

# Review on Rights for Person with Disabilities and Difficulties Faced in Finding Scribes/Readers

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## Abstract

A person with Disabilities or PWDs is an integral part of society and should be provided with equal rights and opportunities in this competitive world. The continuous efforts and endless struggle by person with disabilities, social activists and institutes in order to get equal rights for Persons with Disability was recognized, and we got the "The Persons with Disabilities Act, 1995" after long protests and demands. This act marked the beginning of equal participation of PWDs in all fields. Many policies and guidelines were established and several provisions were made available to a person with disabilities yet the expected results were not achieved. What procedures have been implemented, the guidelines for examinations, facilities available for PWDs, the different opportunities which PWDs can avail for, the current system for allocating Scribes/Readers for PWDs, the process of finding Scribes/Readers by one self, the methods and platforms that are being used, efficiency and drawbacks of the used techniques and methods, what are the different difficulties are faced by PWDs when opting for own Scribes/Readers, lack of Organizational facilities and the major reasons for grievance of PWDs are discussed in this paper.

## 1. INTRODUCTION

*"The only disability in life is a bad attitude"*

- Scott Hamilton (Bhatia, 2018)

Person with a disability, commonly called as PWD refers to a person who is differently-abled physically or mentally. Now, let's see a brief history of the rights and bills that were passed for PWDs in India. In the past disabled people were not in any case remembered for the statistics outline of India's populace, later in 2001 census disability was also made available in the census but to no avail and little to no awareness about PWD the results were not accurate with only 5 categories of PWD included and 2.1% of the entire population of India being under the PWD category, we came to know that 26.8% of the entire population have one of the many disabilities listed in 2011 census. In 1970, PWDs had demanded rights for themselves, unfortunately this didn't take the pace and was not able to see daylight but in the 1980s, several firms and administrations came together in the hope to fight for the rights of PWD. This was the decade of change and we were able to see change after many protests and wait in the form of the bill passed by the government, "The PWD Act, 1995". This was the first act of its kind for person with disabilities. Be that as it may, because of a portion of its inadequacies and the absence of execution it failed to accomplish its objectives. (Gupta, 2018).

The Persons with Disabilities Act, 1995 came into action on February 7 in the year 1996. The act provided for both precautionary and publicity aspects for restoring the faith in PWDs in the fields of reservation, education, manpower development, employment, work training, research development, friendly environment creation, allowance for the individuals with disability, insurance schemes and provision of homes for people with extreme disabilities and so on. (Think Change India, 2016).

The main provisions of the act are:

- Social Security
- No Discrimination
- Affirmative Actions
- Grievance Redressal
- Early detection of disability
- Employment
- Research and Manpower development
- Education

In "The Persons with Disabilities Act, 1995,". Published in Part II, Section 1 of the Gazette of India, stated

"All educational institutions and examination boards from now on should provide Scribes/Readers/lab Assistants to blind students and students who suffer from low vision problems."

Here, it was stated that the examination body itself should provide Scribes/Readers/Lab assistants to those

students who are blind or are visually-impaired. Other disabilities were not included and could not avail for scribes/readers/lab assistants. This was one of the huge let downs of this act; it couldn't address the issues of people with disabilities other than blindness thus it couldn't achieve its expected goals. (Ministry of Law, Justice and Company Affairs, 1996).

In order to ensure person with disabilities are not left out and have rights that help them in their day-day life, in 2006 a conference on the rights of persons with disabilities was organized by the United Nations, in which the UNCRPD had 50 articles of different issues related to disability, and in 2007 India along with 159 other member states of UN reaffirmed it. With the principles of the United Nations Conference of 2006 in view, a new act with necessary modifications to the provisions of the RPwD Act of 1995. The President of India announced the new act, the right of the person with a disability, Act of 2016 on December 27, 2016 and was distributed in the Official Gazette on December 28 2016, which at that point was made available from June 15 2017. Segment 102 of the RPwD Act communicates of the expulsion of thorough law in that it implies that the Act of 1995, the people with disability. The reason for this act was plainly to express that its primary target is to maintain the nobility of each person of the general public and forestall any sort of separation dependent on a person's psychological or physical capacity. It features about the acknowledgment of individuals with a psychological or physical inability and guarantees their dynamic and full investment in the public activities, training, work and numerous different fields of individual and hierarchical advancement. (Ministry of Law, Justice and Company Affairs, 2016).

