

NATIONAL

# Supreme Court bats for more facilities for disabled

**Krishnadas Rajagopal**

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**Allowing a scribe for candidate not largesse, says bench**



The government is not conferring a “largesse” on disabled people by facilitating a scribe during the course of the Civil Services Examination, the Supreme Court held in a judgment on Thursday.

The Union Public Service Commission and the Department of Personnel and Training (DoPT), by allowing a scribe, are not allowing them a “privilege”, a Bench led by Justice D.Y. Chandrachud declared in a 62-page verdict.

The court said it is high time the government shed its “fundamental fallacy” that only persons with “benchmark disability” or specified disability of 40% or more should be accommodated with a scribe while taking competitive tests like the Civil Services Examination. This is a clear violation of the intent to provide “reasonable accommodation” for disabled persons under the Right to Persons with Disabilities (RPwD) Act of 2016.

“The provision for the facility of a scribe is in pursuance of the statutory mandate to ensure that persons with disabilities are able to live a life of equality and dignity based on respect in society for their bodily and mental integrity. There is a fundamental fallacy on the part of the UPSC/DoPT in proceeding on the basis that the facility of a scribe shall be made available only to persons with benchmark disabilities. This is occasioned by the failure of the Ministry of Social Justice and Empowerment to clarify their guidelines,” Justice Chandrachud wrote.

The judgment was based on an appeal filed on behalf of Vikash Kumar, a candidate with Writer’s cramp, a chronic neurological condition which causes extreme difficulty in writing, by advocates Rajan Mani and Ritu Kumar. He was denied a scribe for the Civil Services Exam by the UPSC in 2018, on the ground that he did not come within the definition of person with benchmark disability.

The prolonged legal battle fought by Mr. Kumar, Justice Chandrachud said, is a constant reminder of the chasm between law and reality.

“The principle of reasonable accommodation 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 court observed.

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.

The Act gives a powerful voice to the disabled people who, by dint of the way their impairment interacts with society, hitherto felt muted and silenced.

Cases like that of Mr. Kumar, the judgment said, present the court with “an opportunity to make a meaningful contribution in the project of creating the RPwD generation in India”.

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