

Understanding Disability

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The problem is not how to wipe out the differences but how to unite with the differences intact.

Rabindranath Tagore



Care and consideration for the sick, elderly and disabled has always been a part of Indian culture and tradition

SOMETIMES A word is understood differently by people. More so, if the word is meant to describe an aspect of human condition. The culture, prejudices and environment have a great bearing on the meaning of such words. The words ‘handicapped’, ‘disabled’, ‘differently abled’, ‘retarded’ have various meanings and carry the potential for prejudicial stereotypes, discrimination and abuse. Disability may relate to body or mind. Also disability can be of a short term or long term nature. Some disabilities may be of permanent nature.

The most acceptable and dynamic definition of disability is provided in the UN Convention on Rights of Persons with Disabilities (UNCRPD) which states that “Persons with Disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.”

Care and consideration for

the sick, elderly and disabled has always been a part of Indian culture and tradition. However, in earlier times, disability was considered as a punishment for acts committed in earlier lives, and the attitude towards persons with disabilities (PwDs) has been one of charity. It is now being accepted that the major cause for disabilities is deficiencies in the management of the environment in which we live and that if we manage the environment better, then disabilities can be reduced.

Though the Constitution of India guarantees equality of all citizens, persons with disabilities have been, in reality, facing stigma, discrimination and neglect due to socio-psychological and cultural reasons. Disability when compounded with discrimination doubles the quantum of disability. There is a wide spread underestimation of the abilities and potential of persons with disabilities due to general public perception and prejudices, thereby creating a vicious cycle of under achievement. This in turn results in inferiority complex among them which further harms their growth. It has taken

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a long period of time to educate ourselves to demystify the meaning of disability and fight myths and misconceptions of disability. We need to keep these new ideas alive everyday so that the old negative attitudes and perceptions do not assert themselves.

Disability was earlier considered to be a medical problem to be dealt with by doctors only. Today, the medical model is being replaced by the developmental and sociological model. Education, employment, access to buildings, transport and information systems have, in the past, been difficult for persons with disabilities to access. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PwD Act) and the UNCRPD have legislated on making these available to persons with disabilities. It is, however, the action by activists that have pushed governments and the societies to guarantee various rights to ensure equal opportunity to persons with disabilities in all human endeavours.

The census figures of 2001 puts the number of persons with disabilities at more than two crores. The percentage of persons with disabilities in the USA is 12%, in the UK is 18%, in Germany is 9%, in Sri Lanka is 5%, in Pakistan is 9%. This variation is due to the way we estimate disability. The 2011 census figures are yet to be announced. It is hoped that before this year ends, latest data on quantum of disability becomes available to the country. The 2.19 crore persons with disabilities in India exhibit wide diversity as they includes persons with visual, hearing, speech, locomotor, intellectual

disabilities and multiple disabled. The census data shows that 75 percent of persons with disabilities lived in rural areas, 49 percent were literate and only 34 percent were employed. Data collected in 2002 by the National Sample Survey Organization (NSSO), indicated that the number of persons with disabilities was 1.85 crore, with a disability-wise break up which was significantly different from the Census 2001 data. The variation is basically due to the difference in coverage and again definitions used for collection of data. Comparative picture of persons with disabilities in India – by type of disability is as under:-

A society which cares for persons with disabilities is considered to be the best, as disability affects not only the individual and family but also society and the nation. Studies have shown that non-inclusion of persons with disabilities in the development process has several implications, as stigma of disability may result in loss of income and additional cost to the person with disability, for their care providers and other family members. This also results in loss of education and social exclusion to them and their family. Social exclusion at times leads to loss of rights with long-term loss of productive potential of the person with disability due to lack

of appropriate environment and access. Persons with disabilities and their families due to stigma of disability often suffer extreme isolation and experience higher rates of poverty and deprivation than non-disabled people. The imperative need of the hour is their speedy empowerment to emphasise the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development. We need to recognise that children, women and girls are often at greater risk, (both within and outside the home) of violence, injury or abuse.

Our Constitution ensure equality, freedom, justice and dignity of all citizens of the country including persons with disabilities without any discrimination, which implies an inclusive society for all. Article 41 of the Constitution of India relating to right to work, to education and to public assistance in certain cases, states that “the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.”

