



**Union Territory of Jammu and Kashmir**

**Social Welfare Department  
Civil Secretariat, J&K, Jammu.**

\*\*\*

**Subject: Guidelines for Reservation for Persons with Benchmark Disabilities.**

**Government Order No: 163-JK (SWD) of 2021**

**Dated : 05.11.2021**

Whereas the Government vide notification S.O-127 dated 20<sup>th</sup> April, 2020 amended the Jammu & Kashmir Reservation Rules, 2005 and enhanced the horizontal reservation from 3% to 4% for Physically Challenged Persons in terms of the Rights of Persons with Disabilities Act, 2016 against each benchmark disability as under:

(a)	<i>Blindness or low vision</i>	1%
(b)	<i>Deaf and Hard of hearing</i>	1%
(c)	<i>Loco-motor disability including Cerebral Palsy, Leprosy Cured, Dwarfism, Acid attack victims and muscular dystrophy;</i>	1%
(d)	<i>Autism, intellectual disability, specific learning disability and mental illness,</i>	1%
(e)	<i>Multiple disabilities from amongst persons under clauses(a) to (d) including deaf-blindness in the posts identified for each disabilities</i>	

Whereas, vide S.O-91 dated 15<sup>th</sup> March, 2021 the Jammu and Kashmir Rights of Persons with Disabilities Rules, 2021 were notified;

Whereas, vide Government Order No. 59-JK (SWD) of 2021 dated 15.04.2021 & Government Order No. 142-JK (SWD) of 2021 dated

14.10.2021, lists of posts identified for persons with benchmark disabilities under Right of persons with Disabilities Act, 2016 were notified;

Whereas, vide Annexure - B to Government Order No.62 of 2001 dated 13.03.2001 the guidelines for implementation of reservation to person with benchmark disabilities in terms of the existing Acts and Rules applicable at that point of time had been notified;

Whereas, with the increase in quantum of horizontal reservation to physically challenged Persons, the above said guidelines dated 13.03.2001 are required to be amended;

Whereas, the Department of Personnel & Training , Government of India vide O.M No. 36035/02/2017-Estt(Res) dated 15.01.2018 has issued instructions including the register/roaster to be followed in providing reservation to disabled persons with benchmark disabilities;

Whereas, General Administration Department vide U.O no GAD-SERVOKAS/477/2021 dated 13.10.2021 and the Department of Law, Justice & Parliamentary Affairs vide U.O no Law-ser1/16/2021-10 dated 13.10.2021 have advised that the necessary amendments are required to be carried out in the relevant order issued by the Department in this regard;

The guidelines for implementation of reservation to persons with benchmark disabilities are, therefore, hereby issued afresh as Annexure to this order, in supersession of the Annexure-B to the Government Order No. 62-SW of 2001 dated 13.03.2001.

By order of the Government of Jammu and Kashmir.

Sd/-

(Sheetal Nanda) IAS  
Secretary to the Government

No. SWD-Dis/47/2021-01

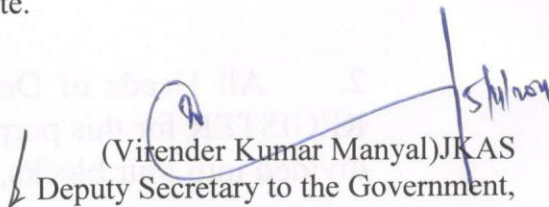
Dated: 05 .11. 2021

Copy to:

1. Ld. Advocate General, J&K.
2. Financial Commissioner (Additional Chief Secretary), Finance Department.
3. Financial Commissioner (Additional Chief Secretary), Health & Medical Education Department.
4. Director General of Police, J&K.