Here 21 different conditions are included such as sickle cell anemia, speech and language disability, muscular dystrophy, acid attack victims, cerebral palsy, autism spectrum disorders, dwarfism, hard of hearing, multiple sclerosis, Parkinson's disease, specific learning disabilities, several chronic neurological disorders, blood disorders and other numerous disabilities. The terminology of mental retardation is removed and is replaced by the term intellectual disability, which is defined as "a condition that is categorized by substantial limitation in the ability to comprehend logical reasoning, intellectual functioning and problem solving". (Ministry of Law, Justice and Company Affairs, 2016).

The facility to avail for a Scribe/Reader/Lab Assistant must be made available to individuals with standard disabilities, which is underlined in section 2(r) of the Rights for PwD Act of 2016, has issues in writing for themselves also including that of speed if its desired by the Person with Disability. In case of other categories of

individuals who has disabilities mentioned in the act, the facility to avail for Scribe/Reader/Lab Assistant is possible on providing and submission of a certificate, issued by the Chief Medical Officer/Medical Superintendent/Civil Surgeon of a Government health care institution, indicating that the individual in question does have physical inability to write for himself/herself, and a Scribe is vital for him/her to write the concerned examination on his/her behalf. (Narayan & John, 2017).

## **2. LITERATURE SURVEY**

### **2.1. Guidelines for conducting written examination for PwD**

Key points to be noted are

- There is no requirement for fixing various criteria and necessities for regular and competitive exams.
- The person with a disability should opt for his own Scribe or have the examination body arrange for the same on request.
- The Person with Disability ought to have the choice of settling on his own Scribe or have the examination body arrange a Scribe on request.
- The facility to avail for a Scribe/Reader/Lab Assistant should be made possible for individuals with standard disabilities as mentioned in the RPwD Act of 2016.
- The Examination bodies and organizations are to make sure that question papers are made available in the PwD format and suitable arrangement for examination seating that is comfortable for the PwD.
- It is to be kept at high priority that the examination of a PwD should be kept at the ground floor of a building/institute.
- Extra time of 20 minutes per hour of valid examination time should be given to PwDs who have a Scribe/Reader/Lab Assistant assisting them with the exam.

The Ministry of Social Justice has given the "Guidelines for conducting written examination for persons with benchmark disabilities," which includes all the different guidelines and necessary rules that will help smooth conduction of examinations of Persons with Disabilities. PwDs and Organizations/Institutes should follow and adhere to these guidelines for smooth conduction of examination. Now, let's go through the key guidelines for conducting examinations for PwDs. (Vikaspedia, n.d.).

There ought to be a uniform, impartial and comprehensive approach across the country for people with disabilities for composed assessment thinking about generally speaking improvement in the fields of tech and new opportunities, heights and avenues opened to the persons with benchmark disabilities, making the playing field an even ground with no bias and a fair one. Specific

cases should be adequately addressed and policy design should be able to tackle case dependent situations. Every Examination Board should have a concrete policy for person with benchmark disabilities, Universities rules may vary but the end policy towards PWDs are to be fair and should provide equal opportunities to all students. Different disabilities mentioned in the RPwD Act, 2016 should be considered when providing provisional facilities. All types of examinations should have the same policies under a particular Board i.e. no changes in policies if the format or type of examination changes (competitive and regular).

If the examination Board is providing the Scribe then the person with disability must be permitted to see and meet the Scribe/Reader two days earlier of the date of the examination in order to clear any compatibility issues and check on whether the Scribe is apt for the particular examination or not. In case the person with disabilities is allowed to have his own Scribe for the specific examination, the Scribe's qualification must be one level lower that of the examination so that everything is fair and no candidate is gaining advantage which results in violation of the policy. In cases of emergency, there should be flexibility to change Scribe/Reader/Lab Assistant. A PWD may bring with him more than one Scribe however only one Scribe is allowed to write each exam.

