

## Chapter 3

# Legal Rights of the Disabled in India

### The Indian Constitution

The Constitution of India applies uniformly to every legal citizen of India, whether they are healthy or disabled. Under the Constitution the disabled have been guaranteed the following fundamental rights:

1. The Constitution secures to the citizens including the disabled, a right of justice, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and for the promotion of fraternity.
2. Article 15(1) enjoins on the Government not to discriminate against any citizen of India (including disabled) on the ground of religion, race, caste, sex or place of birth.
3. Article 15 (2) States that no citizen (including the disabled) shall be subjected to any disability, liability, restriction or condition on any of the above grounds in the matter of their access to shops, public restaurants, hotels and places of public entertainment or in the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of government funds or dedicated to the use of the general public. Women and children and those belonging to any socially and educationally backward classes or the Scheduled Castes and Tribes can be given the benefit of special laws or special provisions made by the State. There shall be equality of opportunity for all citizens (including the disabled) in matters relating to employment or appointment to any office under the State.
4. No person including the disabled irrespective of his belonging can be treated as an untouchable. It would be an offence punishable in accordance with law as provided by Article 17 of the Constitution.
5. Every person including the disabled has his life and liberty guaranteed under Article 21 of the Constitution.
6. There can be no traffic in human beings (including the disabled), and beggar and other forms of forced labour is prohibited and the same is made punishable in accordance with law (Article 23).
7. Article 24 prohibits employment of children (including the disabled) below the age of 14 years to work in any factory or mine or to be engaged in any other hazardous employment. Even a private contractor acting for the Government cannot engage children below 14 years of age in such employment.
8. Article 25 guarantees to every citizen (including the disabled) the right to freedom of religion.

Every disabled person (like the non disabled) has the freedom of conscience to practice and propagate his religion subject to proper order, morality and health.

12. No disabled person owning property (like the non disabled) can be deprived of his property except by authority of law though right to property is not a fundamental right. Any unauthorised deprivation of property can be challenged by suit and for relief by way of damages.

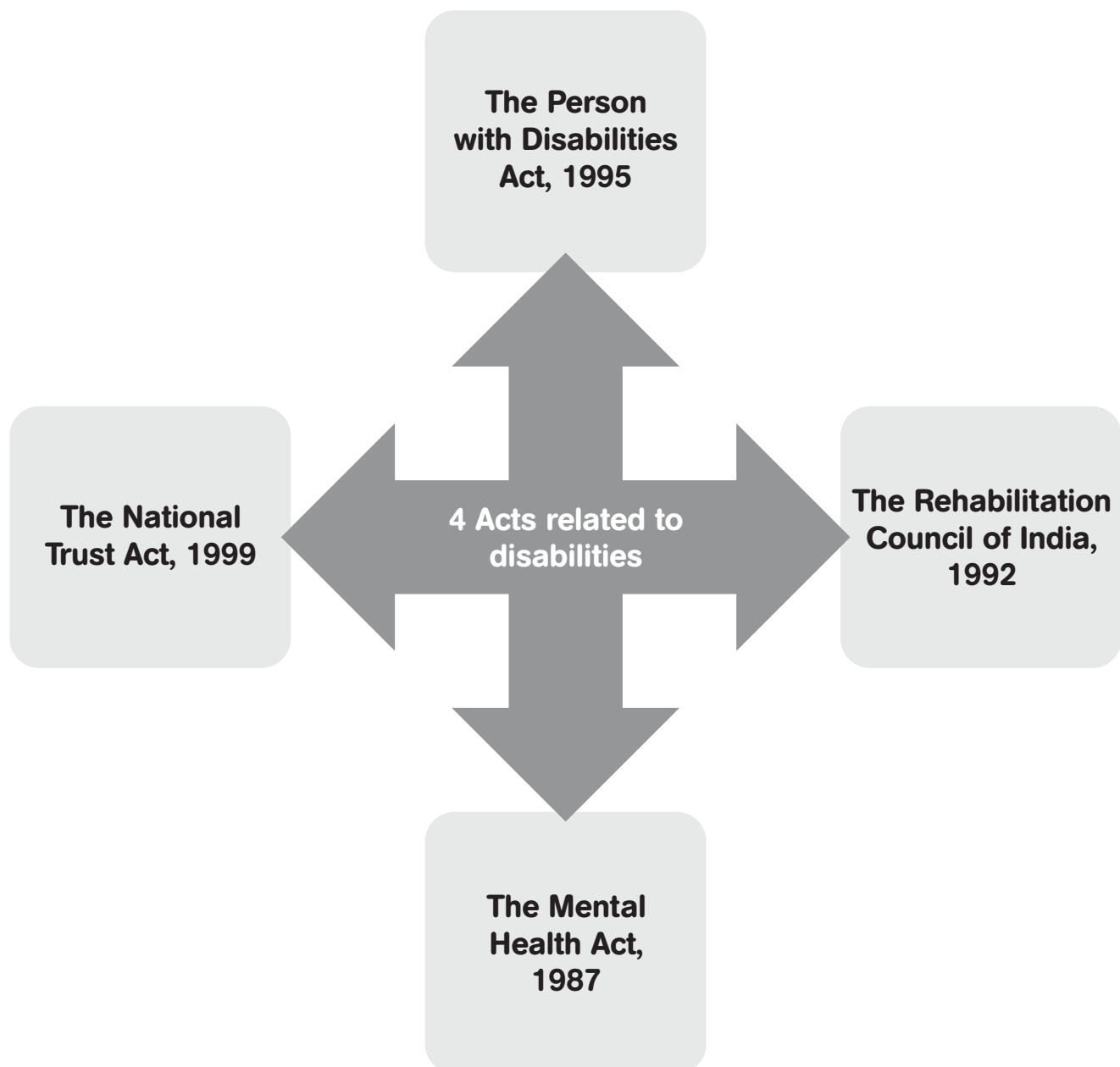
9. No disabled person can be compelled to pay any taxes for the promotion and maintenance of any particular religion or religious group.