5. All Principal Secretaries to the Government.
6. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
7. Principal Resident Commissioner, J&K Government, New Delhi.
8. Chief Electoral Officer, J&K.
9. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
10. All Commissioner/Secretaries to the Government.
11. Divisional Commissioners, Jammu/Kashmir.
12. Chairperson, J&K Special Tribunal.
13. All Deputy Commissioners.
14. Director General, IMPARD, J&K.
15. Director Information, J&K.
16. All Heads of Departments/Managing Directors/Secretary, Advisory Boards.
17. Secretary, J&K PSC/Backward Classes Commission/SSB/BoPEE.
18. Director, Estates, J&K.
19. Director, Archives, Archaeology & Museums, J&K, Jammu.
20. Secretary, J&K Legislative Assembly.
21. General Manager, Government Press, Jammu/Srinagar.
22. Private Secretary to the Chief Secretary, J&K.
23. Private Secretary to Advisor (F)/(BK) to the Hon'ble Lieutenant Governor.
24. Private Secretary to Secretary to the Government, Social Welfare Department.
25. In-charge, Social Welfare Department Website.
26. Government Order file/Stock file.

  
 (Virender Kumar Manyal)JKAS  
 Deputy Secretary to the Government,  
 Social Welfare Department

**Annexure to Government Order No. 163 -SW of 2021 dated 05.11.2021**

**GUIDELINES FOR IMPLEMENTATION OF RESERVATION FOR PERSONS  
WITH BENCH MARK DISABILITIES IN DIRECT RECRUITMENT.**

**Calculation of the number of vacancies:**

1. Although the recruitment of physically challenged persons would be only against posts identified as suitable for them, while computing the vacancies to which the reservation would apply, the total number of vacancies occurring in the said Gazetted and Non-Gazetted would be taken into account i.e, the 4% (refer S.O-127 dated 20<sup>th</sup> April, 2020) shall have to be computed on the basis of vacancies occurring in both the identified and non-identified posts in Gazetted and Non-Gazetted.

2. All Heads of Department shall maintain a separate 100 point REGISTER for this purpose, in which each cycle of 100 points shall be divided into four blocks, comprising the following points:

<b>1st Block</b>	<b>point No. 01 to point No. 25</b>
<b>2nd Block</b>	<b>point No. 26 to point No. 50</b>
<b>3rd Block</b>	<b>point No. 51 to point No. 75</b>
<b>4th Block</b>	<b>point No. 76 to point No. 100</b>

3. All the vacancies reported by the different appointing authorities will be entered in this Register for each Group of posts (Gazetted or Non-Gazetted). The account shall be maintained on year to year basis separately for Gazetted and Non-Gazetted post/services and will be closed annually. For each Block of vacancies, there shall be reserved one vacancy for the physically challenged persons posts identified as suitable for one or more of the bench mark categories of the physically challenged persons i.e. when there are 25 vacancies in a Group, one vacancy is to be reserved for the physically challenged persons. After computing all the vacancies and determining the reservation for the handicapped block wise, in the manner indicated above, the Head of Department will be required to distribute these reserved vacancies for the handicapped among different appointing authorities in the light of availability of vacancies, in the identified categories under the various



appointing authorities. Care should also be taken that 4% reservation for physically challenged persons is, as far as possible, distributed equally among the four categories i.e. (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 in the posts identified for each disability*, consistent with the appropriate identification. If the number of vacancies is such as to cover only one block or two, discretion as to which category of the handicapped should be accommodated first would vest in the Head of the Department. He/ she will decide this on the basis of the nature of post, the level of representation of the specific handicapped category in the concerned grade/post and the availability of candidate of a particular handicapped category, so far as that can be ascertained.

4. In the event of the reservation not being utilized in the same block in which it fell due, it shall be carried forward to next block or blocks as the case may be in the same year. In such exigencies where the reservation could not be utilized in any of the blocks during the year, the same shall be carried forward in the subsequent three recruitment years at the end of which the reservation shall be deemed to have lapsed.

