

Public Notice inviting comments on the draft guidelines for conducting written examination for persons having less than 40% disability or persons having medical condition that may restrict their writing capacity

In compliance of the order of Hon'ble Supreme Court dated 11.02.2021 in the matter of Shri Vikash Kumar vs UPSC and others, the Department of Empowerment of Persons with Disabilities has formulated the draft guidelines for conducting written examination for persons having less than 40% disability or persons having medical condition that may restrict their writing capacity for public consultation before finalising the same.

2. The draft guidelines developed on the basis of the recommendations of the Committee are at Annexure.

3. The Department of Empowerment of Persons with Disabilities hereby invites comments from the public on the draft guidelines for conducting written examination for persons having less than 40% disability or persons having medical condition that may restrict their writing capacity placed at Annexure by 1st June, 2021. Comments on these draft guidelines may be sent by email at kvs.rao13@nic.in within the stipulated date.

Annexure

Draft Guidelines for conducting written examination for persons having less than 40% disability or persons having medical condition that may restrict their writing capacity.

The Government has issued guidelines for conducting written examination for persons with benchmark disabilities (i.e. with 40% or more disability, for whom the benefit of reservation in Government posts are allowed) on 29.08.2018 and corrigendum dated 08.02.2019 which *inter-alia*, provides for grant of scribe/reader and compensatory time. Hon'ble Supreme Court in its order dated 11.02.2021 in the matter of Shri Vikash Kumar Vs UPSC and others has directed this Department to frame proper guidelines which would regulate and facilitate the grant of a facility of a scribe to persons with disability within the meaning of Section 2 (s) of the RPwD Act, 2016, (meaning even a person with less than 40% disability) where the nature of disability operates to impose a barrier to the candidate writing an examination. These guidelines should also prescribe appropriate norms to ensure that condition of the candidate is duly certified by such competent medical authority as may be prescribed so as to ensure that only genuine candidates in need of the facility are able to avail it.

2. Keeping in view the above order of the Hon'ble Supreme Court, an Expert Committee in the Department examined the order of Hon'ble Supreme Court and it is of the view that even if the person does not have disability of 40% or more, there are various types of clinical problems that can affect the writing capacity in cases such as:

- i. Congenital Anomally
- ii. Post traumatic deformity and amputations
- iii. Hansens and other paralysis

- iv. Arthritic Hand
- v. Parkinsonism
- vi. Persons with chronic neurological conditions such as multiple sclerosis who have intermittent diplopia or who are not able to use hands due to burning sensation
- vii. Persons with epilepsy as the drug taken by them can cause drowsiness affecting writing ability
- viii. Sleep disorder
- ix. Visual field affecting reading and writing ability.
- x. Persons with specific learning disabilities, intellectual disabilities can face difficulty in comprehending and in coordinating which may affect their writing capability with required speed. Similar is the case for persons with autism spectrum disorder.

3. Based on the recommendations of the Committee, the following draft guidelines are prescribed:-

- (a) These guidelines may be called as Guidelines for conducting written examination for persons having less than 40% disability or persons having medical condition that may restrict their writing capacity, 2021.
- (b) The basis for grant of scribe and compensatory time should be the assessment of the capability of a person to read, write and with that of normal speed.
- (c) The facility of scribe/reader/lab assistant should be allowed to any person having less than 40% disability or persons having medical condition that may restrict their writing capacity subject to production of a certificate to the effect that person concerned has limitation to read, write and that of speed, and that scribe is essential to write examination on his/her behalf

from the competent medical authority of a Government healthcare institution as per proforma at **Appendix-I**.

(d) The medical authority for the purpose of certification as mentioned in point (c) above should be a multi-member authority comprising the following:-

- i. Chief Medical Officer/Civil Surgeon/Chief District Medical Officer.....Chairperson
- ii. Orthopaedic/PMR specialist
- iii. Neurologist, if available*
- iv. Clinical Psychologist/Rehabilitation Psychologist/
Psychiatrist/Special Educator
- v. Occupational therapist, if available*
- vi. Any other expert based on the condition of the candidate as may be nominated by the Chairperson.