13. Every disabled person (like the non-disabled) on attainment of 18 years of age becomes eligible for inclusion of his name in the general electoral roll for the territorial constituency to which he belongs.

10. No disabled person will be deprived of the right to the language, script or culture which he has or to which he belongs.

11. Every disabled person can move the Supreme Court of India to enforce his fundamental rights and the rights to move the Supreme Court is itself guaranteed by Article 32.

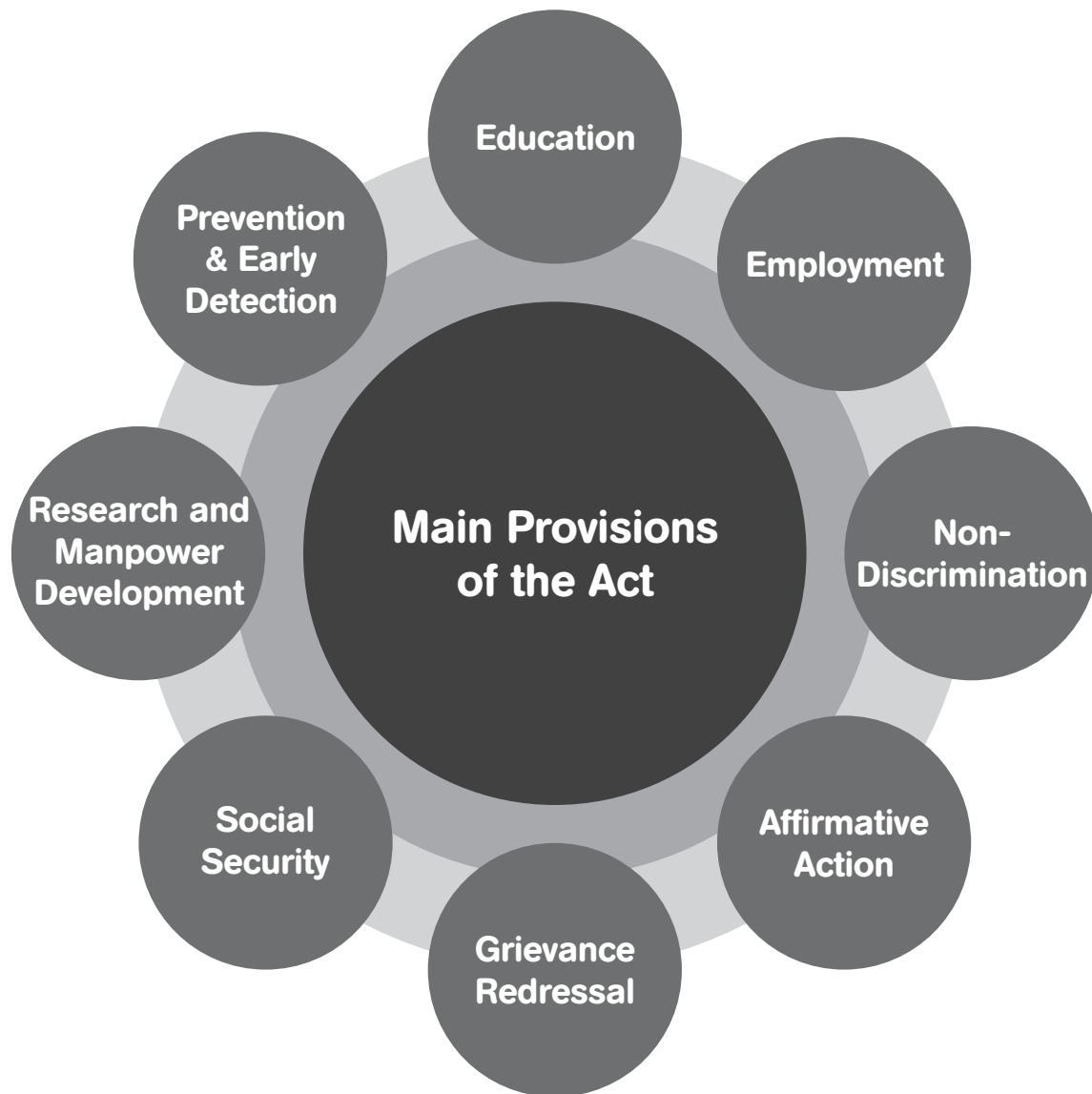
Beside these general articles, there are specific laws which promote and propagate rights of persons with disabilities, which are explained below.



