

## Disability And State: A Study On Government Policy In India

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### *Abstract:*

The Constitution of India ensures equality, freedom, justice and dignity of all individuals and implicitly mandates an inclusive society for all including persons with disabilities. In the recent years, there have been vast and positive changes in the perception of the society towards persons with disabilities. As per the Census 2011, the differently abled population in India is 26.8 million. There has been a marginal increase in the differently-abled population in India, with the figure rising from 21.9 million in 2001 to 26.8 million over the period of 10 years. In last few decades the awareness of disability increase in our society, several factors were involved in the rise of disability awareness. Government of India takes policy and numbers of legislation for disable people provide them equal status and respect in our society.

Key Words: Disability, Mandates, Society, Policy.

### **Introduction:**

‘My advice to other disabled people would be, concentrate on things your disability doesn’t prevent you doing well and don’t regret the things it interferes with. Don’t be disabled in spirit, as well physically’

Stephen Hawking

Disability is part of being human. Almost everyone will temporarily or permanently experience disability at some point in their

life. Disable persons consider in as an object of pity, sympathy in society, people maintain a social distance and treat them as an outsiders. A disabled person, like every other person disable person is a social being; so no different from other able-bodied persons (Thompson, 1982). According to the World Health Organization (WHO), there are an estimated 1.3 billion people in the world, 16 percent of whom are currently living with severe disabilities. In India as per the Census 2011, the differently abled population in India is 26.8 million. In percentage terms, this stands at 2.21 %. There has been a marginal increase in the differently-abled population in India, with the figure rising from 21.9 million in 2001 to 26.8 million over the period of 10 years. As per the Census 2011, there are 14.9 million men with disabilities as compared to 11.9 million women in the country. The total number of differently-abled people is over 18.0 million in the rural areas and just 8.1 million enumerated in the urban settings. The percentage of men with disabilities is 2.41 per cent as against 2.01 in women. Social group's wise analysis shows 2.45 per cent of the total disabled population belongs to the Scheduled Castes (SC), 2.05 per cent to the Scheduled Tribes (ST) and 2.18 per cent to other than SC and ST.

The World Health Organization (WHO) defines 'Disability' as "An umbrella term, covering impairments, activity limitations, and participation restrictions. Impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. Thus disability is a complex phenomenon, reflecting an interaction between features of a person's body and features of the society in which he or she lives'

The Preamble to the Convention on the Rights of Persons with Disabilities (CRPD) 2006, adopted by the United Nations, Convention define disability as "Disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others' This convention future include as "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."

**Objective:**

- To examine the issue of Person With Disability in India
- To analysis what affirmative steps taken by government for Person with Disability

**Types of Disability:**

A disability is defined as a condition or function judged to be significantly impaired relative to the usual standard of an individual or group. The term is used to refer to individual functioning, including physical impairment, sensory impairment, cognitive impairment, intellectual impairment mental illness, and various types of chronic disease. The classification also recognizes the role of physical and social environmental factors in affecting disability outcomes. Disabilities can impact people in different ways, even when one person has the same type of disability as another person. Some disabilities may be hidden, known as invisible disability. There are many types of disabilities, such as:

#### **Vision disability**

- i. A person who cannot see at all (has no perception of light) or has blurred vision even with the help of spectacles will be treated as visually disabled.
- ii. A person with proper vision only in one eye will also be treated as visually disabled.
- iii. If a person has blurred vision and had no occasion to test whether her /his eyesight could improve by using spectacles. Such persons would be treated as visually disabled

#### **Hearing Disability**

- I. A person who cannot hear at all (deaf) or can hear only loud sounds.
- II. A person cannot hear through one ear but her/his other ear is functioning normally, should be considered having hearing disability.

#### **Speech Disability**

- I. A person who is dumb.
- II. A persons whose speech is not understood by a listener of comprehension and hearing

#### **Movement or Physical disability**

- I. A person who lacks limbs or is unable to use the limbs normally considered as disable.
- II. Absence of a part of a limb like a finger or a toe will not be considered as disability. However, absence of all the fingers or toes or a thumb will make a person disabled by movement.
- III. If any part of the body is deformed, the person will also be treated as disabled and covered under this category.
- IV. A person who cannot move herself/himself or without the aid of another person or without the aid of stick. etc., will be treated as disabled under this category.

