



Welfare of Differently Abled
Persons (DAP-3.1)
Department, Secretariat,
Chennai-09.

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Letter No.9768/DAP-3.1/2017-24, dated 10.05.2024

From
Thiru.S.Nagarajan, I.A.S.,
Secretary to Government.

To
The Registrar,
Anna University, No.12, Sardar Patel Rd,
Anna University, Guindy, Chennai, 600025.

The Registrar,
University of Madras, Navalar Nagar, Chepauk, Triplicane,
Chennai, Tamil Nadu 600005.

The Registrar,
Tamil Nadu Dr. J. Jayalalithaa Fisheries University,
Vettar River View Campus, Nagapattinam – 611 002.

The Registrar
Tamil Nadu Teachers Education University
Gangaiamma Koil Street
Karapakkam, Chennai - 600 097.

The Registrar,
Tamil Nadu Physical Education And Sports University
Melakottaiyur, Chennai – 600127.

The Registrar,
Thiruvalluvar University
Serkadu, Vellore - 632 115

The Registrar,
The Tamil Nadu Dr.Ambedkar Law University,
"Poompozhil",
5, Dr. D.G.S. Dinakaran Salai,
Chennai 600 028.

The Registrar,
Periyar University,
Salem – 636 011

The Registrar,
Manonmaniam Sundaranar University
Tirunelveli Rd, Abishekapatti, Thirunelveli – 627012.

The Registrar,
Tamil Nadu Veterinary and Animal Sciences University,
Madhavaram Milk Colony Rd,
Madhavaram Milk Colony, Chennai – 600051

The Registrar,
The Tamil Nadu Dr. M.G.R. Medical University,
69, Anna Salai, Rd, Guindy, Chennai – 600032.

The Registrar,
Alagappa University, Karaikudi - 630 003

The Registrar, Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District-608002.

The Registrar, Madurai Kamaraj University,
Palkalai Nagar,
Madurai District-625021

The Registrar,
Tamil Nadu Agricultural University,
Lawley Road, Coimbatore 641003.

The Registrar,
Tamil University
Thanjavur – 613010.

The Registrar,
Bharathiar University,
Maruthamalai Road,
Coimbatore-641 046

The Registrar,
Bharathidasan University
Khajamalai Campus
Tiruchirappalli - 620 023

The Registrar,
Mother Teresa Women's University,
Kodaikanal, Dindigul - 624 101.

Sir / Madam,

Sub: Welfare of Differently Abled Persons Department –
Reservation to persons with benchmark disabilities in higher
education institutions – Regarding.

I invite your attention to Section 32 of Rights of Persons with Disabilities Act, 2016
(RPWD Act, 2016 for brevity) which is reproduced below for ready reference.

32. Reservation in higher educational institutions. — (1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent seats for **persons with benchmark disabilities**.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

2. There are 21 types of disabilities specified under RPWD Act, 2016. The schedule attached to the RPWD Act, 2016 specifies following disabilities.

| | | |
|--|-------------------------------------|--|
| 1. Blindness | 8. Intellectual Disability | 15. Multiple Sclerosis |
| 2. Low-vision | 9. Mental Illness | 16. Speech and Language disability |
| 3. Leprosy Cured persons | 10. Autism Spectrum Disorder | 17. Thalassemia |
| 4. Hearing Impairment (deaf and hard of hearing) | 11. Cerebral Palsy | 18. Hemophilia |
| 5. Locomotor Disability | 12. Muscular Dystrophy | 19. Sickle Cell disease |
| 6. Acid Attack victim | 13. Chronic Neurological conditions | 20. Multiple Disabilities including deaf blindness |
| 7. Dwarfism | 14. Specific Learning Disabilities | 21. Parkinson's disease |

3. It is relevant to mention that Section 2(r) defines "Person with Benchmark Disability" as follows.

(r) "person with benchmark disability" means a person with **not less than forty per cent of a specified disability** where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority.

4. Thus, all the government higher education institutions/universities are mandated to provide 5% reservation in the seats for persons with benchmark disabilities.

5. It may be noted that the reservation provision in higher education institution is often confused with the reservation provision for employment in Government establishment which is governed under Section 34 of RPWD Act, 2016 where an entirely different process is followed.

6. For example, the **4% reservation in employment** is sub-allotted to **certain categories** of disabilities as follows. It can be seen from the below that all 21 types of disabilities are not provided with reservation in employment.