5. Mutual exchange in the event of non-availability of specific handicapped category is permissible.

### ILLUSTRATION

In an organization, the following vacancies in various categories of posts, as indicated against each, are to be filled:-

<b>Jr. Assistant/Clerks</b>	<b>40</b>
<b>Jr. Stenographer</b>	<b>20</b>
<b>Driver</b>	<b>10</b>
<b>SC. Assistant</b>	<b>30</b>
<b>Research Assistant</b>	<b>15</b>
<b>Lab. Assistant</b>	<b>10</b>
<b>Total No. of posts:</b>	<b>125</b>

Out of these posts, only Jr. Assistant /Clerks, Jr. Stenographer and Laboratory Assistant in that organization are identified as fit to be manned by the physically challenged persons candidates, whereas the other categories are not identified. Both the Jr. Assistant/Clerks and Jr.



Stenographer are identified as suitable for orthopedically handicapped (one arm, one leg) and blind and partially blind; whereas the post of Laboratory Assistant is identified for Orthopedically handicapped (one arm, one leg) and deaf and partially deaf. In the present case, while working out the reservation for the physically challenged persons, the total number of vacancies of 125 has to be taken into account (though the vacancies in the identified post are only 70). Accordingly, the number of vacancies reserved for the physically challenged persons candidates would be 05. These vacancies would be distributed amongst the identified posts of Jr. Assistant/ Clerks, Jr. Stenographer and Laboratory Assistant. The reservation points which the physically challenged persons, will utilize will be on the roster of these identified posts. This has been amplified in para 8. While distributing the vacancies among various categories of posts identified for physically challenged candidates, the Head of Department will ensure as far as possible that this reservation is distributed equally among the 04 sub-categories of (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 in the posts identified for each disability* consistent with appropriate identification for the posts. In this case, since the post of Lab. Assistant is identified for Deaf and partially deaf also, the reservation for deaf can be utilized against this post and the remaining vacancies can be distributed between Jr. Assistant/ Clerks and Jr. Stenographer (***The above said situation is only for illustration***).

6. The reservation worked out as above may be reported to the recruiting agency while making recruitment to the identified posts.

7. The manner in which the physically challenged persons so selected, are to be adjusted is elaborated in para 08 below.

8. Reservation for SC/ST/OSC may be called vertical reservation and the reservation for physically challenged persons as horizontal reservation. Horizontal reservations cut across vertical reservation (in what is called interlocking reservation) and persons selected against the physically challenged persons quota have to be placed in the appropriate category, if he/ she belongs to SC category, he/ she will be placed in that quota and will utilize an SC Roster point and similarly if he/ she belongs to General category, he/ she will be placed in that



category and will utilize a general category roster point. Similarly, if he/ she belongs to OSC or ST category, he/ she will utilize an OSC or a ST roster point.

FOR EXAMPLE: If in a given year, there are 100 Gazetted vacancies, the reservation for SCs will be 08, for STs it will be 10, for OSCs, it will be 04 for General Category it will be 50 and so on. The vacancies reserved for physically challenged persons will be calculated as per the procedure enumerated in para 03 above. The vacancies for the physically challenged persons in that year will come to 04 and these will have to be distributed among the (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 in the posts identified for each disability* as explained in pre – paras. Once these 04 candidates are selected against the identified posts and it is seen that 01 belongs to the SC category, 01 to the ST category, then 01 Physically challenged person SC candidate will be adjusted against the 08 SC vacancies, the 01 physically challenged person ST candidate will be adjusted against the 10 ST vacancies, the 01 physically challenged persons OSC candidates against the 04 OSC vacancies and 01 physically challenged person candidate against the 50 General Category vacancies respectively. In other words, the appointment is to be made on the basis of the physical challenged category and the adjustment in the roster is to be made according to the category to which the physical challenged person belongs.

9. It will be seen that considerable flexibility is available to the Head of the Department in the matter of recruitment of physically challenged persons against the posts reserved for them. It is for Head of the Department to decide the category of persons, who are to be adjusted and the identified vacant posts against which they are to be adjusted. The Head of Departments are therefore, advised to make special efforts to ensure that the vacancies reserved for the physically challenged persons are worked out correctly and complete utilization of the reservation meant for the physically challenged persons is effected.

\*\*\*\*\*

(Virender Kumar Manyal)JKAS

Deputy Secretary to Government