

## Discriminatory practice: on reservation for the disabled

Reports suggest that Jawaharlal Nehru University in New Delhi may have been in violation of disability reservation provisions in student selection and faculty recruitment. The matter came to light when the aspirants who appeared for the M.Phil/PhD entrance examination did not get their final results, even though results for other degree courses were out around two months ago. In May, the JNU administration put up a notice on its website that stated, "This is for information of all that declaration of results of JNUEE 2018-19 for M.Phil/Ph.D. programme has been delayed, as the matter is sub judice."

The reason it is sub judice is that a writ petition was filed by the National Federation of the Blind (NFB) challenging the non-fulfilment of reservation requirements for the differently abled in admissions to M.Phil. and PhD courses. Similarly, in the latest advertisement for faculty recruitment by the university, not a single post was reserved for differently abled persons. This matter too went to the Delhi High Court after a plea was made by an NGO, Sambhavna.

This is not just one case relating to a single institution; it is the proverbial tip of the iceberg. Pervasive violations of disability reservation in the last two decades show a lack of progressive intent on the part of the authorities. This flies in the face of Parliament passing the Rights of Persons with Disabilities (RPwD) Bill and enacting it as a law in 2016.

On paper, the RPwD Act appears commendable as it has increased the quota of reservation for persons with benchmark disabilities from 3% to 4% in government jobs and from 3% to 5% in higher educational institutions. Since the Act came into force, there have been multiple instances of persons with disabilities having to fight their cases in courts to ensure that government and educational institutions comply with the disability reservation provisions.

In government jobs and higher educational institutions, where the total seats offered are fewer, disability reservation takes a back seat. The argument often given by authorities is that due to the paucity of seats, the disability reservation cannot even be calculated. Many premier educational institutions and various State governments have been in violation of the prior Persons with Disabilities Act of 1995 and of the RPwD Act, 2016. The system is designed such that disability is seen as the inability of a person and therefore many differently abled candidates are not recruited, additionally contributing to the mounting huge backlog of vacancies.

Many think that persons selected under reserved categories, especially under the differently abled category, are not meritorious candidates and their selection brings down the quality of institutions in which they are selected. If this mindset prevails, we must expect the systemic violation of disability reservation to continue.

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This refers to the tendency to form friendships and other forms of interpersonal relationships with people we come across often in our daily lives.

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