



Disability and Facility of a Scribe: SC

Why in News

Recently, the [Supreme Court \(SC\)](#) directed the Central government to frame **proper guidelines to regulate and facilitate** grant of a **facility of a scribe** to persons with disability in writing exams.

- Earlier, the SC **observed that persons suffering from disabilities are also socially backward and entitled to the same benefits of relaxation as Scheduled Caste/Scheduled Tribe candidates** in public employment and education.
- **Scribe** is a person who writes or word processes a student's dictated answers in exams.

Key Points

▪ Background:

- An appeal was filed by a candidate with **Writer's cramp, a chronic neurological condition** which causes extreme difficulty in writing.
- He was **denied a scribe** for the Civil Services Exam by the [Union Public Service Commission \(UPSC\)](#) in 2018, on the ground that he did not come within the definition of person with **benchmark disability**.

▪ Court's Ruling:

◦ Facility of a Scribe:

- Facility of a scribe can be **provided to persons with disabilities other than those having benchmark disabilities** as given under the **Rights of Persons with Disabilities Act (RPwD) 2016**.

- **Benchmark disability** refers to having **at least 40% disability** of any type recognized under the RPwD Act 2016.

◦ Directions to Government:

- Issued a broader direction to the Union Government in the **Ministry of Social Justice and Empowerment (MoSJE) to ensure the framing of 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 RPwD Act** where the nature of the disability operates to impose a barrier to the candidate writing an examination.
- Asked the ministry that while formulating procedures, it may **lay down appropriate norms to ensure that the 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 of it.
- **Section 2 (s)** defines 'person with disability'. It means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in

society equally with others.

- The **principle of reasonable accommodation** in the Act captures the positive obligation of the State and private parties to provide additional support to persons with disabilities to facilitate their full and effective participation in society.
- The **2016 Act has a more inclusive definition of “persons with disability”** evidencing **a shift from a stigmatising medical model of disability to a social model of disability** which recognises that it is the societal and physical constraint that are at the heart of exclusion of persons with disabilities from full and effective participation in society.

Writer’s Cramp

- Writer’s cramp is a specific type of focal dystonia that **affects one’s fingers, hand, or forearm.**
- Focal dystonia of the hands is a neurological movement disorder. The **brain sends incorrect information to the muscles**, causing involuntary, excessive muscle contractions. These signals can make one’s hands twist into odd postures.
- Writer’s cramp is known as a task-specific dystonia. It **happens almost only when one performs a particular activity** like writing or typing.

Rights of Persons with Disabilities Act 2016

▪ Definition:

- Disability has been defined based on an evolving and dynamic concept.
- **Benchmark disability** refers to having at least **40% disability** of any type recognized under the Act.

▪ Types:

- The types of disabilities have been **increased from 7 to 21.**
- The Act added mental illness, autism, spectrum disorder, cerebral palsy, muscular dystrophy, chronic neurological conditions, speech and language disability, **thalassemia, hemophilia, sickle cell disease**, multiple disabilities including deaf blindness, acid attack victims and **Parkinson’s disease** which were largely ignored in earlier Act.
- In addition, the Government has been authorized to notify any other category of specified disability.

▪ Reservation:

- It **increased the quantum of reservation** for people suffering from disabilities from 3% to 4% in government jobs and from 3% to 5% in higher education institutes.

▪ Education:

- Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education. Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education.

▪ Accessibility:

- Stress has been given to ensure accessibility in public buildings in a prescribed time frame along with the **Accessible India Campaign.**

▪ Regulatory Body:

- The Chief Commissioner for Persons with Disabilities and the State Commissioners will act as regulatory bodies and Grievance Redressal agencies, monitoring implementation of the Act.

▪ Special Fund:

- A separate National and State Fund be created to provide financial support to the persons

with disabilities.

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