People with benchmark disabilities ought to be given the alternative of picking the mode for taking the assessments for example in Braille or in the Computer. In case where the persons with disabilities are allowed to take the examinations on computer systems, they ought to be permitted to check the PC framework one day ahead of time so the issues, in the software for conducting the exam and the computer system on which the test is going to be conducted could be corrected. Use of own computers or laptops is not allowed for taking the examination. However, enabling accessories for the computer-based examination such as a keyboard, customized mouse etc., should be allowed. The examination centers should be accessible for persons with disabilities. (Vikaspedia, n.d.).

The format of undertaking letter when the PWD brings his own Scribe is shown in the Fig. 1.

## 2.2. Difficulties faced by PWD while finding Scribes/Readers/Lab Assistants

On the onset that PWD wishes to get their own Scribes, finding suitable Scribes is not an easy one. Scribes provided by the Examination Board or Government are always not assured to be suitable or compatible, as mentioned in the Rights of Persons with Disabilities Act, 2016, Scribes are allowed to meet PWDs 2 days prior to the exam. Parents of PWDs would want to have more time for PWDs to interact with Scribes so as to get well acquainted and

see the credibility of the Scribe/Reader. This is a major concern because a PWD may face stress/anxiety if proper Scribes/Readers are not assigned. Cases of Scribes not acting appropriately, getting frustrated or impatient have been recorded. Parents fearing scenarios that may lead to certain situations opt for having their own Scribes/Readers and search for them within their circle i.e. Family, Friends, Communities etc. the problem encountered here is availability and eligibility of Scribes, which is not always satisfied. (Ministry of Law and Justice, 2016).

As mentioned in the Rights of Persons with Disabilities Act, 2016, a PWD may avail a Scribe/Reader who is **one step** lower than them in qualification. So, the task of finding specific Scribes/Readers becomes more difficult than it used to be. The fact that examinations for regular students take place at the same time doesn't add to it, so availability of specific Scribes becomes even less. In rural areas people are still unaware and uneducated on such matters, which also contributes to them not knowing how to avail for Scribes/Readers if they see the Government or the Examination Board is unable to provide suitable Scribes/Readers. The other means by which they can hope for finding suitable and available Scribes are limited by the reach of technology or platforms which are being used today. (Ministry of Law and Justice, 2016).

A common approach PWDs use to find Scribes/Readers is Social Media. Platforms like WhatsApp, Facebook, Twitter, etc. are being used, on WhatsApp messages are drafted with the specific requirements of the PWD,

- Exam Venue
- Date and Timings
- Eligibility/Qualifications
- Number of Exams
- Exam Medium
- Type of Exam etc.

and are circulated through Student, Organizational WhatsApp Groups to hope to receive a response from someone. Also, WhatsApp status is also used to quickly share the message with a specific person's contacts. Several organizations are operating for physically challenged

Letter of Undertaking for Using Own Scribe

I \_\_\_\_\_, a candidate with \_\_\_\_\_ (name of the disability) appearing for the \_\_\_\_\_ (name of the examination) bearing Roll No. \_\_\_\_\_ at \_\_\_\_\_ (name of the centre) in the District \_\_\_\_\_, \_\_\_\_\_ (name of the State). My qualification is \_\_\_\_\_.

I do hereby state that \_\_\_\_\_ (name of the scribe) will provide the service of scribe/reader/lab assistant for the undersigned for taking the aforesaid examination.

I do hereby undertake that his qualification is \_\_\_\_\_. In case, subsequently it is found that his qualification not as declared by the undersigned and is beyond my qualification, I shall forfeit my right to the post and claims relating thereto.

(Signature of the candidate with Disability)

Place: \_\_\_\_\_  
Date: \_\_\_\_\_


Source : Department of Empowerment of of Persons with Disabilities (Divyangjan) 

Fig. 1: Letter of Undertaking [3]

students' welfare; they also use this method for finding Scribes/Readers for PWDs in their organization. Facebook and Twitter are also a few of the Social Media sites where messages/tweets are shared to reach out to more audiences.

