



Letter to the Editor

## Benefits of Reservation for Persons with Disability in Education and Employment in India

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Dear Editor,

### VARIOUS DISABILITIES COVERED UNDER RIGHTS OF PERSONS WITH DISABILITIES (RPWD) ACT OF 2016

In India, under the RPWD Act of 2016, one of the rights is that persons with disability (PWD) should get the benefit of reservation in education and jobs for their empowerment.<sup>[1]</sup> Under the RPWD Act of 2016, there are a total of 17 chapters and 102 sections. Chapter VI of this Act deals with special provisions for persons with benchmark disabilities. According to the Act, persons with benchmark disabilities include those who have at least 40% of a specified disability as certified by an appropriate authority.<sup>[1]</sup> A total of 21 specified disabilities are included under clause “zc” of section 2 of the RPWD Act of 2016.<sup>[1,2]</sup> Those disabilities are explained in a concise and simplified way in Table 1.<sup>[1,3-9]</sup>

Most of the above-mentioned disabilities/disorders are chronic, requiring prolonged treatment and posing a financial burden. There is a proven link between chronic disorders and financial stress, mainly in the case of mental health issues.<sup>[10]</sup>

### BENEFITS OF RESERVATION FOR PWDs IN EDUCATION

To empower the persons with disabilities (PWDs), according to the RPWD Act of 2016, all the government-run higher educational institutions and other government-aided higher educational institutions shall have 5% reserved seats for persons with benchmark disabilities. Furthermore, as per the same Act, PWDs will be given an upper age relaxation of 5 years for admission to higher educational institutions.<sup>[1]</sup> Regardless of inclusion in the Rights of Children to Free and Compulsory Education Act of 2009, and as per the RPWD Act of 2016, each child with a benchmark disability between 6 and 18 years of age will have a right to free education in a special or neighborhood school of his/her choice until the age of 18 years.<sup>[1]</sup>

### BENEFITS OF RESERVATION FOR PWDs IN EMPLOYMENT

Regarding the job vacancies, each government establishment shall have at least 4% reservation for PWDs. For this purpose, various disabilities are grouped under five clauses from (a) to (e). Out of this 4% reservation for employment, 1% reservation is given for each of the following categories: (a) low vision and blindness, (b) hard of hearing and deaf, and (c) locomotor disability including

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**Table 1:** Various disabilities under the RPWD Act of 2016.

Types of disability	Sub-types of disability	Clinical features of disability
Physical disabilities	1. Locomotor disability	
	a) Leprosy-cured person	i) Cured of leprosy but suffering from a severe physical deformity that hampers their potential of undertaking any gainful job. <sup>[1]</sup> ii) Sensory loss in feet or hands, sensory loss, and paresis in eye-lid and eye without any manifest deformity. <sup>[1]</sup> iii) Having adequate mobility of feet and hands for doing normal economic activities despite manifest deformity and paresis. <sup>[1]</sup>
	b) Cerebral palsy	Group of non-progressive neurological condition that affects muscle coordination and body movements as a result of damage to various brain regions that occur before, during, or immediately after birth. <sup>[1]</sup>
	c) Dwarfism	An adult with a height of 147 centimeters (4 feet and 10 inches) or below due to a genetic or medical condition. <sup>[1]</sup>
	d) Muscular dystrophy	Hereditary genetic disease involving muscle weakness due to underlying incorrect as well as missing information in the genes that interferes with protein formation required for healthy muscles. <sup>[1]</sup>
	e) Acid attack victims	Disfigurement resulting from violent assault due to throwing of acid or related corrosive substances. <sup>[1]</sup>
	2. Visual impairment	
	a) Blindness	Any of the below conditions after the best correction – total absence of vision, or visual acuity (V/A) of <3/60 or <10/200 (Snellen) in the better eye, or limitation of visual field subtending angle of <10°. <sup>[1]</sup>
	b) Low vision	V/A below 6/18 or <20/60 up to 3/60 or up to 10/200 (Snellen) in the better eye with best possible correction or limitation of visual field subtending angle of <40° up to 10°. <sup>[1]</sup>
	3. Hearing impairment:	
a) Deaf	Hearing loss of 70 decibels (DB) speech frequencies in both ears. <sup>[1]</sup>	
b) Hard of hearing	Hearing loss of 60–70 DB speech frequencies in both ears. <sup>[1]</sup>	
4. Speech and language disability	Permanent impairment due to laryngectomy or aphasia secondary to neurological or organic etiology. <sup>[1]</sup>	
Intellectual and neurodevelopmental disabilities	1. ID	Remarkable impairment of intellectual functioning (learning, problem-solving, reasoning) as well as adaptive behavior. <sup>[1]</sup> There are various grades of ID, such as mild, moderate, severe, and profound ID, based on various intelligence quotient ranges.
	2. Specific learning disabilities	Maturational developmental deficits are characterized by difficulty in acquiring specific skills in mathematics (dyscalculia), written expression (dysgraphia), or reading (dyslexia). <sup>[1,3]</sup>
	3. Autism spectrum disorder	Neurodevelopmental heterogeneous group of syndromes with persistent impairment of social communication, social interaction, repetitive as well as restricted behaviors, restricted interests or insistence for sameness, one-third present with ID, social-emotional reciprocity deficit, non-verbal communicative deficit, and difficulty in development, maintenance, and understanding of relationships. <sup>[1,4]</sup>
Mental health-related disability	Mental illness	Considerable disorder of mood, thinking, orientation, perception, or memory which leads to impairment of behavior, judgment, ability to perceive reality or to fulfill regular demands of life. <sup>[1]</sup>
Neurological disability	Chronic neurological disorders	
	1. Parkinson's disease	Progressive neurological disorder manifested as rigidity of the muscles or stiffness of limbs, tremors, bradykinesia, impairment of balance or posture, impairment of speech and writing ability, and diminished facial expressions. <sup>[1,5]</sup>
	2. Multiple sclerosis	Inflammatory disease of nervous system involving damage to myelin sheaths around axons of spinal cord and brain. It is characterized by symptoms such as spasms, stiffness and weakness of muscles, impaired mobility, tremors, pain, fatigue, visual loss, diplopia, bowel and bladder dysfunctions, tingling and numbness, psychological issues such as anxiety and depression, difficulty in swallowing and speech, impairment of planning, learning and thinking, memory impairment, executive dysfunction, and impaired concentration. <sup>[1,6]</sup>