**The persons 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 had come into enforcement on February 7, 1996. It is a significant step which ensures equal opportunities for the people with disabilities and

their full participation in day to day life. The Act provides for both the preventive and promotional aspects of rehabilitation like prevention, early intervention, education, employment and vocational training, reservation, research and manpower development, creation of barrier- free environment, unemployment allowance, special insurance scheme for the disabled employees and establishment of homes for persons with severe disability etc. Main Provisions of the Act are:



1. Prevention and early detection of disabilities: The Act considers it a very important area of concern and includes following aspects
  - a. Surveys, investigations and research shall be conducted to ascertain the cause of occurrence of disabilities.
  - b. Various measures shall be taken to prevent disabilities and staff at the Primary Health Centre shall be trained to assist in this work.
  - c. All the children shall be screened once in a year for identifying 'at-risk' cases.
  - d. Awareness campaigns shall be launched and sponsored to disseminate information.
  - e. Measures shall be taken for pre-natal, peri natal, and post-natal care of the mother and child.
2. Education: Elementary Education is a fundamental right under the Indian Constitution. PWD Act also enumerates various provisions to ensure right education with right format at right time for children with disabilities. It includes

- a. Every Child with disability shall have the right to free education till the age of 18 years in integrated schools or special schools.
  - b. Appropriate transportation, removal of architectural barriers and restructuring or modifications in the examination system shall be ensured for the benefit of children with disabilities.
  - c. Children with disabilities shall have the right to free books, scholarships, uniform and other learning material.
  - d. Special schools for children with disabilities shall be equipped with vocational training facilities.
  - e. Non-formal education shall be promoted for children with disabilities.
  - f. Teachers' Training Institutions shall be established to develop requisite manpower.
  - g. Parents may move to an appropriate forum for the redressal of grievances regarding the placement of their children with disabilities.
3. Employment: One of many aims of education is to prepare the person for future employment. This Act ensures many things including
- a. 3% of vacancies in government employment shall be reserved for people with disabilities; 1% each for the persons suffering from
    - i. Blindness or Low Vision
    - ii. Hearing Impairment
    - iii. Locomotor Disabilities and Cerebral Palsy
  - b. Suitable Scheme shall be formulated for
    - i. The training and welfare of persons with disabilities
    - ii. The relaxation of upper age limit
    - iii. Regulating employment
    - iv. Health and Safety measures and creation of a non-handicapping, environment in places where persons with disabilities are employed.
  - c. Government Educational Institutes and other Educational Institutes receiving grant from Government shall reserve at least 3% seats for people with disabilities.
  - d. No employee can be sacked or demoted if they become disabled during service, although they can be moved to another post with the same pay and condition. No promotion can be denied because of impairment.
4. Non-Discrimination: Act enumerates
- a. Public building, rail compartments, buses, ships and air-crafts will be designed to give easy access to the disabled people.
  - b. In all public places and in waiting rooms, the toilets shall be wheel chair accessible. Braille and sound symbols are also to be provided in all elevators (lifts).
  - c. All the places of public utility shall be made barrier-free by providing the ramps.
5. Affirmative Action: Act also provides other measures including
- a. Aids and Appliances shall be made available to the people with disabilities.
  - b. Allotment of land shall be made at concessional rates to the people with disabilities for
    - i. House
    - ii. Business
    - iii. Special recreational centres
    - iv. Special schools
    - v. Research schools
    - vi. Factories by entrepreneurs with disability,
6. Research and Manpower Development: Act accepts the importance of research and manpower development in the field of rehabilitation. It says -
- a. Research in the following areas shall be sponsored and promoted towards
    - i. Prevention of disability
    - ii. Rehabilitation including community based rehabilitation
    - iii. Development of assistive devices
  - b. Job identification
  - c. On site modifications of offices and factories
  - d. Financial assistance shall be made available to the universities, other institutions of higher learning, professional bodies and non-government research- units or institutions, for undertaking research for special education, rehabilitation and manpower development.
7. Social Security: Under this section, the Act says:
- a. Financial assistance to non-government organisations for the rehabilitation of persons with disabilities.
  - b. Insurance coverage for the benefit of the government employees with disabilities.
  - c. Unemployment allowance to the people with disabilities who are registered with the special employment exchange for more than a year and could not find any gainful occupation.
8. Grievance Redressal: The Act provides a mechanism to address grievances of persons with disabilities. In case of violation of the rights, as

prescribed in this act, people with disabilities may move an application to the:

- a. Chief Commissioner for Persons with Disabilities in the Centre or
- b. Commissioner for Persons with Disabilities in the State.

