

An analysis of Government Policies and Welfare Programs for the Upliftment of the Disabled Persons in India

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Abstract

Disabled persons are also part of the human resource and providing them social security is main and crucial agenda of the Government bodies. The Government and Non-Government Organizations have been implementing various programs for the welfare of the Disabled Persons. This Paper not focuses on programs of Non-Governmental Organizations but it gives detailed explanation of Government programs. This paper mainly addresses the following objectives there are; firstly it illustrates the definitions of the Disability and Disabled Persons by National and International Organization and secondly, it explains the various Acts initiated by Indian Government to protect the rights of Disabled Persons and finally it explains the various programs initiated by the state and central government in various spheres to uplift the socio, economic and political conditions disabled persons.

Key words: *Disabled Persons, Government Programs, Policies, Upliftment, Social Security.*

1. Definitions of Disability - International concepts

1.1. UN Convention on the Persons with disabilities:

The UN convention on the Persons with disabilities and its Optional Protocol was adopted on 13 December, 2006 at the United Nations Headquarters in New York. The Convention came into effect on 3 May, 2008. The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to

effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced. The purpose of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) is to promote, defend and reinforce the human rights of all Persons with disabilities.

1.2. World Health Organisation:

‘Disability is an umbrella term, covering impairments, activity limitations, and participation restrictions. An 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. “Disability is thus not just a health problem. It is a complex phenomenon, reflecting the interaction between features of a person’s body and features of the society in which he or she lives. Overcoming the difficulties faced by people with disabilities requires interventions to remove environmental and social barriers’.

2. Definitions used in measuring Disability in India

2.1. Medical Certification of disability:

Section 2(i) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 defines disability as:-

- (i) Blindness
- (ii) Low vision
- (iii) Leprosy-cured
- (iv) Hearing impairment
- (v) Loco motor disability
- (vi) Mental retardation
- (vii) Mental illness

Each of the above disabilities has been further defined under separate sub section of Section 2 of the said Act i.e Blindness (2(b)), Hearing impairment (2(l)), Leprosy-cured (2(n)), Loco motor disability (2(o)), Mental illness (2(q)), Mental retardation (2(r)) and Low vision (2(u)). As per Section 2(t) of the aforesaid Act, 1995, persons with disabilities means a person suffering from not less than 40% of any disability as certified by medical authorities.

3. The Rights of Persons with Disabilities Bill - 2016

Central government policies for the disables The Lok Sabha today passed "The Rights of Persons with Disabilities Bill - 2016". The Bill will replace the existing PwD Act, 1995, which was enacted 21 years back. The Rajya Sabha has already passed the Bill on 14.12.2016.

The salient features of the Bill are:

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. The Act came into force during December 2016.

3.1 Disabilities covered

Disability has been defined based on an evolving and dynamic concept. The types of disabilities have been increased from existing 7 to 21 and the Central Government will have the power to add more types of disabilities. The 21 disabilities are given below:-

1. Blindness
2. Low-vision
3. Leprosy Cured persons
4. Hearing Impairment (deaf and hard of hearing)
5. Locomotor Disability
6. Dwarfism
7. Intellectual Disability
8. Mental Illness
9. Autism Spectrum Disorder
10. Cerebral Palsy
11. Muscular Dystrophy
12. Chronic Neurological conditions
13. Specific Learning Disabilities
14. Multiple Sclerosis
15. Speech and Language disability
16. Thalassemia
17. Hemophilia
18. Sickle Cell disease
19. Multiple Disabilities including deafblindness
20. Acid Attack victim
21. Parkinson's disease



Persons with "benchmark disabilities" are defined as those certified to have at least 40 per cent of the disabilities specified above.

3.2. Rights and entitlements

1. Responsibility has been cast upon the appropriate governments to take effective measures to ensure that the persons with disabilities enjoy their rights equally with others.
2. Additional benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4 %), reservation in allocation of land, poverty alleviation schemes (5% allotment) etc. have been provided for persons with benchmark disabilities and those with high support needs.
3. Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.
4. Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education to the children with disabilities.
5. For strengthening the Prime Minister's Accessible India Campaign, stress has been given to ensure accessibility in public buildings (both Government and private) in a prescribed time-frame.

3.3. Guardianship and Establishment of Authorities

1. The Act provides for grant of guardianship by District Court under which there will be joint decision – making between the guardian and the persons with disabilities.
2. Broad based Central & State Advisory Boards on Disability are to be set up to serve as apex policy making bodies at the Central and State level.
3. Office of Chief Commissioner of Persons with Disabilities has been strengthened who will now be assisted by 2 Commissioners and an Advisory Committee comprising of not more than 11 members drawn from experts in various disabilities.
4. Similarly, the office of State Commissioners of Disabilities has been strengthened who will be assisted by an Advisory Committee comprising of not more than 5 members drawn from experts in various disabilities.
5. The Chief Commissioner for Persons with Disabilities and the State Commissioners will act as regulatory bodies and Grievance Redressal agencies and also monitor implementation of the Act.
6. District level committees will be constituted by the State Governments to address local concerns of PwDs. Details of their constitution and the functions of such committees would be prescribed by the State Governments in the rules.
7. Creation of National and State Fund will be created to provide financial support to the persons with disabilities. The existing National Fund for Persons with Disabilities and the Trust Fund for Empowerment of Persons with Disabilities will be subsumed with the National Fund.

3.4. Penalties for offences

1. The Act provides for penalties for offences committed against persons with disabilities and also violation of the provisions of the new law.
2. Any person who violates provisions of the Act, or any rule or regulation made under it, shall be punishable with imprisonment up to six months and/ or a fine of Rs 10,000, or both. For any subsequent violation, imprisonment of up to two years and/or a fine of Rs 50,000 to Rs five lakh can be awarded.
3. Whoever intentionally insults or intimidates a person with disability, or sexually exploits a woman or child with disability, shall be punishable with imprisonment between six months to five years and fine.
4. Special Courts will be designated in each district to handle cases concerning violation of rights of PwDs.