Disability is mainly a state subject. “Relief of the disabled and

Type of Disability	Census 2001 Population (in Crore)	Percentage %	NSSO 2002 Population (in crore)	Percentage %
Locomotor	0.61	28	0.97	52
Visual	1.06	49	0.25	14
Hearing	0.13	6	0.18	10
Mental	0.16	7	0.09	5
Multiple	-	-	0.19	10
Total	2.19	100	1.85	100

unemployable” figures at S.No. 9 in “List II” (State List) in the Seventh Schedule of the Constitution. “Disability” also appears in the 11th & 12th Schedules (pertaining to Panchayats & Municipalities) of the Constitution in this manner. 11th Schedule : Entry No. 26 :- “Social Welfare, including welfare of the handicapped and mentally retarded”, and 12th Schedule : Entry No.9 “Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.”

In this sector, there are four legislations namely, Rehabilitation Council of India Act, 1992, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 and Mental Health Act, 1997. (Out of these, the first three legislations are dealt in the Ministry of Social Justice and Empowerment and the fourth in the Ministry of Health and Family Welfare.)

In view of Government of India’s strong commitment to the empowerment of Persons with Disabilities, the Department of Disability Affairs has been created in May 2012 under the Ministry of Social Justice & Empowerment to give greater emphasis on their policy issues and implementation.

The National Policy for Persons with Disabilities 2006 recognises the fact that they are a valuable human resource for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and

full participation in society. The policies is in consonance with the basic principles of equality, freedom, justice and dignity of all individuals that are enshrined in the Constitution. It implicitly mandates an inclusive society for all, including persons with disabilities. The Policy also recognizes the fact that a majority of persons with disabilities can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures. As this department is entrusted with the main task of enabling PwDs to live a full life with dignity as productive members of society, to accomplish it, the Department has schemes for physical, rehabilitation, educational and economic development and social empowerment of Persons with Disabilities, mainstreaming this vulnerable target group.

To achieve its aims and objectives, the institutional framework of the Department consists of office of Chief Commissioner for Persons with Disabilities, Rehabilitation Council of India, National Trust for the Welfare of Persons with Autism, Cerebral palsy, Mental Retardation and Multiple Disabilities, and eight National Institutes dedicated to different disabilities, Regional and District-level Centres for Persons with Disabilities and Composite Regional Centres and 199 District Disability Rehabilitation Centres. These organizations are involved in providing rehabilitation services, education, training and research, regulation and developmental activities. The Department’s two Central Public Sector Enterprises viz. ALIMCO and NHFDC are involved in manufacture of aids

and assistive devices and providing financial assistance for economic empowerment of the PwDs.

Since it is the understanding that the creation of better environment can reduce the hardship of disability, the Central Government has undertaken several initiatives in this area in a planned manner. Some of the important schemes of the Department under implementation are enumerated below:-

- a. Deendayal Disabled Rehabilitation Scheme (DDRS), envisages financial assistance to NGOs for providing education, vocational training and rehabilitation of Persons with Disabilities.
- b. Scheme of Assistance to Disabled Persons for Purchase/ Fitting of Aids/Appliances (ADIP Scheme), provides grant-in-aid to various implementing agencies (NGOs/National Institutes/DDRCs/ALIMCO/State Handicapped Development Corporations/other local bodies) for purchase/fitting of aids & assistive devices for the physical rehabilitation of PwDs.
- c. Scheme for Implementation of Persons with Disabilities Act (SIPDA), provides grant-in-aid to State Governments, organizations of Central/ State Governments, including autonomous bodies and Universities, for creating barrier free access to their buildings; making websites accessible, and for early detection and diagnosis of hearing impaired.
- d. Scheme of Incentive to

Employers in the Private Sector for Providing Employment to Persons with Disabilities, provides employers' contribution for Employees Provident Fund and Employees State Insurance for three years for Persons with Disabilities employees, employed in the private sector with a monthly salary upto Rs.25,000/-

- e. National Scholarship schemes for students with disabilities under National Fund as well as Trust Fund, provide financial assistance to students to pursue post-matriculation, professional or technical courses and various skill development courses for their empowerment.
- f. The scheme, Rajiv Gandhi National Fellowship has been introduced on 01.04.2012 to enable students with disabilities to pursue M.Phil/ Ph.D courses.