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

According to the WHO estimates, it's believed that more than 130 million people suffer from one or other mental disorder(s) in India. The Disorders ranges from Depression, to Anxiety, to Psychosomatic disorders and Schizophrenia with others. It's also found that more than 75% are not getting any service. By 2020, Depression is expected to become the 2nd largest illness in the world (Tol, Ahmedabad; February 12, 09). Under the Mental Health Act 1987 mentally ill persons are entitled to the following rights:

1. A right to be admitted, treated and cared in a psychiatric hospital or psychiatric nursing home or convalescent home established or maintained by the Government or any other person for the treatment and care of mentally ill persons (other than the general hospitals or nursing homes of the Government).
2. Mentally ill prisoners and minors have a right of treatment in psychiatric hospitals or psychiatric nursing homes of the Government.
3. Minors under the age of 16 years, persons addicted to alcohol or other drugs which lead to behavioral changes, and those convicted of any offence are entitled to admission, treatment and care in separate psychiatric hospitals or nursing homes established or maintained by the Government.
4. Mentally ill persons have the right to get regulated, directed and coordinated mental health services from the Government. The Central Authority and the State Authorities set up under the Act have the responsibility of such regulation and issue of licenses for establishing and maintaining psychiatric hospitals and nursing homes.
5. Treatment at Government hospitals and nursing homes mentioned above can be obtained either as in patient or on an out-patients basis.
6. Mentally ill persons can seek voluntary admission in such hospitals or nursing homes and minors can seek admission through their guardians. Admission can be sought for by the relatives of the mentally ill person on behalf of the latter. Applications can also be made to the local magistrate for grants of such (reception) orders.
7. The police have an obligation to take into protective custody a wandering or neglected mentally ill person, and inform his relative, and also have to produce such a person before the local magistrate for issue of reception orders.
8. Mentally ill persons have the right to be discharged when cured and entitled to 'leave' the mental health facility in accordance with the provisions in the Act.
9. Where mentally ill persons own properties including land which they cannot themselves manage, the district court upon application has to protect and secure the management of such properties by entrusting the same to a 'Court of Wards', by appointing guardians of such mentally ill persons or appointment of managers of such property.
10. The costs of maintenance of mentally ill persons detained as in-patient in any government psychiatric hospital or nursing home shall be borne by the state government concerned unless such costs have been agreed to be borne by the relative or other person on behalf of the mentally ill person and no provision for such maintenance has been made by order of the District Court. Such costs can also be borne out of the estate of the mentally ill person.
11. Mentally ill persons undergoing treatment shall not be subjected to any indignity (whether physical or mental) or cruelty. Mentally ill persons cannot be used without their own valid consent for purposes of research, though they could receive their diagnosis and treatment.
12. Mentally ill persons who are entitled to any pay, pension, gratuity or any other form of allowance from the government (such as government servants who become mentally ill during their tenure) cannot be denied of such payments. The person who is in-charge of such mentally person or his dependents will receive such payments after the magistrate has certified the same.
13. A mentally ill person shall be entitled to the services of a legal practitioner by order of the magistrate or district court if he has no means to engage a legal practitioner or his circumstances

so warrant in respect of proceedings under the Act.

### The Rehabilitation Council of India Act, 1992

Persons with disabilities in India have been receiving rehabilitation services for more than 100 years. However, before establishment of RCI, there were hardly any planned efforts made in the field for developing trained manpower. Lack of appropriate trained manpower has been one of the major constraints in expansion of rehabilitation services in the country. The training programmes in the field of rehabilitation/ special education were

- Isolated and ad-hoc in nature
- With no standard syllabi
- Having no uniformity in the teaching curriculum run by various institutions at different levels (the Under-Graduate, Graduate and Post-Graduate)

It was, therefore, decided by the Government of India in 1986 to set up a Rehabilitation Council to be responsible for:

- a. Training policies and programmes;
- b. To standardise the training courses for professionals dealing with persons with disabilities;
- c. To grant recognition to the institutions running these training courses;
- d. To maintain a Central Rehabilitation Register of rehabilitation professionals and
- e. To promote research in Rehabilitation and Special Education.

In order to give statutory powers to the Council for carrying out its duties effectively the Rehabilitation Council of India Act 1992 was passed by the Parliament which came into force with effect from 22nd June 1993. This Act provides guarantees so as to ensure the good quality of services rendered by various rehabilitation personnel. Following is the list of such guarantees:

1. To have the right to be served by trained and qualified rehabilitation professionals, whose names are borne on the Register maintained by the Council.
2. To have the guarantee of maintenance of minimum standards of education required for recognition of rehabilitation qualification by

universities or institutions in India.

3. To have the guarantee of maintenance of standards of professional conduct and ethics by rehabilitation professionals in order to protect against the penalty of disciplinary action and removal from the Register of the Council.
4. To have the guarantee of regulation of the profession of rehabilitation professionals by a statutory council under the control of the central government and within the bounds prescribed by the statute.

