

BETWEEN ACCESS AND STIGMA: THE PARADOX OF DISABILITY CERTIFICATION

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Abstract:

Disability certification serves as both a gateway and a gatekeeper—granting access to essential state welfare, while simultaneously reinforcing exclusionary perceptions. This article explores the paradox inherent in disability certification, where the need for formal recognition collides with persistent stigma, procedural opacity, and institutional inertia. It begins by addressing the sociopolitical construction of disability and how certification functions as a mechanism of identity validation. The section “When Identity Needs a Certificate” critically evaluates how individuals with disabilities are compelled to navigate a bureaucratic maze to prove their impairments in order to access basic entitlements.

Focusing on “Disability Certification in India,” the article unpacks the legal framework, administrative procedures, and the uneven implementation across states, highlighting the challenges of categorization, inconsistent medical assessments, and digital barriers. In “Paper Barriers,” it delves into how bureaucracy itself becomes a disabling force, especially for persons with invisible, psychosocial, or fluctuating disabilities. The article further identifies the psychological toll of repeated scrutiny, medical gatekeeping, and the fear of stigma that discourages individuals from seeking certification.

In the final section, “Forging Ahead,” the discussion shifts to emerging possibilities—such as digitization, rights-based legal reforms, and inclusive certification practices—that could mitigate exclusion while preserving dignity. The article concludes by advocating for a certification regime that is not merely technocratic, but grounded in empathy, accessibility, and a recognition of diverse lived realities. It calls for the reimagining of disability certification not as a filter for welfare, but as a facilitator of full citizenship.

Keywords: Accessibility, Bureaucracy, Disability Rights, Inclusion, Stigma.

INTRODUCTION

The term disability is defined as a physical, cognitive, developmental, or mental condition that impairs or restricts an individual's capacity to perform specific actions or engage in routine daily activities and interactions.¹ Nevertheless, when this phrase is examined from alternative perspectives within anthropology and jurisprudence, its definition significantly diverges. This primarily hinges on the interpretation of other components in the conventional definition, such as “ability”, “typical daily interactions,” and so forth. A precise definition and operation of a disability model is essential to advance the rights of disabled individuals

¹ *Disability*, MERRIAM-WEBSTER, <https://www.merriam-webster.com/dictionary/disability#:~:text=%3A%20a%20physical%2C%20mental%2C%20cognitive,typical%20daily%20activities%20and%20interactions>. (Accessed on 28 July 2025)

to welfare and the state's responsibilities under "parens patriae".²

This is pertinent in contemporary society, especially in India, where there are more than 26.8 million disabled or differently-abled individuals, according to the 2011 Census.³ Given that the population has risen from 1.25 billion to approximately 1.41 billion,⁴ this statistic is likewise likely to have escalated. Furthermore, under this classification of those with disabilities, there exist interconnections with numerous other marginalised and vulnerable groups, such as the elderly, non-male gendered individuals, and those from scheduled castes and scheduled tribes.⁵ In a nation where around 2.21 percent of the population has a disability, it is imperative for the government to categorise these individuals for targeted welfare initiatives.

This necessitates the issuance of a Disability Certificate to disabled individuals, enabling them to access social systems established by the state for their improvement. This document may currently be issued in accordance with the Rights of Persons with Disabilities Act, 2016 ("RPWD Act") and the Right of Persons with Disabilities Rules, 2017 ("RPWD Rules").⁶ Nevertheless, the process of obtaining this certificate in India may occasionally lead an individual to doubt its legitimacy. This study contends that the Disability Certificate is a necessary compromise, as it heightens awareness of individuals' limitations while simultaneously providing access to resources and chances for improved societal involvement.

This paper is organised into four sections. This study posits the necessity of disability certification, largely grounded in a rights-based approach to disability philosophy. This article examines the Indian process for awarding disability certificates, principally referencing legislation, orders, notices, and judicial precedents. This research aims to underscore the deficiencies in the Indian system, especially concerning health privacy. Ultimately, this study proposes a path forward based on the theoretical discourse and principles of disability legislation.

