

Government Policies for the differently abled

Syndicate Group (06)

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Quotes :-

"Its a waste of time to be angry about my disability .

One has to get on with life and i haven't done badly .

People wont have time for you if you are always angry or complaining"

Stephan Hawking

"I take adventure of everything i can-age, hair ,disability-because my cause is just"

**Marjory S
Douglas**

"I was slightly brain damaged at birth and I want people like me to not let disability Get in the way –i want to turn my disability Into ability"

Susan Boyle

Definition of Disability

- A disability is often defined as the malfunctioning, disturbance or loss in the normal functioning of physical, mental or psychological processes, or a difficulty in the ability to learn, or adjust socially, which interferes with a person's normal growth and development.

Definition of Impairment, Disability and Handicap (WHO, 1976)

- “an impairment is any loss or abnormality of psychological, physiological or anatomical structure or function;
- A disability is any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being;
- a handicap is a disadvantage for a given individual, resulting from an impairment or a disability, that prevents the fulfilment of a role that is considered normal (depending on age, sex, social and cultural factors) for that individual”.

Types of disabilities

- Visual impairment
- Hearing impairment
- Locomotor impairment
- Cerebral palsy
- Mental retardation
- Mental illness
- Autism
- Multiple disability

Rights of the Differently Abled

- Convention on the Rights of Persons with Disabilities, 2008
- is an international human rights treaty of the United Nations intended to protect the rights and dignity of persons with disabilities.
- Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that they enjoy full equality under the law.

facts

- Around 10 per cent of the world's population, or 650 million people, live with a disability. They are the world's largest minority.
- Eighty per cent of persons with disabilities live in developing countries, according to the UN Development Programme (UNDP).
- The World Bank estimates that 20 per cent of the world's poorest people are disabled, and tend to be regarded in their own communities as the most disadvantaged.
- According to UNICEF, 30 per cent of street youths are disabled.

Facts conti...

- Ninety per cent of children with disabilities in developing countries do not attend school, says UNESCO.
- Persons with disabilities are more likely to be victims of violence or rape, according to a 2004 British study, and less likely to obtain police intervention, legal protection or preventive care.

Disabled Population by Sex India : 2001-2011

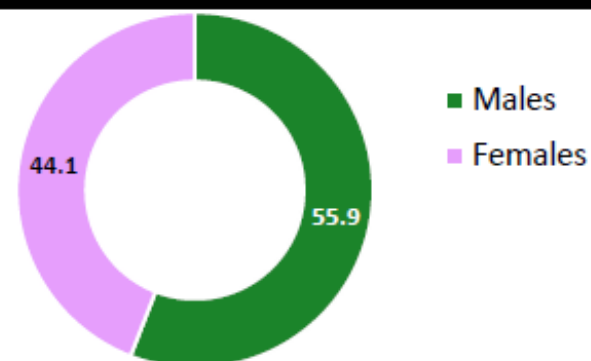


Proportion of Disabled Population by Sex
India : 2001-11



- Slight increase in disability among both the sexes over the decade
- Proportion of disabled population is higher among males
- Decadal Increase in proportion is higher among females

Percentage Share of
Disabled Population by Sex
India, 2011



Disabled Population by Type of Disability (%)

India : 2011

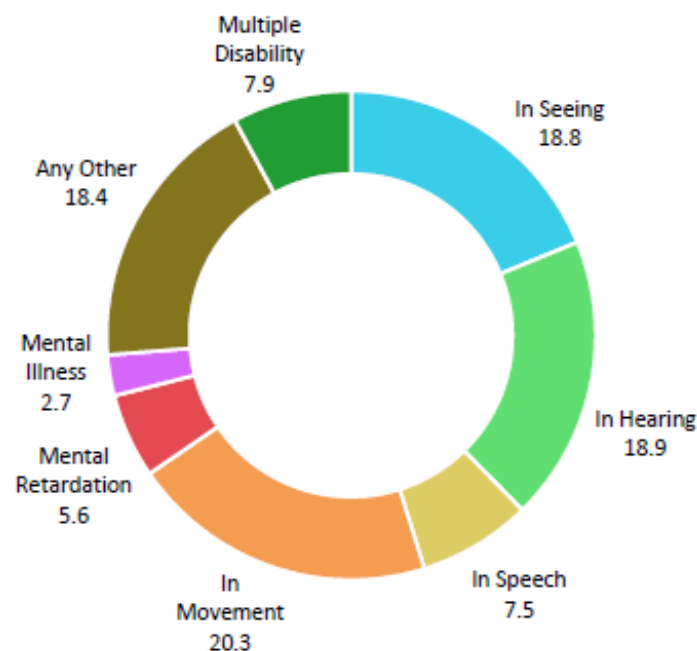
(%)



**Proportion of Disabled Population
by Type of Disability
India : 2011**

Type of Disability	Persons	Males	Females
Total	100.0	100.0	100.0
In Seeing	18.8	17.6	20.2
In Hearing	18.9	17.9	20.2
In Speech	7.5	7.5	7.4
In Movement	20.3	22.5	17.5
Mental Retardation	5.6	5.8	5.4
Mental Illness	2.7	2.8	2.6
Any Other	18.4	18.2	18.6
Multiple Disability	7.9	7.8	8.1