- a. 1% for blindness and low vision;
- b. 1% for deaf and hard of hearing
- c. 1% for locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy
- d. 1% for autism, intellectual disability, specific learning disability and mental illness; and multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities.

7. However, Section 32 of RPWD Act, 2016 extends **reservation for 5% of seats in higher education to all 21 types** of disabilities above 40%.

8. Further, the vacancies reserved for differently abled persons in employment is carried forward to next recruitment year in case of no available candidates. However, the concept of carrying forward is not provided in reservation for higher education institutions.

9. Hence, in respect of reservation in higher education institutions/state universities, **5% of seats must be mandatorily reserved for person with benchmark disabilities**. Further, the exact nature of disability permitted to study the course has to be decided by the concerned institutions and it may differ from course to course.

10. With this background, few of the admission prospectus issued by higher education institution/universities were perused and following non-exhaustive issues are listed below.

- a. **Age relaxation:** Age relaxation has not been extended as per Section 32(2) of RPWD Act, 2016.
- b. **Restriction without proper reasons:** Reservation has been extended only to hearing impairment, visual impairment and locomotor disability and in some cases only to locomotor disability with further restriction on percentage of disability from 40% to 70%. Candidates with more than 80% disability has been made ineligible to apply for certain courses. Illustratively, Tamil Nadu Dr.J.Jayalithaa Fisheries University provided reservation only to locomotor disability from 40% to 70%, even in the BBA and other such Management oriented degrees. Other disabilities are excluded. The same issue can be found in the prospectus of Tamil Nadu Agriculture University.
- c. **Blanket restriction:** Illustratively, candidates with Autism Spectrum Disorder and Specific learning disability are made completely ineligible. It was noted in the prospectus issued by Directorate of Medical Education that it had completely excluded the Autism Spectrum Disorder and Specific Learning Disability for all para medical courses, whereas Mild ASD (< 40%) is eligible for MBBS courses.
- d. **Vagueness in Suitability Assessment:** Some of the prospectus merely states that the Medical Board shall certify the suitability of a candidate to study the course. However, clear and explicit instruction regarding the expected requirement from a candidate is not provided in the prospectus leading to heavily subjective assessment.
- e. **Method of implementation** of 5% reservation is not as per Section 32(1) of RPWD Act, 2016.

11. Hence, following points may be considered by the respective higher education institutions/universities and provide clear instruction in the admission prospectus to avoid any issues which may arise during the admission process.

- a. **Method of implementation:** 5% reservation of seats in higher education institutions shall be applied to the persons with benchmark disabilities by following Section 32 of RPWD Act, 2016 in it's letter and spirit.

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b. **Course suitability by institutions:** Candidates with atleast 40% disability shall be allowed to apply irrespective of the type of disability. Courses shall not be restricted unreasonably. It may be ensured that the restriction has the direct nexus with the type of disability being excluded. For example, if an institute offering a diploma in film editing is of the opinion that their core course module cannot be completed to the fullest extent by a person with visual impairment, then such course can be considered for exclusion only for person with visual impairment. It is to be pointed out that if a Low Vision candidate can pursue the course with **reasonable accommodation with assistive devices**, then Low Vision may not be required to be excluded. The core course module, barrier associated with a particular type of disability and the reasonable accommodation can be used as the criteria for inclusion/exclusion. It would be relevant to mention here that a candidate with locomotor disability (Upper Limb Amputated) applied for B.Sc. (Agriculture) course offered by Tamil Nadu Agriculture University. The Medical Board provided unfit certificate based on the requirement that the student studying B.Sc. (Agriculture) has to drive a tractor in the practical course. When the reasonable accommodation clause was pointed out to the University, the University accepted the candidature and admitted the student in B.Sc. (Agriculture) by exempting the student from undertaking the driving of tractor in the practical course which is permitted under Section 17(i) of RPWD Act, 2016. Section 17(i) is reproduced here for ready reference.