WHEN IDENTITY NEEDS A CERTIFICATE: THE CASE FOR DISABILITY RECOGNITION

• Disability as an Inter-Play Between Rights and Welfare

Until 2006, disability law was predominantly viewed through the lens of parens patriae, wherein the state bore the obligation to care for disabled individuals by offering resources and opportunities via programs, only because it functioned as a welfare state.⁷ This was also evident in the Persons with Disabilities Act of 1995, which primarily mandated state obligations for welfare provision and the prevention of discrimination.⁸ Over time and with the evolution of jurisprudence in India, disability law transitioned from a welfare-oriented framework to a rights-based paradigm. Disabled individuals are recognised as possessing a human right to access state benefits and to be free from discrimination, rather than merely imposing an obligation on the state

² Trevor Todd, *Parens Patriae Jurisdiction of the Courts*, DISINHERITED, <https://disinherited.com/legal-definitions-and-terms/parens-patriae-jurisdiction-courts/>. (Accessed on 28 July 2025)

³ C.M. Lakshmana & I. Maruthi, *The Disabled Population And Their Educational Status In India*, 10(2) PERIFERIA 135 (2018).

⁴ *India Population 2022 (Live)*, WORLD POPULATION REVIEW, <https://worldpopulationreview.com/countries/india-population>. (Accessed on 28 July 2025)

⁵ *Disabled Population in India as per census 2011 (2016 updated)*, ENABLED (Aug. 28, 2017), <https://enabled.in/wp/disabled-population-in-india-as-per-census-2011-2016-updated/>. (Accessed on 28 July 2025)

⁶ *Disability Certificate: All You Need to Know*, WE CAPABLE, [https://wecapable.com/disability-certificate/#:~:text=A%20disability%20certificate%20\(also%20known,constituted%20in%20certain%20government%20hospitals](https://wecapable.com/disability-certificate/#:~:text=A%20disability%20certificate%20(also%20known,constituted%20in%20certain%20government%20hospitals). (Accessed on 28 July 2025)

⁷ Joseph P. Shapiro, *No Pity People with Disabilities Forging a New Civil Rights MOVEMENT* (Three Rivers Press 1993).

⁸ Sindhu Vijaykumar and U. Singh, *PWD Act: Awareness Among Beneficiaries and Members of Rehabilitation Team*, 15 IJPMR 12 (2004).

to provide social assistance.⁹

This paradigm shift prioritises human dignity, affirming that every disabled individual possesses the right to be integrated and acknowledged as a significant contributor to society. Their value as citizens is not determined by their economic, physical, or other capabilities, but rather by their intrinsic self-worth, which entitles them to an equitable standing with others who do not encounter their disability.¹⁰ The exercise of this share of rights by individuals with disabilities, within the existing legal and societal framework, is contingent upon possessing a disability certificate, as these rights exceed those available to non-disabled individuals. These certificates empower individuals with disabilities to assert their rights in overcoming challenges or limits in engaging in activities and tasks.¹¹

In conjunction with this rights-based approach, the state remains a party in delivering social assistance and exemptions to individuals with disabilities. The law would not serve as a restriction on the state's function under *parens patriae*.¹² The entitlement of a disabled individual to access welfare schemes is contingent upon the state's capacity to distinguish between disabled and non-disabled individuals, which is hindered by insufficient resources and inequitable distribution by the state.¹³ This classification of impairment and the provision of privileges serve to mitigate the severe social discrimination encountered by those with disabilities in public institutions and personal relationships. In public institutions, individuals with disabilities disproportionately struggle to engage in the paid labour market compared to their non-disabled counterparts. This phenomenon is also observable among other marginalised groups.