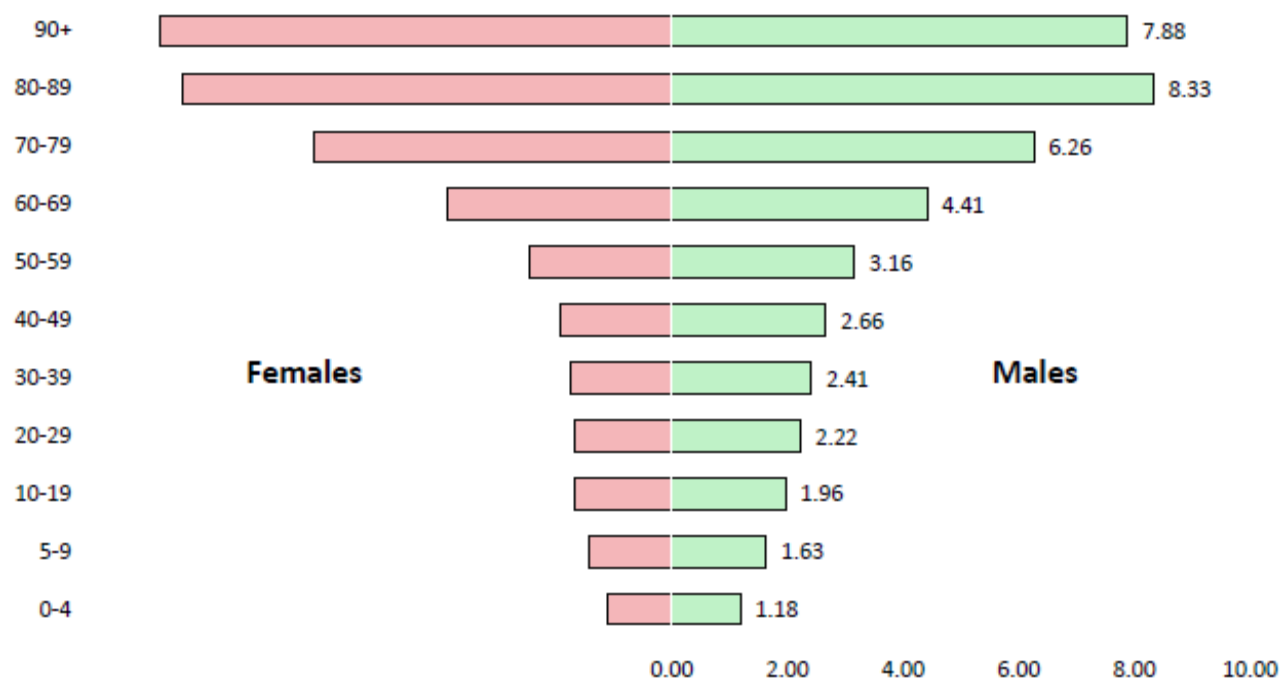
**Proportion of Disabled Population
by Type of Disability
India : 2011
(Persons)**



Proportion of Disabled Population in the respective age groups by sex India : 2011



(%)



- Disability among males is higher upto the age group 70-79
- Disability among females is higher thereafter

Case studies

- Kunal Singh vs. Government of India –

Kunal Singh had been a constable with the Special Services Bureau. While on duty, he suffered an injury to the leg. Gangrene set in and the leg had to be amputated. Singh was 'invalidated from service'. Ruling in his favour, the court drew attention to the clear provisions of the People with Disabilities Act, according to which "the employer shall not dispense with or reduce in rank an employee who acquires a disability during the service". (Section 47 of PWD Act)

Javed Abidi v. Union of India (1998)

- – the petitioner's grievance was that there was lack of facilities like providing aisle chair and ambulift by Indian Airlines. The petitioner contended that it was a social obligation of the Airlines and the Airlines must provide these minimum facilities to permit easy access to the disabled persons, particularly those who are orthopedically impaired and suffer from locomotor disability. –
- The major grievance of the petitioner was that Indian Airlines was not giving any concession to such disabled persons for their movement by air even though such concessions are being given to only blind persons, who are also disabled persons under the Act. The Court held that those suffering from locomotor disability to the extent of 80% and above would be entitled to the concession from Indian Airlines for travelling by air within the country at the same rate as has been given to those suffering from blindness on their furnishing the necessary certificate from the Chief District Medical Officer to the effect that the person concerned is suffering from the disability to the extent of 80%. (Article 32 of the Constitution) & PWD Act 1995

Right to Education

- Every Child with disability shall have the rights to free education till the age of 18 years in **integrated schools or special schools**.
- Children with disabilities shall have the **right to free books, scholarships, uniform and other learning material**.
- Special Schools for children with disabilities shall be equipped with **vocational training facilities**.
- **Non-formal education** shall be promoted for children with disabilities.
- Parents may move to an appropriate forum for the **redressal of grievances** regarding the placement of their children with disabilities.
- Government Educational Institutes and other Educational Institutes receiving grant from Government shall **reserve at least 3% seats for people with disabilities**.
- **3% of vacancies in government employment shall be reserved for people with disabilities**.

