

Lacunaes' and Gray Zone of RPWD Act 2016

India is the second most populous country in the world and 2.1% of the entire population suffers from disability. RPWD Act, 2016 clearly aims to uphold the dignity of every Person with Disability (PwD) in the society and prevent any form of discrimination. The Act also helps in full acceptance of people with disability and their full participation and inclusion in the society. It defines PwD as any person with long-term physical, mental, intellectual, or sensory impairments which on interacting with barriers hinder effective and equal growth in the society. Further, it also defines "Person with Benchmark Disability" as a person with not <40% of specified disability.

The RPWD Act is a very comprehensive one. The evaluation of Locomotor Disabilities is very detailed one but there are a few sections that require further clarification. Chronic neurological condition was added as a broad category with no specific details regarding the disorders it encompasses. Everywhere in the law and guidelines, chronic neurological conditions category was exemplified by PD and MS, though both of these are also notified as separate disability categories also. Furthermore, there is ambiguity about chronicity and recurrence of a chronic neurological disease. There is no clear criteria about the percentage of disability if there is a mismatch of percentage based on the field of vision vis-à-vis refraction.

Here we would like to suggest that some sections of people need to be added in beneficiary list. Amongst them, one category is victims of thermal burn injury with contractures and residual deformity apart from acid attack victims. Also persons with cardiopulmonary problems like Post CABG, Post PTCA and patients with occupational hazards like silicosis, asbestosis, etc may be included.

Not only this, but also there are gray areas in the assessment criteria of student taking admission in medical course. The Disability Certificate of the students must verified from the 12 designated Assessment Boards as per the National Testing Agency. An aspiring medical student may face difficulty to pursue complete medical if he/she is color blind but the RPwD Act has no provision for disability regarding eligibility of color blindness. Also, the specification of hearing aid that should be used by the students with Hearing Disability is not mentioned in the Act. All types of hearing aids are not compatible with stethoscope and may cause a hindrance in pursuing medical education. Regarding locomotor disability, sufficient strength and range of motion of hand should be clinically graded and mentioned with more details. Also, the rule for assistive devices and appliances should be made uniform for all the aspiring students.

Here I would like to add from our experience as a center of Assessment Board for PwD candidates for the last few years, we have seen that a fair number of the certificates of candidates appearing for NEET examinations with benchmark disability were not considered eligible after re-evaluation as per RPwD rules, 2017. This may be possibly due to lack of awareness about the protocols for disability certification among the physicians at various levels of healthcare system.

So there are many issues related to the evaluation, certification and verification of the PwD candidates that needs to be looked into and modified. Further regular teaching, training of these RPwD evaluation criteria to all concerned Health Professional at various levels is necessary for uniform smooth implementation of the guidelines so that the PwD candidates are able to avail these benefits and be a part of the mainstream.

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