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भारत सरकार  
सामाजिक न्याय और अधिकारिता मंत्रालय  
दिव्यांगजन सशक्तिकरण विभाग  
पांचवा तल, पं. दीनदयाल अंत्योदय भवन  
सी.जी.ओ. कॉम्प्लेक्स  
लोदी रोड़, नई दिल्ली - 110 003

Government of India  
Ministry of Social Justice & Empowerment  
Department of Empowerment of Persons with Disabilities (Divyangjan)  
5<sup>th</sup> Floor, Pt. Deendayal Antyodaya Bhawan  
CGO Complex, Lodhi Road, New Delhi - 110 003

D.O. No.34-05/2018-DD-III

Dated : 15<sup>th</sup> October, 2019

Dear Sir,

It has been brought to the notice of this Department that persons with Down's Syndrome are facing difficulties in obtaining certificate of disability, and even when they obtain such certificate of disability, they are unable to avail Government benefits meant for them. It is learnt that the State Governments are denying certificate of disability to persons with Down's Syndrome on the plea that it does not fall in the list of specified disabilities as mentioned in the Scheduled to the RPwD Act, 2016.

2. In this context, I would like to clarify that RPwD Act, 2016 defines 'Intellectual Disability' as a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills.

'Down's Syndrome' is a genetic disorder which has significant impact on intellectual ability and also causes delays in physical growth. Thus, a person with Down's Syndrome has significant limitation in intellectual functioning (learning, problem solving) and can be associated with difficulties in activities of daily life. It would therefore be seen that Down's Syndrome is well covered within the ambit of Intellectual Disability.

3. As per the RPwD Act, 2016, a person with benchmark disability has been defined as one having disability of 40% or more. As such, persons with Down's Syndrome will also be termed as persons with benchmark disability if their disability is 40% or more after assessment in terms of guidelines dated 04.01.2018. Para 21 of these guidelines provides for manner of assessment of Intellectual Disability which is equally applicable to persons with Down's Syndrome. Being a sub-category of Intellectual Disability, persons with Down's Syndrome are eligible for scholarships, reservation in Government jobs, reservation for students in Government and Government aided higher educational institutions and other benefits as applicable to other categories of persons with disabilities.

Contd...

O/C  
Issued along with order  
on 16.10.2019.

4. I shall be grateful if you could look into the matter and issue appropriate directions to the concerned Medical Authorities of States/UTs designated for the purpose to issue certificate to persons with Down's Syndrome under the broad category of 'Intellectual Disability' viz "Intellectual disability (Down's Syndrome)" so that persons with Down's Syndrome do not face deprivation of Government benefits.

*LDH reply*

Yours sincerely,

*Prabodh Seth*  
(Dr. Prabodh Seth)

1. All Principal Secretaries, Social Welfare Department of States/UTs.
2. All Principal Secretaries, Health and Family Welfare Department of States/UTs