Consequently, individuals in these groups possess a valid entitlement to get social assistance. Disability certification is the mechanism by which persons can identify themselves as part of this category to assert their entitlement to social assistance. Furthermore, such certification allows individuals with legitimate claims to social assistance to access it, rather than permitting indiscriminate participation by those without authentic disabilities. This is especially significant given the increasing prevalence of deception and fraud in contemporary perceptions and operations of disability within the social, political, and legal domains.¹⁴

• **Disability Models And Certification**

Furthermore, the notion of certification and the accompanying methods of delivering benefits may differ based on the disability model endorsed by the state. Initially, the social model of disability perceives disability as a structural issue. Society perceives the absence of disability as the standard, resulting in all societal frameworks being constructed around this perspective; consequently, individuals with disabilities consistently encounter obstacles and limitations in their societal functioning. Societal barriers for individuals with disabilities are established by society itself.

Secondly, the medical model of disability perceives impairment as an inherent condition within the individual that obstructs their societal participation. The issue is situated within the individual's body or mind, identifiable by a medical professional, rather than within society at large.¹⁵ If a state adheres to the social model, there would be no need to certify certain individuals as disabled while excluding others, as the state would strive to construct or reconstruct social structures to accommodate all individuals, regardless of their

⁹ Bill Albert & Rachel Hurst, *Disability and a Human Rights Approach to DEVELOPMENT*, Briefing Paper (Disability KaR, 2005).

¹⁰ Theresia Degener, *Disability in a Human Rights Context*, 5(3) LAWS 35 (2016).

¹¹ *Disability*, WHO, https://www.who.int/health-topics/disability#tab=tab_1. (Accessed on 28 July 2025)

¹² *Satula Devi v. Govt. of NCT of Delhi*, 2021 SCC OnLine Del 3236.

¹³ *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* 1993.

¹⁴ Hemanta Pradhan, *Fake disability certificates worry higher edu dept*, TIMES OF INDIA (May 10, 2022), <https://timesofindia.indiatimes.com/city/bhubaneswar/fake-disability-certificates-worry-higher-edu-dept/articleshow/91454239.cms>. (Accessed on 28 July 2025)

¹⁵ Marno Retief & Rantsoa Letšosa, *Models of disability: A brief overview*, 74(1) HTS THEOL. STUD. 1 (2018).

disabilities. This is not entirely impossible, but it is highly improbable due to the varied nature of disabilities and the complexities involved in altering all existing social structures, which encompass both tangible elements such as buildings and stairs, as well as intangible aspects like mentality, thought processes, and culture.

Although employing this perspective offers advantages in illustrating how society might facilitate greater participation of disabled individuals in emerging social frameworks, altering the present systems is considerably less realistic. Consequently, any nation, including India, that issues disability certificates adheres to the medical paradigm, wherein such certificates are granted following a diagnosis by healthcare professionals.¹⁶

DISABILITY CERTIFICATION IN INDIA: PROCESS, PITFALLS, AND POSSIBILITIES

• Legal Framework Under the RPWD Act

In India, Section 58 of the RPWD Act, in conjunction with Chapter VII of the RPWD Rules, delineates the procedure for disability certification. This statute recognises 21 impairments. Only Indian residents with a certified medical report that demonstrates their disability exceeds the stipulated threshold of 40 percent, as outlined in several notifications issued under the RPWD Rules, are eligible to get the certificate.¹⁷ Individuals holding these credentials can access many benefits, resources, and assistance from the state for their successful integration into society. These may encompass various elements, including income tax deductions, reservations, concessions, and others.

A standard disability certificate delineates the individual's conditions, including the type of disability, degree of disability, permanence of disability, and the certificate's validity duration. This certificate is granted upon assessment by the "medical authority or any other designated competent authority."¹⁸ A recently published gazette notification mandates the issuance of disability certificates online, in addition to their offline availability. This facilitates reduced physical contact in light of the COVID epidemic and provides improved access for those with disabilities encountering accessibility challenges at certificate collection locations.¹⁹

The Mental Healthcare Act, 2017 ("MH Act") stipulates that individuals with mental illness shall not be mandated to obtain mental health treatments, including disability certification, and such services should be provided in proximity to the individual.²⁰ The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999 facilitates the welfare and accessibility of the designated individuals in obtaining disability certificates.