Overview

- National Policies for Persons with Disabilities, 2006.
- Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999.
- Rehabilitation council of India Act, 1992.
- The Draft Rights of Persons with Disabilities Bill, 2012.
- Schemes / Programmes.

National Policies for Persons with Disabilities, 2006.

The National Policy recognizes that Persons with Disabilities are valuable human resources for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in society.

The salient features of the National Policy are:

Physical Rehabilitation

Educational Rehabilitation

Economic Rehabilitation

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

**PUBLISHED IN PART II, SECTION 1 OF THE EXTRAORDINARY GAZETTE OF INDIA,
MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)**

This law is an important landmark and is a significant step in the direction to ensure equal opportunities for people with disabilities and their full participation in the nation building.

Main Provisions of the Act

Prevention and Early Detection of Disabilities

Education

Employment

Non-Discrimination

Research and Manpower Development

Affirmative Actions

Social Security

Grievance Redressal

- National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999

Why
National
trust ?

- Worries of parents about ?
- "What will happen to my child when I am no more?"

Objective

- To enable and empower PWD to live as independently and as fully as possible
- To strengthen facilities to provide support to PWD to live within their own families
- To extend support to registered organizations to provide need based services during period of crisis in the family of PWD
- To deal with problems of persons with disability who do not have family support

- To promote measures for the care and protection of PWD in the event of death of their parent or guardian;
- To evolve procedures for the appointment of guardians and trustees for persons with disability requiring such protection;
- To facilitate the realization of equal opportunities, protection of rights and full participation of persons with disability; and
- To do any other act which is incidental to the aforesaid objects.

Power & Duties

- Receive one time contribution of one thousand crore from Central Government.
- Provide for adequate standard of living of PWD
- Financial assistance to registered org.
- Funds for promotion ,adult training institute, parents counseling, development of SHG etc.
- programmes which promote the objectives of the Trust

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graph LR; A((Registration)) --> B((Local Level Committee)); B --> C((Duties Of Guardian)); C --> D((Fund));
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Registration

Local Level
Committee

Duties Of
Guardian

Fund

Rehabilitation Council of India Act, 1992

Objective and functioning

- To regulate the training policies and programmes
- standardization of training courses for professionals
- To prescribe minimum standards of education and training
- To regulate these standards in all training institutions uniformly throughout the country

Rehabilitation Council of India Act, 1992

Objective and Functioning

- Recognize educational institute
- To promote research in Rehabilitation and Special Education
- To maintain Central Rehabilitation Register for registration
- To collect information on regular basis on education and training
- To recognize vocational manpower development centres, instructors at local/national level

The Draft Rights of Persons with Disabilities Bill, 2012

- The Bill replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Instead of seven disabilities specified in the Act, the Bill covers 19 conditions.
- Persons with at least 40% of a disability are entitled to certain benefits such as reservations in education and employment, preference in government schemes, etc.
- The Bill confers several rights and entitlements to disabled persons. These include disabled friendly access to all public buildings, hospitals, modes of transport, polling stations, etc.
- In case of mentally ill persons, district courts may award two types of guardianship. A limited guardian takes decisions jointly with the mentally ill person. A plenary guardian takes decisions on behalf of the mentally ill person, without consulting him.
- Violation of any provision of the Act is punishable with imprisonment up to six months, and/or fine of Rs 10,000. Subsequent violations carry a higher penalty.

Key issues and challenges

- The Bill is being brought in to fulfil obligations under an international treaty. The question is whether it is appropriate for Parliament to impose legal and financial obligations on states and municipalities with regard to disability, which is a State List subject.
- The Financial Memorandum does not provide any estimate of the financial resources required to meet obligations under the Bill.
- The Bill states that violation of any provision in the Act will attract imprisonment and/or fine. Given the widespread obligations (such as making all polling booths accessible to the disabled), many acts of omission or commission could be interpreted as criminal offences.
- In “extraordinary situations” district courts may appoint plenary guardians for mentally ill persons. The Bill does not lay down principles for such determination, in a consistent manner, across various courts. The Bill overrides the Mental Health Act, 1987 but the safeguards against misuse of powers by guardians are lower.
- The Bill is inconsistent with other laws in some cases. These include conditions for termination of pregnancy and the minimum penalty for outraging the modesty of a woman

Welfare schemes

- Deendayal Disabled Rehabilitation Scheme (DDRS)
- Assistance to Disabled Persons for Purchase/Fitting of Aids and Appliances (ADIP)
- National Institutions
- The National Handicapped Finance & Development Corporation provides concessional credit to persons with disabilities for setting up income generating activities for self employment.
- Scheme for Implementation of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (SIPDA)
- Scheme of Incentives to Employees in the Private Sector for providing employment to persons with disabilities