- V. A person may not be able to move normally because of problems of joints like arthritis and has to invariably limp while moving, will also be considered to have movement disability.

#### **Mental disability**

- I. A person who lacks comprehension appropriate to his/her age will be considered as mentally disabled.
- II. This would not mean that if a person is not able to comprehend his/her studies appropriate to his /her age and is failing to qualify examination is mentally disabled.

#### **Multiple disabilities**

- I. Multiple Disabilities means a combination of two or more specific type of disabilities, such Deaf blind (Visual Impairment + Hearing Impairment), Visual Impairment + Hearing Impairment + Mental Retardation, Visual Impairment + Mental Retardation, Cerebral Palsy + Mental Retardation/ Hearing/ Speech/ Visual problems.

Person with disability means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others. Barrier means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hamper the full and effective participation of persons with disabilities in society.

#### **Government Policy for Disability Persons in India:**

The Constitution of India provides numbers legal provisions to protect the rights of the disabled people. Article 41 of Constitution of India declares 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. Article 46 lays down an obligation on the State to promote with special care the educational and economic interests of the weaker sections of the people, and protect them from social injustice and all forms of exploitation. Indian Constitution while distributing legislative powers between the Centre and States kept the disability issue in the State list. Eleventh Schedule to Article 243-G: 'Social welfare, including welfare of the handicapped and mentally retarded. Twelfth Schedule to Article 243-W: 'Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.'

#### **The Mental Health Act, 1987**

This was an act to consolidate and amend the law relating to the treatment and care of mentally ill persons, with an objective to provide for mental healthcare and services for persons with mental illness and to

protect, promote and fulfill their rights. Through this act establish central and state authorities for licensing and supervising the psychiatric hospitals, to safeguard the rights of these detained individuals. Also make provision for establishment of new hospitals recovering from mental disability.

#### **The Rehabilitation Council of India Act, 1992**

The Rehabilitation Council of India (RCI) was set up as a registered society in 1986. On September, 1992 the RCI Act was enacted by Parliament and it became a Statutory Body on 22 June 1993. The RCI Act was the first act which was focused on rehabilitation of Disabled persons. RCI regulating the training policies and programs for the rehabilitation of persons with disabilities, prescribing minimum standards of education and training of various categories of professionals, recognizing institution which running various courses and research in the field of rehabilitation of persons with disabilities. In that way this act working for the disable persons.

#### **Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995**

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act, 1995) came into force on February 7, 1996. This was an important milestone and was a significant step in the direction of ensuring equal opportunities for persons with disabilities and their full participation in the nation building. The Act provides for both preventive and promotional aspects of rehabilitation like education, employment and vocational training, job reservation, research and manpower development, creation of barrier-free environment, rehabilitation of person with disability, unemployment allowance for the disabled, special insurance scheme for the disabled employees and establishment of homes for persons with severe disability etc. The Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 define the disability in to various means, such as follow-

"Disability" means-

- Blindness;
- Low vision;
- Leprosy-cured;
- Hearing impairment;
- Locomotor disability;
- Mental Retardation;
- Mental illness

#### **The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999**

The Government of India enacted the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 on December, 30 1999 with objective to provide for

the constitution of a body at the National level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or incidental thereto. The trust aims to provide total care to persons with mental retardation and cerebral palsy and also manage the properties bequeathed to the Trust. As certain groups among the disabled are more vulnerable than others, a special enactment for the protection of such persons, their property and well-being was felt necessary. The enactment of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (referred to as the National Trust Act) aims to fulfill a common demand of families seeking reliable arrangement for their severely disabled wards.

### **Rights of Persons with Disabilities (RPWD) Act, 2016**

The Act replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It fulfills the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory. According to the Rights of Persons with Disabilities (RPWD) Act, 2016, enacted on 28.12.2016 and came into force from 19 April, 2017. Disability has been considered as an evolving and dynamic concept.