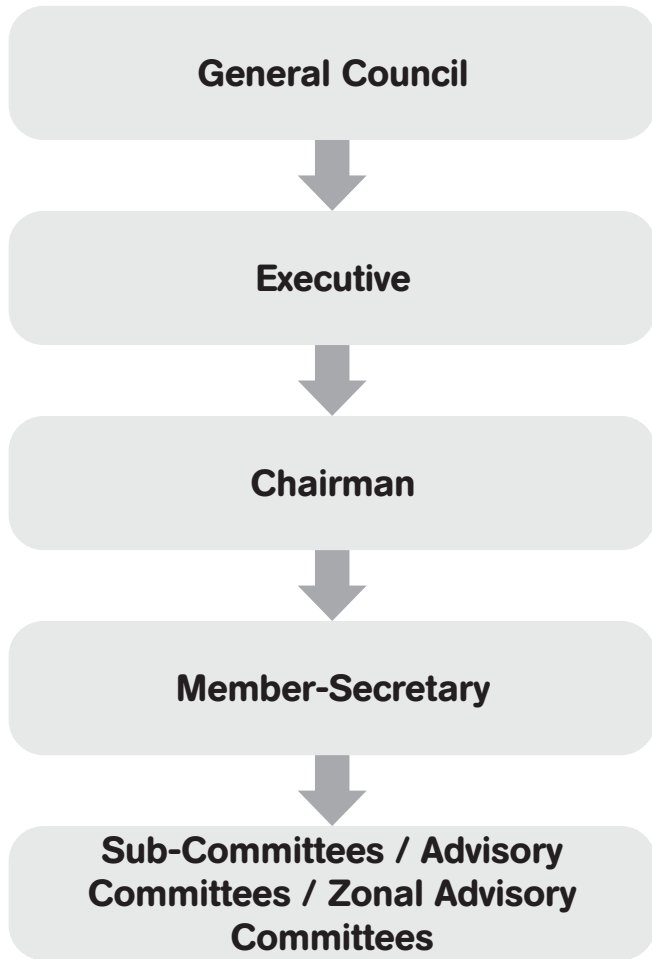
RCI is the only institution which takes care of manpower development of different categories of professionals for comprehensive rehabilitation of persons with disability to meet the needs of their entire life cycle, i.e., physical and medical rehabilitation; educational rehabilitation; vocational rehabilitation; and social rehabilitation. It has the following objectives:

- a. To regulate the training policies and programmes in the field of rehabilitation of persons with disabilities.
- b. To bring about standardisation of training courses for rehabilitation professionals/ personnel dealing with persons with disabilities.
- c. To prescribe minimum standards of education and training in the field of rehabilitation uniformly throughout the country.
- d. To regulate these standards in all training institutions uniformly throughout the country.
- e. To recognize foreign degrees/diplomas/ certificates in the field of rehabilitation awarded by universities/institutions on reciprocal basis.
- f. To maintain Central Rehabilitation Register of professionals/ personnel possessing the recognised rehabilitation qualifications.
- g. To collect information on regular basis, on education and training in the field of rehabilitation of persons with disabilities from institutions in India and abroad.
- h. To encourage continuing rehabilitation education by way of collaboration with organisations working in the field of rehabilitation of persons with disabilities.
- i. To promote research in rehabilitation and special education.

The Council functions under the overall supervision of the **General Council**. The General Council is the supreme body and it functions with the help of an **Executive Committee** and various committees of experts drawn from different disciplines. For professional and efficient functioning, the Council has set up a number of **Expert Committees** which meet

regularly to consider all aspects of implementation of any programme, keeping in view the minimum level of standards to be maintained. These committees give guidelines for infrastructural facilities, faculty, their qualifications, equipments, etc., for various levels of programmes.

### Organisational Chart of RCI



**Training Programmes:** To regulate the training policies and programmes, the Council undertakes fundamental studies in developing training programmes. In development of any new programme, the Council studies different types of literature available on the subject. It compiles and collates, keeping in mind the need of the country and present the same in a seminar/ workshop where delegates from different institutions participate. The proceedings of the workshop are reviewed by a core group of experts and later on the expert group dealing with the subject clears the draft curriculum and it is placed before the Executive Committee and the General Council of the RCI which approves the same for implementation throughout the country.

**The Central Rehabilitation Register (CRR):** The

Central Rehabilitation Register (CRR) is meant for maintaining the record of all Rehabilitation Professionals/ Personnel who are offered registration by the Council. These professionals/ personnel are eligible to work in rehabilitation field. If someone works with people with disabilities without having RCI registration, s/he is liable to get punishment under the Act.