In addition to domestic laws, India has various international duties concerning the rights of individuals with disabilities, particularly with the accessibility and management of their disability certificates. India is a participant and/or signatory to various international conventions and declarations concerning disability, including the Convention on the Rights of Persons with Disabilities, 2006 (which addresses the entitlement of individuals with disabilities to acquire and utilise documentation pertaining to their condition), the UNGA's Declaration on the Rights of Mentally Retarded Persons, 1971, and the UNGA's Declaration on the Rights of Disabled Persons, 1975, among others. Constitutional requirements mandate that the state respect and adhere to international law, as well as enact new legislation for the application of such international conventions or

¹⁶ S.P. Goswami, S. Venkatesan & S. Mathews, *Disability Certification: Issues and Concerns*, 34 JAIISH 1 (2015).

¹⁷ Tanushree Chandhok, *Understanding The Disability Certificate*, 1 SPECIAL PLACE (May 30, 2018), <https://1specialplace.com/2018/05/30/understanding-the-disability-certificate/>. (Accessed on 28 July 2025)

¹⁸ The Rights of Persons with Disabilities Rules 2017, rule 18.

¹⁹ *Centre makes it mandatory for disability certificates to be issued online*, THE HINDU (May 06, 2021), <https://www.thehindu.com/news/national/centre-makes-it-mandatory-for-disability-certificates-to-be-issued-online/article34497587.exe>. (Accessed on 28 July 2025)

²⁰ The Mental Healthcare Act 2017, s.18(5)(d).

declarations.²¹

- **Judicial Interpretation Of The RPWD Act**

Following the introduction of online application and issuing of disability certificates during the COVID pandemic, authorities began to require that both the certificates and the application forms be submitted online. The Karnataka High Court, recognising the challenges faced by disabled individuals in accessing computers, phones, and the internet, construed Rule 14 of the RPWD Rules to mandate that authorities accept both online and physical application forms for disability certification.²²

The Indian judiciary, in interpreting the terms of the RPWD Act and Rules, has also accorded significant emphasis to the statute by incorporating constitutional norms and principles into its application. Firstly, Article 21 has been interpreted in conjunction with the RPWD legislation to affirm that the rights conferred by this legislation are essential for the realisation of an individual's right to dignity as given by the Constitution.²³ Secondly, Article 41 has been judicially read alongside relevant statutes to impose an obligation on the state to provide for the realisation of its people's right to assistance and aid in instances of illness and disability.

The judiciary has interpreted the notion of positive discrimination derived from Article 14 in the context of the provisions of the RPWD Act.²⁴ As unequal individuals cannot be treated equally, the state may engage in positive discrimination by providing assistance and advantages to facilitate their integration into mainstream society, ensuring they do not feel marginalised. The state is required to provide specific methods enabling disabled individuals to access benefits and social assistance via the disability certification process.²⁵

The courts have also evaluated the arduous and exhaustive procedure of disability assessment under the certification framework of the RPWD Act, in light of the different constitutional aspects involved. In the recent case of T.R. Ramanathan v. Tamil Nadu State Mental Health Authority and Anr.,²⁶ the Madras High Court, while addressing the challenges faced by a mentally disabled individual in obtaining a disability certificate, affirmed the rights and dignity of the disabled person.²⁷

It instructed the authorities to first streamline the assessment process to avoid causing any distress or hardship to individuals with mental disabilities, and secondly, to perform the assessments in the homes of these individuals to prevent their exposure to crowded environments such as government offices or hospitals. The court recognises that Section 58 of the RPWD Act and Section 18(5)(d) of the MH Act grant mentally disabled individuals the right to obtain certificates without enduring extensive travel. Consequently, it mandates that the process be adapted to ensure the comfort of the disabled person in their home, avoiding any stress, panic, or anxiety.

²¹ The Constitution of India, art 51 and 253.

