this Notification, addressed to:-

- (i) The State Commissioner for Persons with Disabilities, Nagaland Kohima and copy endorsed to;
- (ii) The Commissioner & Secretary P&AR Department and
- (iii) upload the same on the respective Departmental Website.



20. **NOTICE OF VACANCIES:**

In order to ensure that persons with benchmark disabilities get a fair opportunity in consideration for appointment to a vacancy in an identified post the following points shall be kept in view while sending the requisition notice to the DRB, SSB, the NPSC etc. and while advertising the vacancies.

- (i) Number of vacancies reserved for Persons with Benchmark Disabilities should be indicated clearly. As regards Persons with Benchmark Disabilities the vacancies shall be further reported separately for the following four categories of benchmark disabilities.

First Category

- (a) blindness and low vision;

Second category

- (b) deaf and hard of hearing

Third category

- (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism acid attacks victims and muscular dystrophy;

Fourth category

- (d) autism, intellectual disability, specific learning disability and mental illness;
- (e) multiple disabilities from amongst persons under clauses 9a) to (d) including deaf blindness, in the posts identified for each disabilities.

- (ii) In case of vacancies in posts identified suitable to be held by persons with benchmark disabilities, it shall be indicated that the post is identified for:

First category

- (a) blindness and low vision:

Second category

- (b) deaf and hard of hearing

Third category

- (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism acid attacks victims and muscular dystrophy

Fourth category

- (d) autism intellectual disability, specific learning disability and mental illness;
- (e) multiple disabilities from amongst persons under cluses (a) to (d) including deaf blindness, in the posts identified for each disabilities, as the case may be and that the persons with benchmark disabilities belonging to the category/categories for which the vacancy in the post is identified shall be allowed to apply even if no vacancies are reserved for them. Such candidates will be considered for selection for appointment to the post by general standards of merit, if the post identified is suitable for them.

- (iii) In case of vacancies in posts identified suitable for persons with benchmark disabilities, irrespective of whether any vacancies are reserved or not, the categories of disabilities viz

- (a) blindness and low vision;
- (b) deaf and hard of hearing;
- (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attacks victims and muscular dystrophy;\

- (d) autism, intellectual disability, specific learning disability and mental illness;
  - (e) multiple disability from amongst persons under clauses (a) to (d) including deaf blindness, for which the post is identified suitable along with functional classification and physical requirements for performing the duties attached to the post shall be indicated clearly.
- (iv) It shall also be indicated that the above-mentioned four categories of persons with benchmark disabilities shall alone be eligible for the benefit of reservation under the category of persons with benchmark disabilities. Persons with benchmark disabilities means a person with not less than forty percent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority.

**Sd/- TEMJENTOY**

Commissioner & Secretary to the Govt. of Nagaland

Note : The list of post identify at *Annexure 'A'* can be downloaded from P &AR website <https://dpar.nagaland.gov.in>.