

Chapter 4

Disability Policies and Related Guidelines by Various State Governments

After the announcement of National Policy for Persons with Disabilities, there were/are some efforts at states level too. However, development of state-level disability policies has remained relatively neglected. To date, only few states have made progress in this regard. Some of the states which announced/drafted disability policies are Bihar, Chhattisgarh, Goa, Gujarat, Karnataka, MP and Tamil Nadu. Those policies are summarised below.

Bihar State Comprehensive Policy for Persons with Disabilities (Draft)

Bihar state policy is one of the most comprehensive documents considering the prevailing policies for persons with disabilities in the country and could provide a model for future national and state-level policy development. The Bihar government appointed a task force on Disability in January 2008 with the primary task of developing a Comprehensive Disability Policy for Bihar, in line with Biwako Millennium Framework and UN Standard Rules on the Equalisation of Opportunities for PWDs. World Bank agreed to provide technical support in the endeavour of preparing the policy and related supportive activities. Main features of the policy are narrated below:

1 Status of Disability: The document says that Bihar has 3.2% of total population as

disabled and ranks first in the country (as per Census 2001). It further mentions that around 90% of the disabled live in rural areas.

- 2 Policy Statements:** The draft policy looks into disability in a holistic manner where every facet of life has been valued and included. Accordingly, policy statement has been written appreciating the role of multiple players (departments) to function in convergence. It has 4 basic premises:
- a. Bihar is one of the most diverse states in the country with a long-standing commitment of becoming an inclusive society where all residents, many of whom are People with Disabilities, are able to fully participate in the social, cultural, recreational, economic and political life of the state and of the nation. Inclusion is the primary social objective. All citizens should have the opportunity and right to participate without discrimination, attitudinal and environmental or service barriers in all walks of life.
 - b. Recognizing the rights and responsibilities, the Government of Bihar will ensure that every Person with Disability/s in Bihar achieve full emancipation and self esteem by equalisation of opportunities through creation of enabling environment, so that the society is benefitted from their untapped talent and contribution.
 - c. The Government will endeavor to promote

community participation in order to generate adequate community response towards the causes of disability.

- d. The Government will ensure the promotion of innovative and adaptive technology in order to create and facilitate access to social and economic rehabilitation for Persons with Disabilities

3 Objectives: The broad objectives of the Comprehensive Disability Policy Framework include:

- a. The facilitation of the inclusion of disability rights, values and practices into government developmental strategies, planning and programs;
- b. The development of an integrated management system for the coordination of disability planning, implementation and monitoring in the various line functions at all spheres of government;
- c. Establishing of state and subsequent district structures such as State Integrated Disability and Rehabilitation Program that will continuously update and link strategy and policy developments with operational planning initiatives involving all role-players (DPOs, government, the private sector).
- d. The development of capacity building strategies that will enhance Government's ability at all levels to implement recommendations contained in the Comprehensive Disability Policy Framework.
- e. A comprehensive plan of action that will include in addition to programme planning, a strong public education and awareness-raising program aimed at changing fundamental prejudices in society.

4 Guiding Principles: Principles upon which the Strategy is based include:

- a. Self-Representation
- b. Inclusion
- c. Sustainability
- d. Commitment to Quality

5 Sector wise policy guidelines: Clear direction is laid down in the draft document. Each area is clearly defined with background information, policy statement and future strategies to follow. Broad areas include:

- a. Public education and awareness raising: The policy statement for public awareness states - 'The Government will implement public awareness programmes that create a positive and accommodating environment for PWDs in which diversity is respected and valued'. Strategies for public education and awareness rising include:
 - i. The development of a multi-sectoral integrated disability awareness strategy, which would send this message to the different communities through a variety of media.
 - ii. Inclusion of appropriate curriculum on disability in primary and secondary school syllabus
 - iii. Implementation of disability awareness projects for journalists and the public broadcaster including the disability rights message as opposed to the 'pity' and 'heroic' images and the positive use of role models from all groups
 - iv. Disability awareness programs within every line function in government; increased visibility of people with disabilities in the government circle, media and in society.

Likewise each sub sector is defined clearly with policy statement and strategies to follows. The sectors mentioned in the draft document are listed below-

- b. Social Aspects: Emphasis on promoting CBR/ inclusive approaches for rehabilitation and education of PWDs where inclusion and community participation is ensured.
- c. Healthcare: Promotes a comprehensive healthcare system which is sensitive towards the needs of PWDs
- d. Legal Aid: To ensure legal rights of PWDs are not violated and there is no discrimination due to disability.
- e. Social Security and Safety Net: To analyse the structure of the existing social security schemes and with regard to how not to create unnecessary dependence and how to promote social integration and economic independence for the PWDs.
- f. Economic Aspects: To ensure economic empowerment through rightful opportunities for PWDs.
- g. Human Resource and Skills Development: Human resource development (HRD) is one of the key elements that can be used to break the cycle of poverty and underdevelopment. 'The Government shall ensure the appropriate development of the capacity of PWDs to participate more effectively in the economic

development of their communities and the society as a whole'; says the document.

- h. Political and Cultural Aspects: The Government will develop and extend sporting and cultural activities for people with disabilities so that they can participate in sport for recreational, competitive and therapeutic purposes.
- i. Infrastructure Aspects: It includes guidelines on Barrier Free Access, Housing and Transportation.
- j. Special Focus: On vulnerable groups i.e. Girls and Women with Disabilities; PWDs affected during disaster; Access to Goods, Facilities and Services; Prevention; Research and Development and Statistics.

6 Implementation: It is recommended that the State Commissioner for Disability should have the prime responsibility of ensuring the compliance of various sections and spirit of the policy. The State Disability Commissioner should preferably be of the rank of Secretary to the Government. There is a serious and urgent requirement to enhance adequate human resources at district level. Every district need to be equipped with senior level officer with adequate support staff. The staff should be adequately trained in Rehabilitation Management from a competent organisation.

Furthermore, it is proposed that a separate structure viz, State Integrated Disability & Rehabilitation Program be established as a registered society that should function as a permanent implementation as well as consultative structure to the government, supported by, and working closely with the State Disability Commissioner. It also enumerates the functions of the State Integrated Disability & Rehabilitation Program.

7 Monitoring: While all monitoring structures in Bihar should include the monitoring of the rights of PWDs in their mandates, the Commissioner for Disability should have a special responsibility for this task. The State Integrated Disability & Rehabilitation Program should also have an essential monitoring role.

8 Budget Projection: An estimate has been drawn out on the basis of sectoral strategic intervention. This is specifically prepared in a manner to facilitate the honorable house to adopt the State Policy

on disability including the economic implication. Hence the details given underneath are what the policy expects to achieve in specified period in a most convergent manner.

The comprehensive disability policy framework of Chhattisgarh (Draft)

The draft policy for Chhattisgarh can also be considered "best practice" within India. The Policy provides more thorough context and strategic direction for disability work, allowing for greater prioritisation in planning and implementation. The Chhattisgarh policy was approved by the state Cabinet in 2007, and will be submitted to the Assembly. Important features are:

- a. It has explicit discussion of different models of disability and frames policy accordingly
- b. It acknowledges India's international obligations in the area of disability policy
- c. It has clear statements of both overall and sectoral policy objectives, indicating the overall policy stance on all major issues
- d. At the next level, it provides guiding principles in aiming reach policy objectives
- e. It acknowledges that 'self-representation' of PWDs in disability policy and practice is critical
- f. It identifies special cross-cutting areas in need of special attention, including mental illness, gender issues, and prevention and early detection of disabilities
- g. It establishes a State Disability Council as an institutional means both of raising the profile of disability issues and improving coordination
- h. It sets specific coverage/performance targets by sector, thus moving towards monitorable indicators of progress
- i. It is explicit on strategies to mobilise public financing for the sector

Goa State Policy for Persons with Disabilities

Goa becomes the first to announce State Disability Policy. It estimates 15,749 persons with disabilities (census 2001), which accounts for only 1.16 per cent of the state. The policy focuses on education, rehabilitation services, and ensuring three per cent reservation in the government as mandated in the Disability Act 1995. The policy recognises disabled people as an important resource for the state and seeks to create an environment to provide them with equal opportunities. It further envisages proactive role of government to encourage self employment and that of in private sector. The policy also speaks of emphasis on creation of barrier-free environment at public buildings and transportation system. It bases

its definitions for PWDs in the PWD Act 1995. The main features of the policy are:

1 Existing Law

After the PWD Act 1995, the State has framed its Rules in the year 1997. Accordingly, the Government of Goa has constituted State Coordination Committee under the Chairmanship of the Hon'ble Minister of Social Welfare and State Executive Committee under the Chairmanship of the Secretary (Social Welfare). The Secretary (Social Welfare) is also designated the State Commissioner of Disability and both the Collectors as Additional Commissioners of Disabilities for monitoring and implementation of various provisions of the Act. It has also constituted a Local Level Committee under the National Trust Act 1999.

2 State Policy Statement

The State policy recognises that 'Differently abled persons' are an important resource for the state and seeks to create an environment that provides them equal opportunities, protection of rights and full participation in society.

3 Focus Areas

The following are the focus areas under the policy:

- a. Prevention and early detection
- b. Education: Through inclusive set up, open learning programmes, incentives for children etc.
- c. Employment for persons with Disabilities: To ensure implementation of 3% reservation in all government departments; encourage employment in private sector through appropriate skills development and awards; support for self employment.
- d. Barrier free environment: To ensure access to Public building/ Places/ transportation system, etc. through various measures.
- e. Disability Certificate: To formulate and notify guidelines time and again to ensure that the PWDs obtain the Certificate without any difficulty in the shortest possible time by adoption of simple, transparent and client friendly procedures.
- f. Social Security for Persons with Disabilities: By various means including disability pension irrespective of the age

under Dayanand Social Security Scheme.

- g. Research
- h. Sports and recreation
- i. Others: Award to the persons who select differently abled as his/ her life partner, reserves the flats constructed by the Goa Housing Board for the Differently abled person, Collection of information every five years, Developing a comprehensive data base of the PWDs, ₹100 p.m. as conveyance allowance to PWD employees, Free transport in State on public Transport , 15 ltrs. of petrol/ diesel or 50% cost to assist the PWDs to use the vehicle to the place of work and rehabilitation centre
- j. Promotion of Non Governmental Organizations (NGOs): Recognises the role for NGOs and seeks active involvement and participation of Local Level Institution/ NGOs including associates of Parents of Differently abled Persons.

4 Plan of Action

The Policy document lists strategies to fulfill the requirement under each focus area.

- a. Prevention and early detection: Through greater coordination between departments both in Government and Non Government Sectors; training and awareness.
- b. Rehabilitation: Through support to GOs/ NGOs programmes
- c. Human Resource Development: To meet the manpower requirements
- d. Education: Education is the most effective vehicle of social and economic development. It will be ensured that every child with disabilities have access to appropriate pre school, primary and secondary school level education by 2010.
- e. Employment: To ensure through various measures including maintaining separate record of PWDs by Employment Exchange, special recruitment drive, opportunities for productive and gainful employment in rural areas
- f. Barrier Free Environments: Public building (functional or recreational), transport amenities, playgrounds, open spaces, etc. will be made accessible through design changes, use of appropriate material in their construction and strict adherence to their maintenance standards by 2008; to ensure adoption of the bye laws and space standards by all the Panchayat and Municipal bodies in the state for all future infrastructure development.
- g. Social Security: The government will provide unemployment allowances/ disability pensions

to the PWDs, which will be review every year by the State coordination Committee.

5 Implementation

The Department of Social Welfare will be the nodal departments to coordinate all matters relating to the implementation of the policy. The State Commissioner shall play key role in implementation of State policy. An inter-department body to coordinate matters relating to implementation of State policy will be formed. Every five years a detailed review will be done on the implementation of the State policy.

Gujarat Policy on Disability (Draft)

The Government of Gujarat has appointed a Task Force for evolving a State Level Policy on disability under the Chairmanship of the Chief Secretary in 2006. All the concerned Secretaries of different Departments as well as representatives of the leading NGOs have been involved in the task force. As suggested by the Task Force, the following measures may constitute part of the 'State Policy on Disability Development':

1 Certification of Disability

Simplify the existing guidelines on issuing of disability certificates; issuing guidelines for certificates to certain disabilities (i.e. autism, multiple disabilities, low vision, deaf blindness); clarify notification on availing services of private practitioners; promote camps at the block levels.

2 State Coordination Committee

Reconstitute the SCC and SEC (State Executive Committee) and invite the appropriate members; convene meetings of the committees on regular intervals.

3 Prevention of Disability

Activation of the Committee constituted by the Department of Health & Family Welfare; orientation of PHC/CHC Medical Officer, health workers, the traditional birth attendants and others about causes of congenital abnormalities and measures for prevention of disabilities; setting up critical care units at the district level.

4 Social Communication

Launch a state-wide programme on creating awareness on early intervention, immunization, early care and rehabilitation etc.; sensitization of schools children and teachers for identification and reporting of disabilities; extensive use of mass media for such purposes.

5 Education

Admit all the children with disabilities to any form of education including residential, integrated, and inclusive by 2010; ensure inclusion of children with multiple disabilities as well; establish non-formal education and open schooling to prevent dropout of children; include papers on special need children in existing courses on teacher training with special focus on educating girls with disability. The implemented revised Grant-in-aid code and upgrade the facilities available at Special Schools.

6 Teacher Training

Establishing a deemed University with the involvement of NGOs working with persons with disabilities for ensuring development of human resources.

7 Standardisation of Special Medium

Developing a standardised sign language for Gujarat for the deaf and the deaf blind and orient all the teachers of the deaf and deaf blindness in its use. Similarly, initiating a project on developing and using Gujarati Braille contractions.

8 Reservation in Admission

Issuing a universal notification ensuring admission of persons with disabilities to all educational institutes.

9 Employment

Constituting a Committee under the Department of Labour to adapt the list of identified posts for Gujarat; implement the provisions on employment of PWDs; modify roster point system under various departments to implement the provision; have special cell for PWDs under each Employment Exchanges for ensuring employment; constitute schemes for incentives and awards to employers.

10 Vocational Training Centres

Setting up vocational training centre with contemporary trades and professions for all categories of disabilities at district level and recognize them as Industrial Training Institutes.

11 Poverty Allevation Programmes

Appropriate notifications for allocation of 3% of funds under various poverty alleviation schemes

for PWDs.

12 Allotment of Lands

Issued guidelines to the revenue and the District authorities for preferential allotment of land on concessional rates to persons with disabilities, their organisations or non-governmental organisations working for such persons for the purpose of housing, establishment of special institutions or businesses by disabled entrepreneurs.

13 Access

Develop the state capital (Gandhinagar) as a model barrier free town, which includes making public buildings, gardens, buses, pavements, public toilets, traffic signals, road crossings barrier free and accessible.

14 Community Based Rehabilitation

To serve every person with disability in a need based manner at their doorstep.

15 Recognition of Institutions

Constitute a committee to review the guidelines being followed by a competent authority for granting certificates of recognition to institutions for persons with disabilities.

16 Institution of Persons with Severe Disabilities

Constitute a state level institution for persons with severe disabilities on the lines of National Institute of Persons with Severe and Multiple Disabilities.

17 Unemployment Allowance

The Department of Employment & Training needs to review and evolve appropriate guidelines on providing unemployment allowance to educated unemployed persons with disabilities.

18 Insurance Scheme

Adoption of an appropriate scheme for insurance of employees with disabilities.

19 State Level statutory Bodies

On pattern of statutory bodies constituted by the Parliament at the national level, there is a need to constitute the State Level Statutory Bodies as listed below:

- a. State Trust for Persons with Multiple Disabilities, Autism, Cerebral Palsy, Mental Retardation and Other Newer Disabilities
- b. Gujarat State Handicapped Finance and Development Corporation
- c. Gujarat Department of Disability

Development

d. Gujarat State Mental Health Foundation

20 Task Force

The Task Force should be more inclusive by having representatives from Departments of Labour, Rural Development and Tribal Development as its members before the next meeting. Further, the Task Force should finalize the draft of the policy in consultation with institutions working for the persons with disabilities, parents and persons with disabilities themselves and other stakeholders. After the policy adoption, the Task Force needs to be constituted as a statutory body and named as Gujarat Council on Disability with complete responsibility for the implementation, monitoring and up-gradation of the Policy.

Karnataka Policy on Disability (Draft)

The draft Karnataka policy for the most part mirrors the structure and major provisions of the PWD Act. For the most part, it is a state-specific endorsement of various initiatives for promotion of rights of PWDs. In a number of cases, it repeats the PWD Act entitlements and commitments, and repeats general instructions to frame relevant schemes (e.g. reservation in poverty alleviation programmes; education). In others, the general commitments of the Act are put in a more state-specific context (e.g. health). In still others, there is more specific guidance on circumstances in which PWD should avail commitments under the Act (e.g. exemptions on property tax for PWD). For the most part, however, the draft state policy does not provide much more specific commitments or implementation guidance than the Act itself.

The Policy says that there are around 5-6% population having some kind of disability in Karnataka. It further says that under PWD Act 1995, the state is required to provide for rehabilitation, education, economic opportunities, barrier free environment and other support services which will facilitate the integration of persons with disabilities in the mainstream.

1 Nodal Department

The Women and Child Development Dept. will be the nodal dept. and the office of Commissioner for Persons with Disabilities will coordinate and monitor the programmes and schemes for persons with disabilities and take steps to safeguard the rights of persons with disabilities.

2 Object of The Policy

The policy document enumerates the following

objectives:

- a. To ensure implementation of the legislations related to persons with disabilities
- b. To ensure multi-sectoral coordination amongst concerned agencies for prevention and early detection of disabilities
- c. To promote education as well as enrollment of children with disabilities in mainstream schools and to formulate a comprehensive education scheme as enshrined in the PWD Act 1995
- d. To promote self-employment amongst persons with disabilities with special focus on Government agencies, which create opportunities for disabled entrepreneurs to provide services within the various Government agencies and departments
- e. Effective implementation of various departmental schemes to promote the development of persons with disabilities
- f. To ensure non-discrimination and monitoring of rehabilitation schemes
- g. To ensure qualitative services are provided by the voluntary sector in the field of disabilities

Madhya Pradesh Policy on Comprehensive rehabilitation of Persons with Disabilities

Government conducted a survey in 1997 and identified 15 lakh persons with disabilities. To ensure their full participation, protect their rights and provide equal opportunities, the government announced the state disability policy with following focus areas:

1 Human Resource Development and Rehabilitation

Policy: To ensure full participation of PWDs in development, government will do early identification and prevention of disability, education, training, medical and rehabilitation facilities; rehabilitation through community participation; education in inclusive set up; encouraging self help groups.

Strategy: Provision for PWDs in regular schools, opening special schools wherever needed, open schooling, ensure participation in sports, training of regular school teachers, vocational training through voluntary organisations, training to local people in CBR to rehabilitate PWDs in the community, Promoting SHG of PWDs, new institutes for human resource development, research,

scholarship to students, pension to other PWDs, distribution of aids, corrective surgeries, promoting NGOs participation special efforts to create a positive environment for employment of PWDs, establishing special employment exchanges, promoting self employment, special efforts for girls/women.

2 Community Awareness

Policy: Programme for community and family awareness, creating a positive image of PWDs; ensuring participation of local self governments.

Strategy: Promoting inclusion of PWDs in mainstream, promoting private institutions for employment of PWDs, modifying the existing facilities in technical institutions, mass awareness programmes to create awareness about preventive aspect of disability, encouraging community participation, ensuring PWDs participation in local self government, using mass media to create awareness and positive image of PWDs, providing all benefits and concessions given by the central or state government.

3 Facilities

Policy: Removing all kind of barriers from public places to ensure their full participation, strengthening government and non government system to ensure their rights,

Strategy: Facilities and concessions in educational institutions, modification in curricula, provision for assistive devices and necessary modification at work place, provision for prevention programmes like blindness control, immunization etc. on regular basis, training to health workers in disability case management, pension, making all public place barrier free, ensure new construction will have facilities for PWDs, wheel chairs and other facilities at bus station and other public places, multipurpose centre for disabled, promoting products made by disable people organization in government/ public sector, priority in allocation to land for starting industrial unit by disabled individual.

4 Social Security

Policy: Special protection at the time of emergency situation, priority for women and poor, to remove all kind of discrimination, ensure reservation in government jobs.

Strategy: Ensuring reservation for employment in public and government sector for disabled, provision for disabled in housing board/ commercial project schemes and loans on special rates, public transport will be accessible with seat reservation for disabled , provision for making

multi storey housing and commercial buildings accessible, city crossings will be equipped with sound information system and zebra crossing will be engraved for persons with blindness, reservation for disabled in commercial projects by local bodies.

Orissa

Orissa passed state act in September, 2003 in line of the PWD Act 1995 and adapted it as state act.

Tamilnadu Policy for Disability

The document announced by Social Welfare and Nutritious Meal Programme Department through Policy Note in 2005-2006 by Demand No. 43 has following points:

A Welfare State is responsible for the well-being of all sections of its people. The State's helping hand must reach out to the needy, especially to the under-privileged and the handicapped. A number of innovative programmes of this Government are pre-oriented towards this objective. With a view to give adequate importance to the Welfare of the Disabled, a separate Directorate for Rehabilitation of the Disabled was established by the Government during 1992-93. This Directorate is being managed by a State Special Commissioner for the Disabled, appointed as per the requirements enunciated by the Persons with Disabilities Act, 1995.

The State Policy on Persons with Disabilities focuses on the prevention of disabilities and timely assistance to persons with disabilities to lead as normal a life as possible within the family and the community. This comprehensive policy aims at early detection of disabilities and provision of comprehensive services in medical, vocational, economic and social spheres in order to make the disabled self supporting citizens and integral part of the society. The policy envisages a joint responsibility for the Government, Entrepreneurs, Philanthropists, NGOs and the community as a whole.

Based on the above State Policy the following steps will be taken:

- a. To assess the nature and extent of the problem of the disabled including the early detection and immunisation against polio, measles, rubella, mumps, etc besides supply of simple aids and appliances suited to the needs of the

individual in order to improve mobility and physical capacity.

- b. To ensure that every disabled child is given free and compulsory primary education, either special education or integrated (inclusive) education, based upon the level of disability of the individual and also to promote the integration of the handicapped students with normal students at every stage depending upon the capacity/level/need of each handicapped child.
- c. To develop the required skilled manpower by establishing Teacher Training Centers and develop a corps of competent Teachers in Educational Institutions / Training Centers who have developed a deep understanding of the problems of the handicapped.
- d. To promote special supportive facilities like scholarship, free transport, supply of teaching aids, special aids and assistive devices, appointment of Resource Teachers, Hostel facility etc., and to help the disabled to pursue appropriate higher education.
- e. To identify trades suited to each category for the disabled particularly in specific industries and to establish and run training centers for the disabled.
- f. To arrange financial assistance for the handicapped trainees towards purchase of tools, kits, etc. required by them.
- g. To enable banks and other financial institutions to assist liberally for self employment ventures.
- h. To introduce measures for the removal of architectural barriers in all buildings, to provide easy access and indeed all barriers to the successful adjustment of the disabled.
- i. To take suitable measures to enable the disabled persons to participate in cultural and sports events as in the case of normal persons.

Other states are either in process or have not shown any direction in this regard.