²² *Law does not insist on online application for disability certificate*, *THE HINDU* (Jan. 23, 2020), <https://www.thehindu.com/news/national/karnataka/law-does-not-insist-on-online-application-for-disability-certificate/article30629475.exe>. (Accessed on 28 July 2025)

²³ *Prachi Jain, Madras High Court's recent decision on disability rights mark a paradigm shift*, *THE LEAFLET* (Jun. 07, 2022), <https://theleaflet.in/does-the-madras-high-courts-recent-decision-on-disability-rights-mark-a-paradigm-shift/>. (Accessed on 28 July 2025)

²⁴ *Vipin Malhotra, Jurisprudence on the rights of persons with disability with Reference to India*, 8(10) *AEAGAEUM J.* 514 (2020).

²⁵ *Sambhavana v. University of Delhi*, (2013) 14 SCC 781.

²⁶ 2022 SCC OnLine Mad 3032.

²⁷ *Devika Sharma, Child suffering from mental illness, requires a disability certificate, can certifying authority insist him to come to premises of institution? Madras HC analyses*, *SCC ONLINE* (Jun. 01, 2022), <https://www.sconline.com/blog/post/2022/06/01/child-suffering-from-mental-illness-requires-a-disability-certificate-can-certifying-authority-insist-him-to-come-to-premises-of-institution-madras-high-court-law/>. (Accessed on 28 July 2025)

Furthermore, the Himachal High Court has determined that medical officers who issue Disability Certificates with a disclaimer stating that the certificate is not valid for medico-legal purposes are culpable of fraud for producing fabricated and false documents.²⁸ It is stated that once the medical officer has given the Disability Certificate, the officer cannot retract the contents of the certificate due to the apprehension of criminal prosecution via a caveat. All such certificates must be admissible in court and possess judicial relevance.²⁹

PAPER BARRIERS: THE BUREAUCRATIC HURDLES OF DISABILITY CERTIFICATION

The primary concern with the existing framework and procedure for procuring Disability Certificates is the excessively stringent and laborious examination and decision-making process.³⁰ Although the Madras High Court resolved the matter concerning individuals with mental disabilities, it remains mainly unresolved for other categories of disabled individuals. The officers fail to clearly communicate the necessary papers at the first stage and repeatedly compel the impaired individual to visit their offices or consult other officials without streamlining the procedure. The internet platforms for submitting disability certificate applications are not accessible for individuals with disabilities.³¹

Moreover, the majority of government hospitals and offices lack disability-friendly infrastructure, such as ramps and accessible restrooms, resulting in significant challenges for individuals with accessibility concerns.³² Furthermore, individuals with disabilities incur charges for the assessments conducted for their disability evaluation, contingent upon the classification of their condition. On one side, the judiciary asserts that disabled individuals possess the right to get a Disability Certificate under the RPWD Act; on the other hand, the government mandates that people pay to exercise this right. The economic background of disabled individuals is not taken into account, despite the fact that many of them reside below the poverty line.³³ The disparity between the court's observations and the executive's actions renders the entitlement of disabled individuals to get their certificates, and consequently the associated benefits and services, a mere façade, contingent upon financial payment.

Additionally, a primary critique of the Disability Certification process in India pertains to its inadequacy in safeguarding the health privacy of those with disabilities. The Indian Supreme Court has declared the right to privacy a basic right under Article 21.³⁴ Consequently, this would also encompass the private rights of those with disabilities, especially with the specifics of their privacy. Currently, the state-issued certificate includes diverse information pertaining to the individual's handicap, including the diagnosis, severity of disability, and

²⁸ *High Court talks tough on disability certificate with a condition*, *THE TRIBUNE* (Jul. 23, 2022), <https://www.tribuneindia.com/news/himachal/high-court-talks-tough-on-disability-certificate-with-a-condition-116531>. (Accessed on 28 July 2025)

²⁹ *Kanchan Bedi v. State of Himachal Pradesh*, 2020 SCC OnLine HP 984.