### **2.3. Problem in using Social Media for Finding Scribes**

Target Audience is the key point to be noted when Social Media is considered, things get saturated when messages are circulated to no avail. Target Audience is not specific every time, consider a message for a Scribe requirement is shared in a group of 60 people who haven't ever been a Scribe ever before. The chances of getting a Scribe from that group is very less. So, Target Audience is a matter of concern when using Social Media for finding Scribes/Readers. Surely, specific groups with people have volunteered as Scribes in the past, but again availability and eligibility are to be considered.

Social Media is saturated in nature; with all different types of content, groups, posts, messages, etc., circulating in Social Media, it is easy to skip over the matter at hand, which is important. Even there are specific groups for Scribes, the number of groups will again create saturation of community. This will then lead to spamming of messages in each and every group, leading to ignorance of the message and PWDs not getting desired Scribes.

### **2.4. Difficulties faced by PWD due to lack of facilities during exams**

Finding Scribes/Readers is not the only difficult task that PWDs face, other things are of concern and are complicated. A Twitter thread of June 2019 reveals the state of facilities for Visually impaired students at examination centers.[8]

Harsh, on Twitter, shares his bad experience and lists many problems he encountered when being a Scribe for a student appearing for a clerk prelim exam in Powai, Mumbai, India. Not being able to keep the bad experience and seeing the need to share the problems that both the person with disabilities and Scribes face, he shared the problems in the form of a thread of tweets on Twitter with all the problems listed being reasonable and legit. The examination was on June 23, 2019. The problems faced are listed below[8]

- Other than a separate queue for physically challenged students, there was no other facility for them to help them reach the examination point.
- Staff who were responsible for document verification and seat allocation being extremely rude.
- No proper guidelines and instructions given to Scribes who were volunteering as a Scribe for the first time.
- No locker facility provided by the examination center to keep the belongings of candidates and Scribes,

valuables like smartphones, laptops were left in open shelves, and no one responsible if anything gets stolen or goes missing.

- No appropriate seating arrangement provided, an entire hall with a capacity of 60 students but with Scribes included it now became 120 students but the systems and seats being only 60 so the problem of congestion, suffocation and disturbance were evident.
- The Staff and the invigilators not being of any help as they didn't assist the candidates properly.
- Having an extra 20 minutes for the candidate does not change anything when the format of the exam itself is not conducive and full of loopholes.
- How a Scribe maintain his ethics when he/she can clearly solve questions on his/her own and get correct answers yet mark the answers given by the candidate.

The problem here is evident that the Authorities involved aren't abiding to the basic rules and providing good enough facilities for PWDs. A PWD when has to give an exam in such an environment can't focus on the exam but all the other things that lead to stress and anxiety (Harsh, 2019).

### **3. CONCLUSION**

In this paper, we have seen the different rights that PWDs exercise and how they came to light. The first reform in the form of demand for rights for PWDs which resulted in "The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995" to be passed and bring forth new rights for persons with disabilities, also the drawbacks of this act and area of improvement were discussed. Later in 2006 the United Nation convened a conference on the Rights of Persons with Disabilities, this led to the new act which was passed considering the added requirements and changes for the betterment of PWDs. The Rights of Persons with Disabilities Act, 2016 brought in good guidelines and policies to implement PWDs to avail several facilities. This act specified the core details of how Scribes/Readers/lab assistants' process is to be carried out and what all criteria should be considered when availing for one. Later in 2018 "Guidelines for conducting written examination for person with benchmark disabilities" was published. With all these guidelines and policies in mind we have studied the entire process and the Scribes' facilities. Next, we have seen what PWDs use means for finding Scribes/Readers; also, the problems and efficiencies associated with those means. The sentiment and mindset of PWDs when looking for Scribes/Readers is also crucial to find suitable and compatible Scribes. We then discussed the problems associated with lack of facilities for PWDs during examinations. We have identified the major problems which PWDs face when finding Scribes/Readers to be



Availability, Compatibility and Eligibility of Scribes which is crucial for better communication and exam process of PWDs.

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