The number of recognized disability conditions has been increased from 7 to 21, as follow- Blindness, Low Vision, Leprosy Cured Persons, Hearing Impairment, Locomotor Disability, Dwarfism, Intellectual Disability, Mental Illness, Autism Spectrum Disorder, Cerebral Palsy, Muscular Dystrophy, Chronic Neurological Conditions, Specific Learning Disability, Thalassemia, Hemophilia, Sickle Cell Disease, Multiple Disabilities, Acid Attack Victims, and Parkinson 's disease. Also after the act implementation reservations for disabled persons in government jobs has gone up from 3 percent to 4 percent as well free education for every child from the age of 6 to 18 years. Act strictly given importance and make provision on if any person who intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view than such person should be punished like imprisonment.

### **Dimensions of Disability**

As per the Census 2011, out of the 121 crore population in India 2.68 crore persons were enumerated as 'disabled' which was 2.21% of the total population. Among the disabled population 56% were males and 44% were females. Statement 3.1: Total Population and the population of disabled persons in India.

Total population and the population of disable persons in India- Census 2011					
Population, India (2011)			Disable Persons, India (2011)		
Total Population	Males	Females	Total disable persons	Male	Female
121.08 core	62.32 core	58.76 core	2.68 core	1.50 core	1.18 core

Source: Census report, India, 2011

### **Conclusion**

The Constitution of India ensures equality, freedom, justice and dignity of all individuals and implicitly mandates an inclusive society for all, including persons with disabilities. Government takes number step towards awareness about disability in Indian society, as whole government takes numbers of program for provides facility to the disable persons. Ministry of Social Justice and Empowerment, Government of India starts Unique Disability Identity (UDID) Project with a view to creating a National Database for Persons with Disabilities (PwDs) and also for the purpose of issuance for Unique Disability Identity cards to PwDs. Also, Persons with Disabilities is presently implementing an Umbrella Scheme 'Scholarships for Students with Disabilities'. The main objective of the umbrella scholarship scheme is to empower disabled students to study further in order to earn their livelihood and to find a dignified place in the society. Government of India start special programmes for women disable citizens in India, government specially given importance to developed education, employment and providing of other rehabilitation services to women keeping in view their special needs.

### **References**

- Addlakha, Renu, and Saptarshi Mandal. "Disability Law in India: Paradigm Shift or Evolving Discourse?" *Economic and Political Weekly* (2009): 62-68.
- Becker, C. M., & Merkurjeva, I. S. (2012). Disability incidence and official health status transitions in Russia. *Economics & Human Biology*, 10(1), 74-88.
- Braithwaite, J., & Mont, D. (2009). Disability and poverty: A survey of World Bank poverty Assessments and implications. *Alter*, 3(3), 219-232.
- Dempsey, I., & Dunst, C. J. (2004). Help giving styles and parent empowerment in families with a young child with a disability. *Journal of Intellectual & Developmental Disability*, 29(1), 40-51.
- Gupta, R. K. (2018). Understanding issues of sexuality and marriage among persons with disabilities. *Journal of Disability Management and Rehabilitation*, 3(2), 61.
- Hiranandani, V. (2016). Disability in humanitarian emergencies in India. *Disability, Human Rights and the Limits of Humanitarianism*, 111-118
- Hughes, B., & Paterson, K. (1997). The social model of disability and the disappearing body: Towards a sociology of impairment. *Disability & Society*, 12(3), 325-340.
- Kishore, M. T. (2011). Disability impact and coping in mothers of children with intellectual disabilities and multiple disabilities. *Journal of Intellectual Disabilities*, 15(4), 241-251.
- Kothari, J. (2012). *The future of disability law in India: A critical analysis of the persons with disabilities (Equal opportunities, protection of rights and full participation) Act 1995*. Oxford University Press.
- Kuppusamy, B. B., Narayan, N. J., & Nair, N. D. (2012). Awareness among family members of children with intellectual disability on relevant legislations in India. *Disability, CBR & Inclusive Development*, 23(1), 92.

Sen, R., & Goldbart, J. (2005). Partnership in action: Introducing family-based intervention for children with disability in urban slums of Kolkata, India. *International Journal of Disability, Development and Education*, 52(4), 275-311.

Sonpal, Deepa. "Striving for Governance Reform: The Need for Realigning Social Protection and Security Interventions for Persons with Disabilities in India." *NHRC* (2015): 75.