

Chapter 27

Challenges in Disability Certification in Specific Learning Disability and Autism Spectrum Disorders in an Indian Context

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ABSTRACT

The Rights of Persons with Disabilities (RPWD) Act is a significant step towards safeguarding the rights and inclusion of individuals with disabilities. Disability certificates from certified authorities enable people with benchmark disabilities to receive the concessions stipulated by the Act. This chapter examines the challenges surrounding disability certification for two conditions— autism spectrum disorder, and specific learning disorder in India. A brief overview of these issues are provided, encompassing inadequacies of the prescribed assessment tools and procedure, social stigma, misuse, and laborious proceedings, which impede due certification. These challenges can be addressed through policy changes, multilingual assessment tools, psychoeducation, training educators, and a focus on remedial education. Further research is needed to fully recognize the prevalence, outcomes, and assessment practices in the country, the findings of which can inform policies to create an inclusive and supportive environment for people with disabilities.

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INTRODUCTION

Neurodevelopmental disorders, as per the Diagnostic and Statistical Manual of mental disorders 5th edition (DSM-5), refer to a group of conditions with onset in the developmental period (Morris-Rosendahl & Crocq, 2020). These conditions are associated with dysfunction of the neurological system and brain and include attention-deficit/hyperactivity disorder (ADHD), autism spectrum disorder, specific learning disorders, intellectual disability, cerebral palsy. Significant advancements in scientific research have uncovered a range of possible genetic, biological, psychosocial, and environmental causes of these disorders. Thus, neurodevelopmental disorders are chronic conditions that occur due to an interplay of risk factors impeding developmental processes, resulting in functional limitations/disabilities (Boivin et al., 2015; Miller & Rosenbaum, 2016).

A study by Arora et al. (2018) estimated the prevalence of neurodevelopmental disorders in India to be around 9.2% and 13.6% in children aged between 2–6 and 6–9 years, respectively. Neurodevelopmental disorders can serve as a major hindrance to healthy social development and can be a cause of concern in a country like India, with its large population of children and underprivileged people's lack of access to the healthcare system. Legal, policy, attitudinal, and societal changes are necessary to protect the rights of children with disabilities and ensure their development in a supportive and positive environment.

The United Nations, in its efforts toward protecting the human rights of persons with disabilities, adopted the Convention on the Rights of Persons with Disabilities (CRPD) in December 2006. The treaty recognizes the dynamic nature of disabilities, and the environmental and attitudinal barriers, which impede people with disabilities from fully participating in the society. It adopts a shift from viewing individuals with disabilities as passive recipients of social welfare benefits to active participants who are brimming with potential. It presents a rights-based approach toward disability, seeking to empower these individuals to enhance their well-being and harness their capabilities for the advancement of society. The UNCRPD further takes note of children with disabilities, upholding their rights and fundamental freedoms on par with other children. The United Nations Children's Fund (UNICEF) also mirrors this emphasis, drawing attention to the need for children's health and development as a basic human right (Boivin et al., 2015; UNICEF, 2013).

All signatories of the UNCRPD were decreed to modify their existing laws to align with the principles laid down by the Convention. India ratified the treaty in October 2007, and to comply with the values laid down by the Convention enacted the Rights of Persons with Disabilities Act, 2016. The Rights of Persons with Disabilities (RPWD) Act seeks to uphold the dignity of persons with disability, prevent discrimination against them, and provide them with equal opportunities to enable their inclusion in and acceptance as members of our society. The Act has 17 chapters outlining legal, healthcare, education, employment, social security, and financial provisions for individuals with 21 conditions listed under it. The RPWD Act signified India's commitment to the UNCRPD and was the result of deliberations by key stakeholders. The Act replaced the earlier Persons with Disabilities (PwD) Act (1995), and offers a more holistic, biopsychosocial approach toward disability (Balakrishnan et al., 2019). It lays down clear definitions of constructs like discrimination, mental illness, benchmark disability, etc.

The Act provides comprehensive guidelines on the rights, special provisions, and funding for persons with disabilities, duty of educational institutions and governmental bodies towards them, facilities they are entitled to in terms of healthcare, social security, insurance and rehabilitation, descriptions about the process of certification, along with the offences and penalties that can result in the case of misconduct. The RPWD act explicitly recognizes individuals with disabilities as exercising rights enjoyed by any

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