Interestingly, there was a paradigm shift in approach towards Persons with Disabilities since the Ninth Five Year Plan, from the earlier welfare based approach to a rights-based approach. The Tenth Plan focused on effective implementation of various provisions of legislation and National Policy for Persons with Disabilities. It advocated a multi-sectoral and multi-collaborative approach.

The Eleventh Plan had aimed at inclusive growth. It was expected to achieve inclusiveness through significant improvements in literacy/education, health, greater employment opportunities and sharper focus on disadvantaged groups. The Eleventh Plan emphasized upon the rights-based

approach to empower the PwDs inter alia through: (i) delineating clear cut responsibility between the concerned Ministries/ Departments; (ii) formulating detailed rules and guidelines by concerned Ministries/ Departments; and (iii) monitoring mechanism at various levels. During the Twelfth Plan, service delivery and generation of public awareness about disability rights is the main strategy. It will also focus on three key aspects of recognition, empowerment and protection of persons with disabilities.

As we know, disabilities are caused by various factors, some of which are known and some are yet to be ascertained. With regard to the known causes, acts of prevention can help to reduce the incidence of disability both congenital and acquired. Prevention and early intervention are important strategies to reduce the number of persons with disabilities in the country. Only a fraction of financial resources is needed to prevent disability from happening as compared to the huge amounts required to provide rehabilitation services to persons with disabilities. Prevention of disability is, therefore, being given the importance it deserves.

The Government's policy on job reservation for PwDs in the Government sector is as follows:

- a) 3 percent of the vacancies in case of direct recruitment in all Groups' posts shall be reserved for persons with disabilities of which 1 percent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and

(iii) locomotors disability or cerebral palsy in the posts identified for each disability;

- b) 3 percent of the vacancies in case of promotion to Group D, and Group C posts in which the element of direct recruitment, if any, does not exceed 75%, shall be reserved for persons with disabilities of which 1 percent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment, and (iii) locomotor disability or cerebral palsy in the posts identified for each disability.

India is a signatory to the United Nations Convention on the Rights of Persons with Disabilities. In order to harmonize the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 with the provisions of UNCRPD, the Act has been reviewed and a new Bill namely the Draft Rights of PwDs Bill is being finalized for enactment. The new Act would replace the old Act and would serve the PwDs in a larger perspective. Moreover, the National Policy for PwDs, 2006 is also being reviewed to cater to the emerging challenges and needs for empowerment of Persons with Disabilities and also to meet the obligations under UNCRPD.

The greatest challenge for the Central Government and the State Governments is the achievement of accessibility, inclusion and empowerment for persons with disabilities. The Government alone cannot accomplish this task of making the "Right Real". Tasks to be accomplished are numerous which include-

- a) changing the mindset and perception of the members of the society so as to have proper understanding of the problems of the persons with disabilities.
- b) Infusing self-esteem and self-confidence in the persons with disabilities themselves so that they know that their limitations can be overcome to a large extent by self-effort and better environment.
- c) Improving the knowledge and skills of persons with disabilities to make them capable of handling different tasks in the employment market.
- d) Motivating various employers within and outside Government sector to employ the PwDs who can perform a number of jobs like other employees.
- e) Mobilizing the voluntary sector to actively participate in the capacity building and rehabilitation and empowerment for PwDs.
- f) Scaling the levels of training, education and research for the benefit of PwDs .
- g) Providing social security systems and other arrangements for making PwDs live with dignity.
- h) Providing them with appropriate assistive devices and appliances at low cost to increase their accessibility.
- i) Including PwDs in the decision making process at various levels for better policy formulation, monitoring and implementation and
- j) Making all out efforts to comply with all the general

principles contained in the UNCRPD.

Though the road is rough, the time is tough, but our zeal and commitment are immense. We have resources, human and financial. However, the need of the hour is concerted efforts amongst various stakeholders to be made in a time-bound manner. We need to fulfill our obligations to this special group of citizens of the country and to the international community. With determination and integrity of purpose, we can overcome the obstacles and convert the expectations of our brothers and sisters with disabilities, into reality.

Only then, we can 'unite with differences intact', as dreamt by Tagore. □

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