**Categories of Rehabilitation Professionals:** Council has identified different categories of Rehabilitation professionals to satisfy the varied needs of the field and the target population. These are listed under-

1. Audiologists and speech therapists
2. Clinical psychologists
3. Hearing aid and ear mould technicians
4. Rehabilitation engineers and technicians
5. Special teachers for education and training the handicapped
6. Vocational counsellors, employment officers and placement officers dealing with the handicapped
7. Multipurpose rehabilitation therapists and technicians
8. Speech pathologists
9. Rehabilitation psychologists
10. Rehabilitation social workers
11. Rehabilitation practitioners in mental retardation
12. Orientation and mobility specialists
13. Community based rehabilitation professionals
14. Rehabilitation counsellors/ administrators
15. Prosthetists and orthotists
16. Rehabilitation workshop managers

**Recognition of Training Institutions:** The Council lays down policy parameters regarding various aspects of training and education in the field of Rehabilitation and all institutions have to seek recognition from RCI as per provision of RCI Act 1992. The institutions desirous of conducting the Rehabilitation training programme or already conducting such courses, wherein degree/ diploma/ certificate etc., are awarded should apply to RCI for recognition. The institutions will be recognised to run the training courses in the field of rehabilitation after evaluation of their infrastructural facilities by the RCI's Visiting Experts team.

**Zonal Advisory Committees of RCI:** The Council has set up Zonal Advisory Committees with the objective of giving an opportunity to regional institutions to share the responsibility of some of its activities. This will not only assist in creating greater awareness in rural and remote areas, but will also help in strengthening uniformity and ensuring rapid progress in the development of programmes/ schemes to suit the regional needs. The institutions and professionals working in the zone can have better interaction with

Zonal Advisory Committees which will also act as information centres. For this purpose, seven Zonal Advisory Committees (ZACs) have been formed.

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

The Central Government has the obligation to set up, in accordance with this Act and for the purpose of the benefit of the disabled, the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability at New Delhi. The National Trust created by the Central Government has to ensure that the objects for which it has been set up as enshrined in Section 10 of this Act have to be fulfilled.

**Objectives of the Act:** This Act provides for the constitution of a national body for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities. Such a national body will be a trust whose objects are as under:

1. To enable and empower persons with disability to live as independently and as fully as possible within and as close to the community to which they belong
2. To strengthen facilities to provide support to persons with disability to live within their own families
3. To extend support to registered organisation to provide need based services during the period of crisis in the family of persons with disability
4. To deal with problems of persons with disability who do not have family support;
5. To promote measures for the care and protection of persons with disability in the event of death of their parent or guardian
6. To evolve procedure for the appointment of guardians and trustees for persons with disability requiring such protection
7. To facilitate the realisation of equal opportunities, protection of rights and full participation of persons with disability
8. To do any other act, which is incidental to the aforesaid objects

The Act received the assent of the President on 30th December, 1999 and extends to the whole of India. The Trust announces various schemes for the welfare of the groups enumerated in the Act. The Act has following salient features:

1. **Registration of Associations with the Board:** Any association of persons with disability or any association of parents of disabled persons or voluntary organisations can apply to the Board for registration. If the application is genuine and is accompanied by necessary documents and fees, the association will be registered. Upon registration, the association can have access to or obtain a copy of any book and documents maintained by the Board. The Board will determine the pre-funding status of registered organisations seeking financial assistance in accordance with regulations. The Board will also hold every year a meeting of registered organisations.
2. **Local Level Committees:** The Board will have to constitute Local Level Committees in each district comprising of District Magistrate or the District Commissioner along with one representative from a registered organisation and a person with disability for a period of three years to act as a Local Level Committee. These Local Level Committees have to meet at least once in three months to execute various functions of the Trust.
3. **Appointment of Guardians for Persons with Disability:** A parent or relative of a person with disability may apply to the Local Level Committee for appointment of a guardian for a person with disability. A registered organisation can also make such an application with consent of the natural guardian of the disabled person. The Local Level Committee will examine whether the person with disability needs a guardian and for what purpose and also lay down the duties of the guardian. The guardian will be responsible for the maintenance of the person with disability. The guardian will also submit to the Local Level Committee inventory and annual accounts of the property and assets, claims and liabilities in respect of such person with disability. A guardian so appointed can be removed for negligence or for misappropriating the property of the person with disability.

In addition to the above legislation, there are many provisions under different headings which ensure equal opportunities to and protect the rights of persons with disabilities.

These individual articles are summarized below.

#### **1. Education Law for the Disabled**

The right to education is available to all citizens including the disabled. Article 29(2) of the Constitution provides that no citizen shall be denied



admission into any educational institution maintained by the State or receiving aid out of State funds on the ground of religion, race, caste or language.

Article 45 of the Constitution directs the State to provide free and compulsory education for all children (including the disabled) until they attain the age of 14 years. No child can be denied admission into any education institution maintained by the State or receiving aid out of State funds on the ground of religion, race, caste or language.

## 2. Health Laws

Article 47 of the constitution imposes on the Government a primary duty to raise the level of nutrition and standard of living of its people and make improvements in public health - particularly to bring about prohibition of the consumption of intoxicating drinks and drugs which are injurious to one's health except for medicinal purposes.

