

Doctors with Disabilities: Agents of Change

Striving for diversity & inclusion in medical education

DwD/NEET-UG/MCI/3 dated 26.11.2018

To, (Through email)

The Secretary

Medical Council of India (Board of Governors)

secy_mci@nic.in; ug.mci@nic.in

**Sub: Objections and suggestions on the MCI BoG's Public Notice dated 16.11.2018 regarding Disabilities Act- Appendix "H"-
MCI Guidelines on admission of persons with specified disabilities in MBBS**

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:

S.No	MCI BoG Guidelines for admission of Persons with Disabilities into MBBS	Suggested Change with Justification
1.	Persons with locomotor disability (leprosy cured, cerebral palsy, dwarfism, muscular dystrophy, acid attack victims & others): 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	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

		<p>limit the abilities of people with disabilities. Therefore, fixing an upper limit (80%) disentitles persons with specified benchmark disability from pursuing undergraduate medical education, and therefore are abhorrent to the principles enshrined in the Constitution of India and to the provisions of the RPDA.</p> <p>2. Dr. Suresh Advani, a hemato-oncologist, and wheelchair user with 80 per cent disability is Padma Vibhushan and BC Roy awardee makes mockery of these guidelines. Many of the signatories in this letter have more than 80% disability and working to full their potential in Govt institutions.</p> <p>3. Rohit Kumar (muscular dystrophy) was denied admission into GMC Chandigarh because he is a wheelchair user. Punjab & Haryana High Court vide WP(C) 19236/2018 directed PGI Chandigarh to do the medical examination which found him fit to study medicine. Accordingly, Court granted him admission & also penalised the medical college with fine of Rs 5,000</p>
2.	Visually impaired (low vision & blindness): equal to or more than 40% Disability are not eligible for medical course	<p>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.</p>
3.	Hearing impaired (Deaf & hard of hearing): equal to or more than 40% Disability are not eligible for medical course	<p>1. MBBS admission of hearing impaired with more than 40% disability is no longer <i>res-integra</i>. 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 Puruswani case. The girl is doing MBBS at VMMC Delhi now and become the first deaf girl to get admission</p>

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

		2. Sanchit Kapoor v. Union of India and Ors WP(C) 8248/2018 and Kartik Singh Sawhney vs v. 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.
5.	Disability due to Chronic Neurological Conditions: More than 80% not eligible	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
6.	Disability due to Blood Disorders (Hemophilia, Thalassemia, Sickle Cell Disease): More than 80% not eligible	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.
7.	Footnote: * 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	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.
8	The document at various places uses the word Physically Handicapped (PH)	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
9.	Involve 'us'	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

		(Muskan Abdul Rahim Shaikh (Minor) vs the State of Gujarat SLP(C) 24524/2018) 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 to 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)
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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)

1. Dr Satendra Singh, MD, Associate Professor of Physiology, University College of Medical Sciences, Delhi
2. Dr Sangeeta Sharma, MD, HoD Pediatrics, National Institute of Tuberculosis & Respiratory Diseases, Delhi
3. Dr Arun Pandey, MS Orthopedics, All India Institute of Medical Sciences, Delhi
4. Dr Ashwani Mudgil, MS Orthopedics, VMMC & Safdarjung Hospital, Delhi
5. Dr Amit Amrut Bansode, MD, Assistant Professor of Pharmacology, Dr. VM Government Medical College, Solapur, Maharashtra
6. Dr Himanshu Dadlani, MDS, Professor of Periodontics, Kalka Dental College, Meerut, UP

7. Dr BK Amin, MD, Professor of Medicine, BJMC Ahmedabad, Gujarat
8. Dr Nirad Yadav, MD Psychiatry, Sawai Man Singh Medical College Jaipur, Rajasthan
9. Dr Md Rashid Siddiqui, MD Community Medicine, Maulana Azad Medical College, New Delhi
10. Dr Shrikant Kale, MD Medicine, Private Hospital, Akola, Maharashtra
11. Dr Abhishek Goenka, MD, Assistant Professor of Microbiology, Government Medical College, Akola
12. Dr Poonam Kajla, MD Medicine, RNT Medical College, Udaipur, Rajasthan
13. Dr Dinesh Puri, MD, HoD, Director Professor of Biochemistry, University College of Medical Sciences, Delhi
14. Dr Kapil Jagga, MD Pathology & Medical Officer, Safdarjung Hospital, Delhi
15. Dr Sonali Dixit, MD Pathology, University College of Medical Sciences, Delhi
16. Dr Aftab Ahmed Siddiqui, MD, Assistant Professor of Community Medicine, GSMC & KEM Hospital, Mumbai, Maharashtra
17. Dr Dharmendra Pandey, MD, Associate Professor of Medicine, LTMMC & GH, Sion, Mumbai
18. Dr Deepa V, MDS, Assistant Professor of Oral Medicine & Radiology, Kodagu, Institute of Medical Sciences, Madikeri, Karnataka
19. Dr Sandeep Kumar Mishra, Assistant Professor of Community Medicine, GSMC & KEM Hospital, Mumbai, Maharashtra
20. Dr Nitesh Kumar Tripathi, MBBS, GDMO, North Delhi Municipal Cooperation, Delhi
21. Dr Ramesh K Patel, MD, Associate Professor of Physiology, Government Medical College, Baroda
22. Dr Tanuj Mathur, MD, Physiology, King George Medical University, Lucknow, UP
23. Dr Swati Shinde, MD, Assistant Professor of Pathology, GSMC & KEM Hospital, Mumbai
24. Dr Shivendra Pratap Singh, MBBS, ADMO, Indian Railways
25. Dr Alok Yadav, MD Pediatrics, SMO, National Institute of Tuberculosis & Respiratory Diseases, Delhi
26. Dr Rahul Ramakrishnan, MD Community Medicine, MO, Govt of Goa
27. Dr Yogesh Tekwani, MD Physician, MO, Govt of NCT of Delhi
28. Dr Karthik Srevatsa, MD Pathology, JNMC, KLE University, Belgavi, Karnataka
29. Dr Ajay GV, MD, Assistant Professor of Radiation Oncology, Tata Memorial Hospital, Mumbai
30. Dr Desh Raj, MBBS, Medical Officer, CGHS Delhi
31. Dr Poonam Malani, MD Pathology, Diagno-labs, Pune, Maharashtra
32. Dr Meetu Yadav, MD Pediatrics, ESI PGIMS, Basaidarapur, New Delhi
33. Dr Ajay Dawar, MD Medicine, Dr RN Cooper Hospital, Mumbai, Maharashtra
34. Dr Vikrant Sirohi, MBBS, CMO, Roorkee, Uttarakhand
35. Dr Rajesh Desai, MD, Assistant Professor of Physiology, GMERS Medical College, Patan, Gujarat
36. Dr Girish Gunari, MD Radiodiagnosis, JSS Medical College Mysore, Karnataka
37. Dr Misha Agarwal, MBBS, Gujarat Cancer & Research Institute, Ahmedabad, Gujarat
38. Dr Abhijit Sayamber, MD, Assistant Professor, Government Medical College & Hospital, Latur, Maharashtra