(Contd...)

**Table 1:** (Continued).

Types of disability	Sub-types of disability	Clinical features of disability
Disability-related to blood disorders	1. Thalassemia	Inherited blood disorder characterized by decreased level of hemoglobin, fatigue, weakness, deformities of facial bones (chipmunk face), dark-colored urine, abdominal swelling, and pallor. <sup>[1,7]</sup>
	2. Hemophilia	Hereditary hemorrhagic disorder caused by factor VIII (Hemophilia A) and factor IX (Hemophilia B) protein deficiency. It is characterized by excessive bleeding following trivial or minor injuries or cuts, prolonged bleeding following surgeries or dental procedures, passing blood in feces and urine, deeper or larger bruises, pain and swelling of joints due to internal bleeding, intracranial bleeding presenting as diplopia, headache or feeling excessively sleepy and unexplained nasal bleeding. <sup>[1,8]</sup>
	3. Sickle cell disease	Multisystem genetic disorder characterized by acute chest syndrome, vaso-occlusive crisis, pulmonary hypertension, infections secondary to functional asplenia, pulmonary embolism, stroke, proliferative retinopathy, chronic renal failure, proteinuria, microalbuminuria, splenic sequestration resulting into severe pain in abdomen, acute fall of hemoglobin and circulatory collapse, priapism, cholelithiasis due to chronic hemodialysis and increased turnover of bilirubin, osteonecrosis of heads of bones such as humerus and femur and aplastic crisis that can lead to cardiovascular decompensation and severe anemia. <sup>[1,9]</sup>

Multiple disabilities refer to a condition where a person tends to have more than one of the above-specified disabilities including deaf-blindness in which a person may have hearing as well as visual impairment that results in severe developmental, educational, and communicative impairment. ID: Intellectual disability, RPWDs: Rights of persons with disabilities

leprosy cured, muscular dystrophy, cerebral palsy, acid attack victims, and dwarfism. The remaining 1% reservation is for the following categories: (d) mental illness, intellectual disability, specific learning disabilities, and autism spectrum disorder, and (e) multiple disabilities from clauses (a) to (d) including deaf-blindness. Hence, PWDs with disabilities from clauses (a) to (d) will have 1% of reservation each, but those from clauses (d) and (e) will have 1% reserved vacancies.<sup>[1]</sup>

### OTHER BENEFITS OF RESERVATION FOR PWDs UNDER RPWD ACT OF 2016

Apart from the benefits stated above, the RPWD Act 2016 also provides 5% reservation in allotment of housing and agricultural land; 5% reservation for poverty alleviation and various developmental schemes; and 5% reservation for allotment of land on concessional basis so that the land can be utilized for establishing housing, setting up business, occupation, shelter, enterprise, and production and recreation centres.<sup>[1,11]</sup>

### MAIN PURPOSE OF THIS LETTER

Previously, one Indian study (Kumar V and Singh NK, 2018) observed that 88.75% of caregivers of people with mental illness (PWMI) were not aware of the fact that specific mental illnesses are covered under disability.<sup>[12]</sup> The same study also observed that only 47.5% of caregivers were aware that a certificate could be issued to PWMI. The same study also made the following observations: that 66.88% of caregivers were not aware of

where they could obtain disability certificates; that 86.88% of caregivers lack knowledge about the criteria for disability certificates; that only 11.25% of caregivers obtained disability certificates for their patients; and that only 41.88% of caregivers knew a piece of information about available governmental facilities for those suffering from mental disabilities.<sup>[12]</sup> It is evident from these findings that there is a lack of awareness and knowledge among caregivers about the available facilities for PWDs, including mental disabilities. This letter is written to create awareness about education and employment benefits for persons with PWDs. The information about the right of PWDs to reservations in educational institutions and employment will have a beneficial impact on the empowerment and equality for those who possess appropriate and valid disability certificates issued by an appropriate medical authority.

### Limitation

The RPWD act 2016 doesn't specify that which type of disability is qualified for which type of employment and which type of higher education. This point must require attention and workup.

### Ethical approval

Institutional Review Board approval is not required.

### Declaration of patient consent

Patient's consent is not required as there are no patients in this study.

### Financial support and sponsorship

Nil.

### Conflicts of interest

There are no conflicts of interest.

### Use of artificial intelligence (AI)-assisted technology for manuscript preparation

The authors confirm that there was no use of artificial intelligence (AI)-assisted technology for assisting in the writing or editing of the manuscript, and no images were manipulated using AI.

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