## 3. Family Laws

Various laws relating to marriage enacted by the Government for different communities apply equally to the disabled. In most of these Acts it has been provided that the following circumstances will disable a person from undertaking a marriage. These are:

- a. Where either party is an idiot or lunatic,
- b. Where one party is unable to give a valid consent due to unsoundness of mind or is suffering from a mental disorder of such a kind and extent as to be unfit for 'marriage for procreation of children'
- c. Where the parties are within the degree of prohibited relationship or are sapindas of each other unless permitted by custom or usage
- d. Where either party has a living spouse

The rights and duties of the parties to a marriage whether in respect of disabled or non-disabled persons are governed by the specific provisions contained in different marriage Acts, such as the Hindu Marriage Act 1955, the Christian Marriage Act 1872 and the Parsi Marriage and Divorce Act 1935. Other marriage Acts which exist include; the Special Marriage Act 1954 (for spouses of differing religions) and the Foreign Marriage Act 1959 (for marriage outside India). The Child Marriage Restraint Act 1929 as amended in 1978 to prevent the solemnisation of child marriages also applies to the disabled. A disabled person cannot act as a guardian of a minor under the

Guardian and Wards Act 1890 if the disability is of such a degree that one cannot act as a guardian of the minor. A similar position is taken by the Hindu Minority and Guardianship Act, 1956 as also under the Muslim Law.

## 4. Succession Laws for the Disabled

Under the Hindu Succession Act 1956 (which applies to Hindus) it has been specifically provided that physical disability or physical deformity would not disentitle a person from inheriting ancestral property. Similarly, in the Indian Succession Act 1925 which applies in the case of intestate and testamentary succession, there is no provision which deprives the disabled from inheriting an ancestral property. The position with regard to Parsis and the Muslims is the same. In fact a disabled person can also dispose his property by writing a 'will' provided he understands the import and consequence of writing a will at the time when a will is written. Even blind persons or those who are deaf can make their wills if they understand the import and consequence of doing it.

## 5. Labour Laws for the Disabled

The rights of the disabled have not been spelt out so well in the labour legislations but provisions which cater to the disabled in their relationship with the employer are contained in delegated legislations such as rules, regulations and standing orders. Further, PWD Act 1995 also provides answer to various issues related to disabled person employed.

## 6. Judicial Procedures for the Disabled

Under the Designs Act 1911 which deals with the law relating to the protection of designs any person having jurisdiction in respect of the property of a disabled person (who is incapable of making any statement or doing anything required to be done under this Act) may be appointed by the Court under Section 74, to make such statement or do such thing in the name and on behalf of the person subject to the disability. The disability may be lunacy or other disability.

## 7. Income Tax Section 80DD

Section 80 DD provides for a deduction in respect of the expenditure incurred by an individual or Hindu Undivided Family resident in India on the medical treatment (including nursing), training, and rehabilitation etc. of handicapped dependants. For officiating the increased cost of such maintenance, the limit of the deduction has been raised from ₹ 12,000 to ₹ 20,000.

## 8. Income Tax Section 80V

A new section 80V has been introduced to ensure that the parent in whose hands income of a permanently disabled minor has been clubbed under Section 64, is allowed to claim a deduction up to ₹ 20,000 in terms of Section 80 V.

## 9. Income Tax Section 88B

This section provides for an additional rebate from the net tax payable by a resident individual who has attained the age of 65 years. It has been amended to increase the rebate from 10% to 20% in the cases where the gross total income does not exceed ₹ 75,000 (as against a limit of ₹ 50,000 specified earlier).

## National Policy for Persons with Disabilities

National Policy for Persons with Disabilities has been announced in February, 2006. The National Policy recognises that Persons with Disabilities are 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 focus of the policy is on (a) Prevention of Disabilities and (b) Rehabilitation Measures. The salient features of the National Policy are described below:

**Introduction:** 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. It has been realised 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.

**National Policy Statement:** The National Policy recognises that Persons with Disabilities are valuable human resource for the country and seeks to create an environment that provides them equal opportunities, protects their rights and ensures their full participation in society.

**Focus Areas:** The policy document enumerates 12 focus areas, which are explained below-

1. **Prevention of Disabilities:** Since disability, says the document, in a large number of cases, is preventable, there will be strong emphasis on prevention of disabilities.

Programme for prevention of diseases, which result in disability and the creation of awareness regarding measures to be taken for prevention of disabilities during the period of pregnancy and thereafter will be intensified and their coverage expanded.