39. Dr Amit Bansode, MD, GSMC & KEM Hospital, Mumbai
40. Dr Preeti Diwaker, MD, Assistant Professor of Pathology, University College of Medical Sciences, Delhi
41. Dr Siddharth, MBBS, NMCD Delhi
42. Dr Nitin Kumar Rathod, Consultant hematopathologist, Sterling Accuris Diagnostics, Ahmedabad
43. Dr Gunjan Nain, MD Pathology, Maulana Azad Medical College, New Delhi
44. Dr Nitin Singh, MO I/c, East Delhi Municipal Cooperation, Delhi
45. Dr Rajan TD, MD Dermatology, Private practitioner, Mumbai
46. Ritu Bansal, MD Anaesthesiology, BL Kapoor Hospital, Delhi
47. Dr Roshan Jahan, MD Pathology, GSMC & KEM Hospital, Mumbai
48. Dr Srinivas Goli, MBBS, Municipal Corporation of Delhi
49. Dr Srujana Simhadri, MBBS, GDMO, North Delhi Municipal Corporation
50. Dr Swapnil Paralikar, MD, Assistant Professor of Physiology, GMC Bhavnagar, Gujarat
51. Dr Thota Kartheek, MD Radiodiagnosis, Rangaraya Medical College, Kakinada, Andhra Pradesh
52. Dr Yogesh Rathi, DMRD Radiodiagnosis, Private practitioner, Nadiad, Gujarat
53. Dr Shwetal Ahire, MS General Surgery, Private practitioner, Thane, Maharashtra
54. Dr Poonam Malani, MD Pathology, ESIC Hospital & PGIMSR, Andheri, Mumbai
55. Dr Shrikrishna, MD Medicine, GSMC & KEM Hospital, Mumbai
56. Dr Mahajabeen Madarkar, MD, S Nijalingappa Medical College, HSK Hospital & Research Centre, Bagalkot, Karnataka
57. Dr Anil Mapari, MD Medicine, Government Medical College, Akola
58. Dr Piyush Garud, MBBS, JR-1, Radiology, BJ Medical College, Pune
59. Dr Arshad A Shaikh, MD Pathology, Private practitioner, Mumbai
60. Dr Tariq, MD Radiology, Topiwala National Medical College & BYL Nair Charitable Hospital, Mumbai
61. Dr Vikram, MBBS, AMO, Mumbai
62. Dr Pankaj, MD Medicine, BJ Medical College, Pune
63. Dr Vyankatesh, MD Pediatrics, LTMMC & GH, Sion, Mumbai
64. Dr Vasant Yadav, MD Medicine, GSMC & KEM Hospital, Mumbai
65. Dr Ginnie, MD Radiodiagnosis, BJ Medical College, Pune
66. Dr Mehul Sojitra, MD Radiodiagnosis, Private practitioner, Bharuch, Gujarat
67. Dr Akriti Bansal, MD Pathology, PGIMER Chandigarh
68. Dr Julie Singh, MD, Government Medical College & Hospital, Chandigarh
69. Dr Divya Singh, MD Pediatrics, Rajendra Institute of Medical Sciences, Ranchi, Jharkhand
70. Dr Dharam Deep Singh, MD Psychiatry, Sawai Man Singh Medical College Jaipur, Rajasthan
71. Dr Satish Meena, MBBS, GSMC & KEM Hospital, Mumbai

72. Dr Dipak Kumar Prajapati, MD, Assistant Professor of Pathology, GMERS Medical College, Dharpur-Patan, Gujarat
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74. Dr Adil Basha, MD Pathology, Bangalore Medical College, Karnataka
75. Dr Nandini Makwana, MD Radiodiagnosis, Ahmedabad, Gujarat