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

c. **Age relaxation:** It may be ensured that candidates with benchmark disabilities are given upper age relaxation of 5 years.

d. **Reasonable Accommodation:** RPWD Act, 2016 mandates certain duty to educational institutions for providing inclusive education. Most important of them is about the duty to provide reasonable accommodation according to the individual's requirements. It may not be enough to just assess the candidate with the existing academic models in a particular institution. The suitability assessment by the Medical Board and the subsequent decision on admission by the institution must be taken keeping in mind the corresponding duty of the education institution as discussed above. Hence, prospectus may provide reference to the reasonable accommodation for the benefit of Medical Board to utilize this standard while assessing the suitability of candidates to a particular course.

e. **Ability assessment to meet the course suitability for the candidate:** Further, the admission prospectus may have suitable instruction to the Medical Board to not only assess the disability but also assess the ability of the candidate along with the functional requirements required for studying a particular course. While doing so, the Medical Board may be instructed to assess the ability with the assistive devices being used by the candidate. As

an example, the guidelines issued for admission to MBBS courses provides for the nearest ability assessment of the candidate. The same is attached as annexure to this letter for information. The attached guideline is for illustrative purposes only.

- f. **Functional Requirement:** The functional requirements used for the purpose of reservation in employment is Sitting, Standing, Walking, Bending, Lifting, Kneeling and Crouching, Jumping, Crawling, Climbing, Pulling & Pushing, Manipulation by Fingers, Reading & Writing, Seeing, Hearing and Communication. All of these requirements may not be necessary for studying a course. Hence, the institution may arrive at the functional requirement required for each course and provide the same in the admission prospectus for utilization by the Medical Board.
- g. It is to be noted that the above functional requirement must be understood in the context of reasonable accommodation provided under the Rights of Persons with Disabilities Act, 2016. In the above context, following non-exhaustive illustrations are provided.
 - i. **Reading & Writing** does not mean **seeing**. Hence, a person with visual impairment can be considered to satisfy the functional requirement of Reading & Writing, if he can read and with the help of assistive devices.
 - ii. **Sitting and Standing** does not necessarily mean a person without any disability in leg. Hence, a person with Locomotor disability can be considered to satisfy the functional requirement of sitting and standing, if he can do the same with the help of assistive devices. Similarly, a person with locomotor disability must not be considered ineligible merely because he cannot walk without assistive devices. If he is able to have mobility with the help of assistive devices, then it should be considered that he has satisfied the functional requirement of walking.
 - iii. **Hearing** does not necessarily mean a person without any hearing impairment. Hence, a person with hearing impairment can be considered to satisfy the functional requirement of hearing, if he can hear with the help of assistive devices.
- h. Hence, a candidate with disability cannot be declared ineligible merely because he/she suffers from a particular type of disability which normally restricts the functionality associated with such disability. Therefore, fulfilling the functional requirements hereby means the fulfilment with the help of assistive devices.
 - i. **Reason & Justification:** The suitability of a particular type of disability to a particular course shall be arrived with proper reasoning and justification since it has direct connection with the employment opportunities after their graduation.

12. Hence, all the higher education institutions including the state universities may consider the above points to bring the admission prospectus of the respective institutions in line with the contours of Rights of Persons with Disabilities Act, 2016. If any prospectus has been issued already and is not in-line with the RPWD Act, 2016, the respective

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institution may consider issuing addendum to the prospectus. If the higher education institutions require any assistance on the points discussed above, following nodal officials from the Directorate for Welfare of the Differently Abled may be contacted

1. Tmt.T.Jeyasheela, DRO / Joint Director – 94999 33217
2. Thiru.P.Balaji, Legal Consultant – 98842 69094

Yours faithfully,

A S Abdul Malik

for Secretary to Government.

AS
10/10/2014



Welfare of Differently Abled
Persons (DAP-3.1) Department,
Secretariat, Chennai-09.

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Letter No.9768/DAP-3.1/2017-25, dated 10.05.2024

From
Thiru.S.Nagarajan, I.A.S.,
Secretary to Government.

To
Academy of Maritime Education and Training (AMET), No.135, East Coast Road,
Kanathur – 603112 (5107 H2, 2nd Avenue, 1st Floor, Anna Nagar Chennai – 600040)
Tamil Nadu.

Amrita Vishwa Vidyapeetham, Ettimadai P.O. Coimbatore-641105 Tamil Nadu
Avinashilingam University, Coimbatore

B.S.Abdur Rahman Institute of Science & Technology, Sethakahi Estate, GST Road
Vandalur Village & Post, Kancheepuram District, Chennai, Tamil Nadu.

Bharath Institute of Higher Education & Research, 173 Agharam Road, Selaiyur,
Chennai - 600 073 Tamil Nadu.

Bharath University, 173, Agaram Main Rd., Selaiyur, Chennai, Tamil Nadu 600073
Chennai Mathematical Institute, H 1, SIPCOT, IT Park, Padur Post, Siruseri,
Chennai-6603103 Tamil Nadu.

Chettinad Academy of Research and Education (CARE), Chettinad House, Rajah
Annamalaipuram, Chennai – 600028, Tamil Nadu.

Gandhigram Rural Institute, Gandhigram, Dindigul Distt - 624302, Tamil Nadu.
Hindustan Institute of Technology and Science, Old Mahabalipuram Road, IT Highway,
Padur, Kelambakkam, Kancheepuram District, Tamil Nadu – 603103.

Hindustan University, Chennai.

Kalasalingam Academy of Research and Education, Anand Nagar, Krishnakoil,
Virudhunagar Dist., Tamil Nadu.

Karpagam Academy of Higher Education, Pollachi Main Road, Eachnri Post,
Coimbatore - 641 021 (Tamil Nadu).

Karunya Institute of Science and Technology, Karunya Nagar, Coimbatore-661114
Tamil Nadu.

Meenakshi Academy of Higher Education and Research, 12, Vembuliamman Koil
Street, K K Nagar Chennai-600078 Tamil Nadu.

Noorul Islam Centre for Higher Education, Kumaracoil, Thuckalay - 629 180.
Kanyakumari Dist. Tamil Nadu.
Periyar Maniammai Institute of Science and Technology (PRIST), Periar Nagar Vallam,
Thanjavur- 613403 Tamil Nadu.

Ponnaiyah Ramajayam Institute of Science & Technology Vallam, Trichi-Thanjavur Highway, Thanjavur – 613 403. Tamil Nadu.

Rajiv Gandhi National Institute of Youth Development, Sriperumbudur - 602 105. Tamil Nadu.

Sathyabama Institute of Science and Technology, Jappiar Nagar, Old Mamallapuram Road, Chennai-600119 Tamil Nadu.

Saveetha Institute of Medical and Technical Sciences 162, Poonamalle High Road, Chennai-600077 Tamil Nadu.

Shanmugha Arts, Science, Technology and Research Academy (SASTRA), Tirumalai Samudram, Thanjavur - 613402 Tamil Nadu.

Sri Avinashilingam Institute for Home Science and Higher Education for Women, Coimbatore-641043 Tamil Nadu.

Sri Chandrasekharendra Saraswati Vishwa Mahavidyalaya, Enathur, Kanchipuram - 631561 Tamil Nadu.

Sri Ramchandra Medical College and Research Institute, 1, Ramachandra Nagar, Porur, Chennai-600116 Tamil Nadu.

SRM Institute of Science & Technology, 3, Veerasamy Street, West Mambalam Chennai – 600033 Tamil Nadu.

St. Peter's Institute of Higher Education and Research, Tonekala Camp Road, Avadi, Chennai-600 054, Tamil Nadu.

Vel Tech Rangarajan Dr. Sagunthala R&D Institute of Science & Technology, 42, Avadi Alamathi Road, Vellanur, Avadi, Chennai - 600 062.

Vel's Institute of Science, Technology and Advanced Studies (VISTAS), Velan Nagar, P.V.Vaithiyalingam Road, Pallavaram, Chennai – 600117, Tamil Nadu.

Vellore Institute of Technology, Vellore - 632014 Tamil Nadu.

Vinayaka Mission's Research Foundation, Sankari Mani Road, NH 47, Ariyanoor Salem - 636308 Tamil Nadu.

SASTRA University, Thirumalaisamudiram, Thanjavur.

Sir / Madam,

Sub: Welfare of Differently Abled Persons Department –
Reservation to persons with benchmark disabilities in higher
education institutions – Regarding.

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I invite your attention to Section 32 of Rights of Persons with Disabilities Act, 2016 (RPWD Act, 2016 for brevity) which is reproduced below for ready reference.

32. Reservation in higher educational institutions. — (1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent seats for persons with benchmark disabilities.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

2. Thus, all the Government higher education institutions/universities and other higher education institutions receiving aid from the Government are mandated to provide 5% reservation in the seats for persons with benchmark disabilities. Hence, any institution receiving financial aid from the Union or State Government in the form of Cash or in the form of Kind such as lands at concessional rate are to provide 5% reservation of seats in their institutions to persons with benchmark disability.

3. It is relevant to mention that there are 21 types of disabilities specified under RPWD Act, 2016. The schedule attached to the RPWD Act, 2016 specifies following disabilities.

| | | |
|--|-------------------------------------|--|
| 1. Blindness | 8. Intellectual Disability | 15. Multiple Sclerosis |
| 2. Low-vision | 9. Mental Illness | 16. Speech and Language disability |
| 3. Leprosy Cured persons | 10. Autism Spectrum Disorder | 17. Thalassemia |
| 4. Hearing Impairment (deaf and hard of hearing) | 11. Cerebral Palsy | 18. Hemophilia |
| 5. Locomotor Disability | 12. Muscular Dystrophy | 19. Sickle Cell disease |
| 6. Acid Attack victim | 13. Chronic Neurological conditions | 20. Multiple Disabilities including deaf blindness |
| 7. Dwarfism | 14. Specific Learning Disabilities | 21. Parkinson's disease |

4. It is also relevant to mention that Section 2(r) defines "Person with Benchmark Disability" as follows.

(r) "person with benchmark disability" means a person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority.

5. It may be noted that the reservation provision in higher education institution is often confused with the reservation provision for employment in Government establishment which is governed under Section 34 of RPWD Act, 2016 where an entirely different process is followed.

1. For example, the **4% reservation in employment** is sub-allotted to **certain categories** of disabilities as follows. It can be seen from the below that all 21 types of disabilities are not provided with reservation in employment.
 - a. 1% for blindness and low vision;
 - b. 1% for deaf and hard of hearing
 - c. 1% for locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy
 - d. 1% for autism, intellectual disability, specific learning disability and mental illness; and multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities.
2. However, Section 32 of RPWD Act, 2016 extends **reservation for 5% of seats in higher education to all 21 types** of disabilities above 40%.
3. Further, the vacancies reserved for differently abled persons in employment is carried forward to next recruitment year in case of no available candidates. However, the concept of carrying forward is not provided in reservation for higher education institutions.
4. Hence, in respect of reservation in higher education institutions/state universities, **5% of seats must be mandatorily reserved for person with benchmark disabilities**. Further, the exact nature of disability permitted to study the course has to be decided by the concerned institutions and it may differ from course to course.
5. With this background, few of the admission prospectus issued by higher education institution/universities were perused and following non-exhaustive issues are listed below.
 - a. **Age relaxation:** Age relaxation has not been extended as per Section 32(2) of RPWD Act, 2016.
 - b. **Restriction without proper reasons:** Reservation has been extended only to hearing impairment, visual impairment and locomotor disability and in some cases only to locomotor disability with further restriction on percentage of disability from 40% to 70%. Candidates with more than 80% disability has been made ineligible to apply for certain courses. Illustratively, Tamil Nadu Dr.J.Jayalithaa Fisheries University provided reservation only to locomotor disability from 40% to 70%, even in the BBA and other such Management oriented degrees. Other disabilities are excluded. The same issue can be found in the prospectus of Tamil Nadu Agriculture University.
 - c. **Blanket restriction:** Illustratively, candidates with Autism Spectrum Disorder and Specific learning disability are made completely ineligible. It was noted in the prospectus issued by Directorate of Medical Education that it had completely excluded the Autism Spectrum Disorder and Specific Learning Disability for all para medical courses, whereas Mild ASD (< 40%) is eligible for MBBS courses.

4/20/19

- d. **Vagueness in Suitability Assessment:** Some of the prospectus merely states that the Medical Board shall certify the suitability of a candidate to study the course. However, clear and explicit instruction regarding the expected requirement from a candidate is not provided in the prospectus leading to heavily subjective assessment.
- e. **Method of implementation** of 5% reservation is not as per Section 32(1) of RPWD Act, 2016.

6. Hence, following points may be considered by the respective higher education institutions/universities and provide clear instruction in the admission prospectus to avoid any issues which may arise during the admission process.

- a. **Method of implementation:** 5% reservation of seats in higher education institutions shall be applied to the persons with benchmark disabilities by following Section 32 of RPWD Act, 2016 in its letter and spirit.
- b. **Course suitability by institutions:** Candidates with at least 40% disability shall be allowed to apply irrespective of the type of disability. Courses shall not be restricted unreasonably. It may be ensured that the restriction has the direct nexus with the type of disability being excluded. For example, if an institute offering a diploma in film editing is of the opinion that their core course module cannot be completed to the fullest extent by a person with visual impairment, then such course can be considered for exclusion only for person with visual impairment. It is to be pointed out that if a Low Vision candidate can pursue the course with **reasonable accommodation with assistive devices**, then Low Vision may not be required to be excluded. The core course module, barrier associated with a particular type of disability and the reasonable accommodation can be used as the criteria for inclusion/exclusion. It would be relevant to mention here that a candidate with locomotor disability (Upper Limb Amputated) applied for B.Sc. (Agriculture) course offered by Tamil Nadu Agriculture University. The Medical Board provided unfit certificate based on the requirement that the student studying B.Sc. (Agriculture) has to drive a tractor in the practical course. When the reasonable accommodation clause was pointed out to the University, the University accepted the candidature and admitted the student in B.Sc. (Agriculture) by exempting the student from undertaking the driving of tractor in the practical course which is permitted under Section 17(i) of RPWD Act, 2016. Section 17(i) is reproduced here for ready reference.

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

- c. **Age relaxation:** It may be ensured that candidates with benchmark disabilities are given upper age relaxation of 5 years.

- d. **Reasonable Accommodation:** RPWD Act, 2016 mandates certain duty to educational institutions for providing inclusive education. Most important of them is about the duty to provide reasonable accommodation according to the individual's requirements. It may not be enough to just assess the candidate with the existing academic models in a particular institution. The suitability assessment by the Medical Board and the subsequent decision on admission by the institution must be taken keeping in mind the corresponding duty of the education institution as discussed above. Hence, prospectus may provide reference to the reasonable accommodation for the benefit of Medical Board to utilize this standard while assessing the suitability of candidates to a particular course.
- e. **Ability assessment to meet the course suitability for the candidate:** Further, the admission prospectus may have suitable instruction to the Medical Board to not only assess the disability but also assess the ability of the candidate along with the functional requirements required for studying a particular course. While doing so, the Medical Board may be instructed to assess the ability with the assistive devices being used by the candidate. As an example, the guidelines issued for admission to MBBS courses provides for the nearest ability assessment of the candidate. The same is attached as annexure to this letter for information. The attached guideline is for illustrative purposes only.
- f. **Functional Requirement:** The functional requirements used for the purpose of reservation in employment is Sitting, Standing, Walking, Bending, Lifting, Kneeling and Crouching, Jumping, Crawling, Climbing, Pulling & Pushing, Manipulation by Fingers, Reading & Writing, Seeing, Hearing and Communication. All of these requirements may not be necessary for studying a course. Hence, the institution may arrive at the functional requirement required for each course and provide the same in the admission prospectus for utilization by the Medical Board.
- g. It is to be noted that the above functional requirement must be understood in the context of reasonable accommodation provided under the Rights of Persons with Disabilities Act, 2016. In the above context, following non-exhaustive illustrations are provided.
- i. **Reading & Writing** does not mean **seeing**. Hence, a person with visual impairment can be considered to satisfy the functional requirement of Reading & Writing, if he can read and with the help of assistive devices.
 - ii. **Sitting and Standing** does not necessarily mean a person without any disability in leg. Hence, a person with Locomotor disability can be considered to satisfy the functional requirement of sitting and standing, if he can do the same with the help of assistive devices. Similarly, a person with locomotor disability must not be considered ineligible merely because he cannot walk without assistive devices. If he is able to have mobility with the help of assistive devices, then it should be considered that he has satisfied the functional requirement of walking.

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iii. **Hearing** does not necessarily mean a person without any hearing impairment. Hence, a person with hearing impairment can be considered to satisfy the functional requirement of hearing, if he can hear with the help of assistive devices.

h. Hence, a candidate with disability cannot be declared ineligible merely because he/she suffers from a particular type of disability which normally restricts the functionality associated with such disability. Therefore, fulfilling the functional requirements hereby means the fulfilment with the help of assistive devices.

i. **Reason & Justification:** The suitability of a particular type of disability to a particular course shall be arrived with proper reasoning and justification since it has direct connection with the employment opportunities after their graduation.


6. Hence, keeping in mind the welfare and benefit of differently abled persons, all the higher education institutions including the private universities receiving aid from the Government may consider the above points to bring the admission prospectus of the respective institutions in line with the contours of Rights of Persons with Disabilities Act, 2016. If any prospectus has been issued already and is not in-line with the RPWD Act, 2016, the respective institution may consider issuing addendum to the prospectus. If the higher education institutions require any assistance on the points discussed above, following nodal officials from the Directorate for Welfare of the Differently Abled may be contacted.

1. Tmt.T.Jeyasheela, DRO / Joint Director – 94999 33217
2. Thiru.P.Balaji, Legal Consultant – 98842 69094

Yours faithfully,

A S Abahil Malik

for Secretary to Government.

 10/05/2024