2. **Rehabilitation Measures:** Rehabilitation measures can be classified into three distinct groups: (i) physical rehabilitation, which includes early detection and intervention, counseling and medical interventions and provision of aids and appliances including the development of rehabilitation professionals; (ii) educational rehabilitation including vocational education and (iii) economic rehabilitation to live a dignified life in society.
3. **Women with disabilities:** According to Census-2001, there are 93.01 lakh women with disabilities, which constitute 42.46 percent of total disabled population. Women with disabilities require protection against exploitation and abuse. Special programmes will be developed for education, employment and providing of other rehabilitation services to women with disabilities keeping in view their special needs.
4. **Children with Disabilities:** Children with disabilities are the most vulnerable group and need special attention. The Government would strive to
  - Ensure right to care, protection and security for children with disabilities;
  - Ensure the right to development with dignity and equality creating an enabling environment where children can exercise their rights, enjoy equal opportunities and full participation in accordance with various statutes; (c) Ensure inclusion and effective access to education, health, vocational training along with specialised rehabilitation services and (d) Ensure the right to development as well as recognition of special needs and of care, and protection of children with severe disabilities.
5. **Barrier-free environment:** The Government will strive to achieve the goal of barrier free design to provide an environment that supports the independent functioning of individuals so that they can participate without assistance, in everyday activities.
6. **Issue of Disability Certificates:** The Government will ensure that the persons with disabilities obtain the disability certificates without any difficulty in the shortest possible time by adoption of simple, transparent and client-

friendly procedures.

7. **Social Security:** Disabled persons, their families and care givers incur substantial additional expenditure for facilitating activities of daily living, medical care, transportation, assistive devices, etc. Therefore, there is a need to provide them social security by various means. Beside the Central Government, the State Governments will be encouraged to develop a comprehensive social security policy for persons with disabilities.
8. **Promotion of Non-Governmental Organizations (NGOs):** The National Policy recognises the NGO sector as a very important institutional mechanism to provide affordable services to complement the endeavors of the Government. It says that NGO sector has played a significant role in the provisions of services for persons with disabilities. Government has also been actively involving them in policy formulation, planning, implementation, monitoring and has been seeking their advice on various issues relating to persons with disabilities. Interaction with NGOs will be enhanced on various disability issues regarding planning, policy formulation and implementation. Networking, exchange of information and sharing of good practices amongst NGOs will be encouraged and facilitated.
9. **Collection of regular information on Persons with Disabilities:** There is a need for regular collection, compilation and analysis of data relating to socio-economic conditions of persons with disabilities. The National Sample Survey Organization has been collecting information on Socio-economic conditions of persons with disabilities on regular basis once in ten years since 1981. The Census has also started collection of information on persons with disabilities from the Census-2001. The National Sample Survey Organization will have to collect the information on persons with disabilities at least once in five years. The differences in the definitions adopted by the two agencies will be reconciled.
10. **Research:** For improving the quality of life of persons with disabilities, research will be supported on their socio-economic and cultural context, cause of disabilities, early childhood education methodologies, development of user-friendly aids and appliances and all matters connected with

disabilities which will significantly alter the quality of their life and civil society's ability to respond to their concerns.

11. **Sports, Recreation and Cultural life:** The contribution of sports for its therapeutic and community spirit is undeniable. Persons with disabilities have right to access sports, recreation and cultural facilities. The Government will take necessary steps to provide them opportunity for participation in various sports, recreation and cultural activities.
12. **Amendments to existing Acts dealing with the Persons with Disabilities:** A decade has passed since the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 came into operation. With the experience gained in the implementation of the Act and developments in the disability sector, certain amendments to the Act have become necessary. Government will make amendments to various Acts dealing with the Persons with Disabilities on a regular interval in a consultative manner involving different stakeholders.

**Principal Areas of Intervention:** Policy document also talks about the interventions under the following area

- Prevention, early detection and intervention
- Programmes of rehabilitation
- Human resource development
- Education of persons with disabilities
- Employment
- Barrier-free environment
- Social protection
- Research
- Sports, recreation and cultural activities

**Responsibility for Implementation:** The document clearly mentions that the MSJ&E will be the nodal Ministry to coordinate all matters relating to the implementation of the Policy. It further enumerates that an inter-ministerial body to coordinate matters relating to implementation of National Policy will be formed. All stakeholders including prominent NGOs, Disabled Peoples Organizations, advocacy groups and family associations of parents/ guardians, experts and professionals will also be represented on this body. It further says that similar arrangements will be encouraged at the State and Districts levels. District Level Committees are to coordinate the matters relating to the implementation of the policy at local level. The Chief Commissioner for Disabilities at Central level and State Commissioners at the State level shall play key role in implementation of National Policy, apart from their statutory responsibilities.

The document also elaborates that other concerned

ministries (The Ministries of Home Affairs, Health & Family Welfare, Rural Development, Urban Development, Youth Affairs & Sports, Railways, Science & Technology, Statistics & Programme Implementation, Labour, Panchayati Raj and Departments of Elementary Education & Literacy, Secondary & Higher Education, Road Transport & Highways, Public Enterprises, Revenue, Women & Child Development, Information Technology and Personnel & Training) will setup necessary mechanism for implementation of the policy. A five-year perspective plan and annual plans setting targets and financial allocations will be prepared by each Ministry/ Department. The annual report of these Ministries/ Departments will indicate progress achieved during the year.

Every five years a comprehensive review will be done on the implementation of the National Policy. A document indicating status of implementation and a roadmap for five years shall be prepared based on the deliberations in a national level convention. State Governments and Union Territory administrations will be urged to take steps for drawing up State Policy and develop action plan.