³⁰ *Sidhartha Dutta, People face problems in applying for disability certificates online*, *THE TIMES OF INDIA* (Jan. 16, 2022), <https://timesofindia.indiatimes.com/city/jaipur/people-face-problems-in-applying-for-disability-certificates-online/articleshow/88798304.cms>. (Accessed on 28 July 2025)

³¹ *Bindu Shajan Perappadan, Make hospital websites disabled-friendly*, *THE HINDU* (Oct. 24, 2015), <https://www.thehindu.com/news/national/other-states/make-hospital-websites-disabledfriendly/article7798439.exe>. (Accessed on 28 July 2025)

³² *Pritam Pal Singh, Access denied*, *THE INDIAN EXPRESS* (Dec. 10, 2018), <https://indianexpress.com/article/cities/delhi/access-denied-delhi-hospitals-disabled-friendly-medical-facilities-5485681/>. (Accessed on 28 July 2025)

³³ *Sujoy Kanti Ghoshal, Poor People with Disability: Breaking the Vicious Circle of Poverty and Disability in India*, 6(2) IJCR 1251 (2018); *Vani S. Kulkarni & Raghav Gaiha, Disabled and extremely poor*, *THE HINDU* (Mar. 06, 2020), <https://www.thehindu.com/opinion/op-ed/disabled-and-extremely-poor/article30993219.exe>. (Accessed on 28 July 2025)

³⁴ *Justice K. S. Puttaswamy (Retd.) and Anr. v. Union Of India And Ors.*, (2017) 10 SCC 1.

length of the condition.³⁵

The violation of health privacy transpires when such certificates are utilised in governmental or private entities to obtain any type of social assistance. In this procedure, it is not exclusively medical professionals with ethical rules who assess them. They may encompass employers, government authorities, booking clerks, and others.³⁶ Such officials and individuals possess no legal or ethical duty to maintain the confidentiality of the information contained in the certificate. This poses significant risks for individuals with disabilities that are less visibly apparent. Conditions such as cured leprosy, neurogenic bladder and bowel dysfunction, intellectual disabilities, or other mental illnesses continue to evoke significant discrimination and stigma within Indian society.³⁷

Such occurrences in the workplace or public settings can lead to significant humiliation and embarrassment for the impaired individual. Individuals with disabilities may forfeit career prospects only due to their impairment, although being completely qualified for the role.³⁸ This may occur especially at the hands of insensitive individuals who adhere to the binary distinction of abnormal versus normal, without consideration for those with disabilities. Furthermore, the individual with a disability may not feel at ease disclosing this information to a railway clerk. The procedure for sustaining Disability Certificates contravenes the fundamental principles of the RPWD Act, which aims to ensure that all individuals with disabilities are afforded the right to live with dignity and respect for their integrity.³⁹

Furthermore, it may impact the family members of the disabled individual as their non-apparent stigmatised impairment becomes widely known without the individual's consent to disclose it. Furthermore, this may deter some individuals with disabilities from utilising such benefits and services despite their challenges in executing specific actions or tasks.

FORGING AHEAD: VISION, CHALLENGES, AND CHANGE

The state should implement an efficient procedure to adjudicate the 1.179 million pending applications, as it has done for certifying mental disabilities.⁴⁰ The quantity of medical professionals available for disability assessments must be augmented, and the registration process following medical approval should be streamlined to facilitate prompt and efficient application processing, hence preventing prolonged delays for disabled individuals. Officers should be motivated to expedite the resolution of such applications without the pursuit of appeals.

This will guarantee that the officials operate in a motivated and efficient manner without compromising the quality of their evaluations. Furthermore, the application form should explicitly tell the applicant of all documents necessary for any visit to a government office or hospital. Government edifices must to be refurbished to incorporate accessibility features such as ramps and restrooms, and the fees associated with doing any assessments should be abolished.

Medical officials, excluding certified doctors, responsible for evaluating and issuing disability certificates

³⁵ N.N. Mishra, L.S. Parker, V.L. Nimgaonkar, & S.N. Deshpande, *Disability certificates in India: a challenge to health privacy*, INDIAN J. MED. ETHICS 43 (2012).