(* the Chief Medical Officer/Civil Surgeon/Chief District Medical Officer may make full efforts for inclusion of neurologists, occupational therapist from the nearest District or the Medical College/Institute, if the same is not available in the District)"

(e) The candidate should have the discretion of opting for his own scribe/reader/lab assistant or request the Examination Body for the same. The examination body may also identify the scribe/reader/lab assistant to make panels at the District/Division/State level as per the requirements of the examination. In such instances the candidates should be allowed to meet the scribe **two days** before the examination so that the candidates get a chance to check and verify whether the scribe is suitable or not.

(f) In case the examination body provides the scribe/reader/lab assistant, it shall be ensured that qualification of the scribe should not be more than the minimum qualification criteria of

the examination. However, the qualification of the scribe/reader should always be matriculate or above.

In case the candidate is allowed to bring his own scribe, the qualification of the scribe should be one step below the qualification of the candidate taking examination. The person opting for own scribe/reader should submit details of the own scribe as per proforma at **Appendix-II**.

- (g) There should also be flexibility in accommodating any change in scribe/reader/lab assistant in case of emergency. The candidates should also be allowed to take more than one scribe/reader/lab assistant for writing different papers especially for languages. However, there can be only one scribe per subject.
- (h) The candidates should be allowed to use assistive devices like talking calculator (in cases where calculators are allowed for giving exams), tailor frame, Braille slate, abacus, geometry kit, Braille measuring tape and augmentative communication devices like communication chart and electronic devices.
- (i) Compensatory time not less than 20 minutes per hour of the examination should be allowed for persons who are eligible for getting scribe/reader/lab assistant. In case the duration of the examination is less than an hour, then the duration of the compensatory time should be allowed on pro-rata basis. Compensatory time should not be less than 5 minutes and should be in the multiple of 5.
- (j) The examination bodies shall modify their application forms to incorporate specific needs of these category of persons. In case, any incident has been reported after filling up the form, the examination bodies shall facilitate medical examination of the candidate on priority basis.

- (k) These guidelines are applicable to written examinations conducted by central recruitment agencies as well as academic institutions. The States/UTs may adopt these guidelines or issue similar guidelines to maintain uniformity.
- (l) These guidelines are independent of the Guidelines for conducting written examination for persons with benchmark disabilities issued by the Department of Empowerment of Persons with Disabilities on 29.08.2018.

Appendix-I

Certificate of limitation in a candidate (person having less than 40% disability or person with medical conditions that may restrict his/her writing capability and speed)

This is to certify that, we have examined Mr/Ms/Mrs (name of the candidate), S/o/D/o, a resident of(Vill/PO/PS/District/State), aged yrs, a person with (nature of disability/condition), and to state that he/she has limitation which hampers his/her writing capability and speed owing to his/her above condition. He/she requires support of scribe for writing the examination.

2. This certificate is issued only for the purpose of appearing in written examinations conducted by recruitment agencies as well as academic institutions and is valid upto _____ (it is valid for maximum period of one year or less as may be certified by the medical authority)

Signature of medical authority

(Signature & Name)	(Signature & Name)	(Signature & Name)	(Signature & Name)	(Signature & Name)
Orthopedic/ PMR specialist	Clinical Psychologist/ Rehabilitation Psychologist/ Psychiatrist/ Special Educator	Neurologist (if available)	Occupational therapist (if available)	Other Expert, as nominated by the Chairperson (if any)
(Signature & Name)				
Chief Medical Officer/Civil Surgeon/Chief District Medical Officer.....Chairperson				

Name of Government Hospital/Health Care Centre with Seal

Place:

Date:

Appendix-II

Letter of Undertaking by the candidate (with less than 40% disability or other medical conditions that may restrict his/her writing capability) who have been granted certification of limitation

I _____, a candidate with _____ (nature of disability/condition) appearing for the _____ (name of the examination) bearing Roll No. _____ at _____ (name of the centre) in the District _____, _____ (name of the State). My educational qualification is _____.

I do hereby state that _____ (name of the scribe) will provide the service of scribe/reader/lab assistant for the undersigned for taking the aforementioned examination.

I do hereby undertake that his qualification is _____. In case, subsequently it is found that his qualification is not as declared by the undersigned and is beyond my qualification. I shall forfeit my right to the post or certificate/diploma/degree and claims relating thereto.

(Signature of the candidate)

(countersignature by the parent/guardian, if the candidate is minor)

Place:

Date: