To, (Through email)

The Secretary
Medical Council of India (Board of Governors)
secy_mci@nic.in; ug.mci@nic.in


Dear Sir/Madam,

This is with reference to the public notice seeking suggestions on the MCI Guidelines on admission of persons with specified disabilities in MBBS dated 16.11.2018
2. We, the undersigned, represent pan-India doctors with disabilities who have fought their disabilities, overcome adversity and now successfully serving society to fullest of their capabilities. Many of us are in top Government medical institutions and some are doing private service.

3. We are appalled by the neglect of the Hon’ble Supreme Court and various State High Court judgment orders in the new MCI guidelines. There were multiple litigations in the High Courts of the country and Supreme Court (SC) relating to denial/cancellation of admissions to MBBS of students with disabilities based on the MCI guidelines. The judicial victory in SC allowed these candidates to per sue MBBS but the revised MCI (Board of Governor) guidelines on admission of persons with specified disabilities into the medical course under the disability quota are again unfair, discriminatory and unlawful.

4. On the very first day of start of the online application process for National Eligibility cum Entrance Test (NEET-UG) for the academic year 2019-20 through National Test Agency (NTA), we brought it to the notice of MCI BOG members, NTA, MoHFW that the process is faulty as the revised MCI guidelines were not updated and it kept the candidates with disabilities in dark. The revised guidelines were uploaded on 16 November only and they too are in draft process as the last date to submit the same is November 30, which happens to be the last date to fill the form for the mandatory NEET-UG test. This will deny all candidates with disabilities to apply in time. Moreover, if they apply under the disability quota and it turns out later that they are ineligible, they will lose out a chance to sit for the entrance test. If they apply through the general quota, they lose out entitlement provided by the Rights of Persons with Disabilities Act 2016 (RPDA). Therefore, the last date to fill the NEET-UG 2019-20 form must be extended by a month after MCI BoG ratifies the revised guidelines. Opportunity should also be given to candidates with disabilities to reconsider their application if they registered before 30th November.

5. Specific suggestions pertaining to individual categories of disabilities is mentioned below in the table:

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<th>S.No</th>
<th>MCI BoG Guidelines for admission of Persons with Disabilities into MBBS</th>
<th>Suggested Change with Justification</th>
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<tr>
<td>1.</td>
<td><strong>Persons with locomotor disability (leprosy cured, cerebral palsy, dwarfism, muscular dystrophy, acid attack victims &amp; others):</strong> with more than 80% disability may also be allowed; but after their selection, their functional competency will be determined with the aid of assistive devices</td>
<td>1. The RPDA came into being to give effect to the United Nations Conventions on the Rights of Persons with Disabilities, to which India was a signatory. The Preamble to the said Act does not permit for any deviation from the stated objective, namely, right against non-discrimination, full and effective participation in society and equal opportunities in all walks of life. There is NO upper limit in the Act to</td>
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1. **Visually impaired (low vision & blindness):** equal to or more than 40% Disability are not eligible for medical course

   1. New tools and technological innovations have opened doors for those with limited vision. This new reality is reflected in the landmark Supreme Court judgement in the case of Purswani Ashutosh (Minor) through Dr. Kamlesh Virumal Purswani v. Union of India and Ors WP(C) 669/2018. The apex Court upheld the claim of the medical aspirant with “low vision” to be admitted in MBBS course in Gujarat. This decision paved way for other candidate with disabilities in various other State High Courts to fulfil their dream of joining MBBS. Therefore, revised MCI guidelines cannot go against the SC and needs scrap this illegal bar on visually impaired candidates.

2. **Hearing impaired (Deaf & hard of hearing):** equal to or more than 40% Disability are not eligible for medical course

   1. MBBS admission of hearing impaired with more than 40% disability is no longer *res-integra*. A 70% hearing impaired girl was denied admission but Delhi High Court in a landmark decision granted her admission. The decision was challenged by MCI in double bench but they withdraw appeal after SC gave the landmark decision in Ashutosh Purswani case. The girl is doing MBBS at VMMC Delhi now and become the first deaf girl to get admission
under disability quota. (Tina Sharma (Minor) through her father Bhagwati Prasad Sharma vs Medical Council of India WP(C) 7820/2018 and LPA 433/2018 & CM APPL 31605/2018)

2. The Supreme Court in Parmod vs Union of India and Ors SLP(C) 25686/2018 stated that the hearing impairment candidate had been “illegally deprived” of seat, and directed that the candidate be admitted in the next year, in MBBS course and in a government medical college as the seats of persons with disabilities have been handed over to the general category. Accordingly, two seats (other being candidate with chronic neurological disorder) of that category is reduced for the next academic session 2019-20. This fact should also come in NEET brochure so that candidates know the reduction in the number of seats.

3. Individuals with hearing disabilities now have instant access to auditory information not only in the classroom but also in clinical and surgical settings. Real time captioning, smart phones and tablets, remote interpreters through video relay services, and digital stethoscopes can access and monitor data previously accessible only via hearing. MCI cannot ignore SC judgement and therefore must allow MBBS admission to deaf candidate above 40% disability

4. **Specific learning disabilities (SpLD) -Dyslexia, Dyscalculia, Dyspraxia**: equal to or more than 40% Disability are eligible for medical course under disability quota

1. The previous MCI guidelines debarred SpLD candidates from pursuing MBBS. In pursuance of the directions of the SC in the matter of Purswani Ashutosh vide its order dated 10.08.2018 to the MoHFW, to take a decision on the Report submitted by MCI regarding guidelines for admission of Persons with Disabilities to Medical Education, Additional Secy, MoHFW conducted a high-level meeting on 17 Aug 2018. They approved our suggestion of allowing SpLD candidates as we gave them the evidence of doctors with dyslexia practicing successfully abroad. We are thankful to them for retaining the same in these guidelines.
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<td>2.</td>
<td>Sanchit Kapoor v. Union of India and Ors WP(C) 8248/2018 and Kartik Singh Sawhney vs. Union of India and Ors WP(C) 8252/2018 got admission despite being SpLD because of Delhi HC intervention but many who did not file legal cases missed out. MoHFW and MCI are requested to consult doctors with disabilities in policy decisions to avoid unnecessary litigations.</td>
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<td>5.</td>
<td><strong>Disability due to Chronic Neurological Conditions:</strong> More than 80% not eligible</td>
<td>1. Supreme Court in Sachin vs the State of Haryana and Ors SLP(C) 25936/2018 allowed a candidate with more than 80% chronic neurological disability to get admission. As the State seats were filled, his seat has been reserved in the next academic session 2019-20. So how can MCI now debar similarly placed candidates</td>
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<td>6.</td>
<td><strong>Disability due to Blood Disorders (Hemophilia, Thalassemia, Sickle Cell Disease):</strong> More than 80% not eligible</td>
<td>1. When candidates with 80% and above of locomotor disability (wheelchair users) can be allowed, it is discriminatory to debar candidates with disability due to blood disorders of more than 80%. 2. There is no such upper cap in RPDA.</td>
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<td>7.</td>
<td><strong>Footnote:</strong> * Persons with disabilities of 40% or more may be allowed to pursue medical education, if the extent of disability can be brought down to below 40% with aid of assistive devices</td>
<td>This statement is not clear. The eligibility criteria is clear but nowhere it is mentioned whether or not they are eligible under what about disability quota.</td>
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<td>8.</td>
<td>The document at various places uses the word Physically Handicapped (PH)</td>
<td>The word should be replaced throughout with Disability quota. The expression handicapped has been banned vide Ref.No.10-04/CCD/2012 dated 07.02.2012</td>
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<td>9.</td>
<td>Involve ‘us’</td>
<td>1. People with disability are the real experts regarding their condition and similarly doctors with disabilities are most experienced people to consult regarding policy decisions. MoHFW and MCI are requested to consult them in all such policy decisions to avoid unnecessary litigations. A few examples are shared below. 2. Muskan Shaikh from Vadodara with one hand amputated (75% disability) was granted MBBS seat after SC intervention. Since the State counselling was over, in an unprecedented move, the seat offered was reduced from the next year quota as a one-off move</td>
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3. Ganesh Baraiya (72% Dwarf) & Hina Mevasiya (50% upper limb disability) approached SC after Muskan’s MBBS admission under disability quota. As the State counselling was over, the Govt is asked two reserve two seats in the 2019 academic session. They will not have to take the NEET next year. (Ganeshbhai Viththalbhai Baraiya vs the State of Gujarat SLP(C) 25757/2018)

We, therefore, request you to reject the discriminatory clauses in BoG MCI guidelines in light of RPDA and Hon’ble judgements of Supreme Court and instruct MCI to reframe the guidelines as per the best practices in other countries and in consultation with doctors with disabilities as well as organisations working among persons with disabilities.

Sincerely

**Dr Satendra Singh, MD**  
Member, Ethics Committee, Delhi Medical Council  
Executive Member, Academy of Health Professions Education  
Associate Professor of Physiology, University College of Medical Sciences, Delhi  
Henry Viscardi Achievement Awardee 2017 for global leaders in disability movement  
Medical Personality of the Year 2017 given by President MCI at DMA  
Delhi State Awardee for disability rights initiatives

Signatories *(all Doctors with Disabilities)*

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