³⁶ Harish Gupta, *Disability certification in Digital India*, 11 J. FAM. MED. PRIM. CARE REV. 1588 (2022).

³⁷ Abhimanyu Vasudeva, A. Nishat Sheikh & Samantak Sahu, *Digitization of disability certification using technology to curtail infringement of dignity*, 10 J. FAM. MED. PRIM. CARE REV. 3948 (2021).

³⁸ Mason Ameri, Lisa Schur, Meera Adya, F. Scott Bentley, Patrick McKay & Douglas Kruse, *The Disability Employment Puzzle: A Field Experiment on Employer Hiring Behavior*, 71(2) ILR REVIEW 329 (2017).

³⁹ The Rights of Persons with Disabilities Act 2016, s.3(1).

⁴⁰ P.W. Corrigan & D.L. Penn. *Lessons from Social Psychology on Discrediting Psychiatric Stigma*, 54(9) AM. PSYCHOL. 765 (1999).

must be informed about the confidentiality of the disability. They should also receive training to ensure that disabled individuals feel at ease disclosing personal information about their disability and its impact on daily life, free from concerns of economic or social repercussions, stigma, or embarrassment.

Information pertaining to the diagnosis, kind of disability, duration of the disability, etc., may be excluded from the Disability Certificate. The state may commence the issuance of a blind certificate that includes solely the name, address, and biometrics of the impaired individual. Rather than requiring the disabled individual to present this certificate repeatedly for validation, the certificate should include a comprehensive addendum detailing all eligible disability benefits and services, as determined by the state, devoid of any specifics concerning the nature and severity of their disability. This medical information should be available just within the state.

Nearly all locations where the impairment Certificate is utilised do not require prior knowledge of the individual's impairment kind. If deemed essential, information should be accessible to them from a state-provided database, contingent upon verification, approval, and consent from the impaired individual. This database would encompass all pertinent information regarding the individual's handicap, rather than being included on the certificate itself. This can be incorporated into the Digital India initiative and the ongoing Unique Disability ID program in India. An electronic gateway, governed by the individual's password, shall serve as the sole access point to medical information regarding their impairment, which may only be disseminated with their explicit consent.

In all other locations, the Disability Certificate containing the name, address, and other essential information, accompanied by the state's permitted approval to avoid counterfeit certificates, should be adequate. This procedure would significantly mitigate prejudice, stigma, and other adverse economic and social repercussions. The individual with a handicap would no longer be obligated to provide comprehensive information about their condition to all parties, from a railway clerk to their employer, in order to receive benefits or services granted to them as a human right by the legislative and judiciary.

CONCLUSION

Physical, mental, cognitive, or any other type of disability can serve as significant obstacles for persons to operate within society. Disabled individuals are entitled to receive specific social assistance from the state via its welfare programs and initiatives. Nevertheless, owing to resource shortages and the prevalence of a medical model in a country such as India, the classification of individuals with disabilities through disability certification is an unfortunate necessity. This method enables the state and other entities to distinguish between persons really in need of social assistance and those attempting to fraudulently claim disability status. Consequently, in alignment with its numerous international obligations, India has established a disability certification system under the RPWD Act and associated Rules. Although safeguards are referenced in the legislation, the judiciary has intervened to further augment the protection afforded to individuals with disabilities, ensuring that their condition does not impede the acquisition of rights provided by law. The judiciary has, through its different pronouncements, facilitated the assessment system for individuals with disabilities and streamlined the certification process, while simultaneously holding certificate issuers accountable.

Despite existing laws and judicial rulings, the Indian disability certification system exhibits significant deficiencies concerning pending applications, a stringent certification process, and the potential threat to the health privacy of individuals with disabilities posed by the disability certificate itself. The final shortcoming is particularly notable as it not only jeopardises the fundamental principles of the RPWD Act but also endangers the health privacy of the impaired individual. Altering the information on the disability certificate to safeguard the health privacy of the individual while establishing a system for accessing detailed information with the individual's consent would significantly contribute to fostering an inclusive society free from prejudice or stigma associated with disability.