4. Central government schemes for the disabled persons

4.1. Scheme of Assistance to Disabled Persons for Purchase / fitting of Aids and Appliances. (ADIP)

The scheme is centrally aided and implemented through the voluntary organizations. Aids and Appliances, Artificial limbs which do not cost less than Rs.50/- and more than Rs.6000/- are covered under this scheme. The full cost of the aid is subsides to those whose income is below Rs.5000/- per month and 50% of the cost of the aid is subsides whose income is in between Rs.5000/- - 8000/- per month. Traveling, boarding and lodging cost of the beneficiaries are also provided under this scheme. The implementing NGO has to apply for grants under this scheme through the Dist. Disabled Welfare Officer of the respective district.

4.2. Scheme to Promote Voluntary Action for Persons with Disabilities (Deen Dayal Rehabilitation Scheme)

The Scheme of the Ministry of Social Justice & Empowerment, Government of India, simplifies and facilitates procedure for easy access to govt. support for NGOs with the aim to widen the scope and range of programmes. It will address the unmet needs of the over 95% Indian citizens with disabilities who have not had access to services so far.

The objectives of the scheme:

1. To ensure effective implementation of the Act.
2. To encourage voluntary action.
3. To create enabling environment.
4. To ensure equal opportunities, equity and social justice to persons with disabilities.
5. To empower persons with disabilities.
6. To implement outreach and comprehensive Community-Based Rehabilitation programmes in urban and rural environments.
7. To enhance education opportunities at all level and in all forms.

8. To enlarge the scope of vocational and professional opportunities, income generation and gainful occupations.
9. To support all such measures as may be necessary for promoting formal as well as non-formal employment and placement opportunities.
10. To support people with disabilities in projects which are environment friendly and Eco promotive.
11. To support effort to ensure protection of human, civil and consumer rights to persons with disabilities.
12. To support legal literacy, including legal counselling, legal aid and analysis and evaluation of existing laws.
13. To support the development publication and dissemination of information documentation and training materials.
14. To support the conduct of surveys and other forms of epidemiological studies.
15. To support (a) construction and maintenance of buildings, (b) furniture and fixtures, and (c) installation and maintenance of machinery and equipment.
16. To support and facilitate the availability of appropriate housing, homes and hostel facilities.
17. To establish and support facilities for sport, recreation, leisure-time activities, excursions, creative and performing arts, cultural and socially inclusive activities.
18. To promote research in various development areas, innovative strategies, assistive devices and enabling technologies and support production of such devices ensuring quality control.
19. To support manpower development activities to train required personnel at different levels for all programmes/projects/activities for persons with disabilities.
20. To set up well equipped resource centers at different levels.
21. To promote and support the development of self-help groups, parent organisations and independent living.
22. To encourage coordination, cooperation and networking and multisectoral linkages.
23. To support such other measures, which may meet the needs of the persons with disability and fulfill the obligations as prescribed in the Disability Act of 1995.

4.3. National Awards for People with Disabilities

The Ministry of Social Justice & Empowerment has been awarding National Awards since 1969 on the International Day of Disabled Persons on 3rd December every year. The Awards are classified in different categories, namely best employer of disabled, outstanding employee, placement officer, best individual, institution, barrier-free environment, creative disabled person and National Technology Awards involved in the rehabilitation and welfare of persons with disabilities. Institution of Awards has created awareness among the disabled persons both in public and private sector and brought them in the mainstream.

4.4. An Integrated Programme for Older Persons

Under this Scheme financial assistance up to 90% of the project cost is provided to NGOs for establishing and maintaining old age homes, day care centers, mobile Medicare units and to provide non-institutional services to older persons. The scheme has been made flexible so as to meet the diverse needs of older persons including reinforcement and strengthening of the family, awareness generation on issues pertaining to older persons, popularisation of the concept of life long preparation for old age, facilitating productive ageing, etc.. Nearly 50 projects are implemented in the state under above scheme.

4.5. Vocational Rehabilitation Centre

The Government of India has set up the Vocational Rehabilitation Centre for disabled at Bangalore and the same has been functioning from 1991. The Centre is providing vocational training in Computers, Carpentry, Welding, Fitter, Electrical, Embroidery, Book Binding and Tailoring etc. The Vocational Rehabilitation Centre has provided 100% placement for all the trainees who have undergone training. The Vocational Training Centre also provides counseling services for children / persons with intellectual disabilities.

4.5. Incentives to Private Sector Employers for providing employment to persons with Disabilities

The scheme of giving incentives to employers. for providing employment to persons with disabilities in the private sector. as approved by the Government would be as under:-

(i) Total Outlay: Rs.1800 Crore for the 11th Five Year Plan

(ii) Sector covered: Private Sector

(iii) Jobs to be created: 1 lakh per annum

(v) Incentives: Payment by Government towards employer's contribution to the Employees Provident Fund and Employees State Insurance for the first three years. The administrative charges of 1.1% of the wages of the employees covered under the Employees Provident Fund & Miscellaneous Provisions (EPF&MP) Act will continue to be paid by the employer.

5. Telangana State policies for disabled persons

The various activities taken up by the department for disabled welfare in Telangana state are as follows:

- i. Identification of the Disabled and issue of Medical certificates
- ii. Early Intervention and Rehabilitation
- iii. Education
- iv. Human Resource Development
- v. Training
- vi. Employment
- vii. Economic Rehabilitation
- viii. Social Integration

- ix. Social Security
- x. Empowerment
- xi. Barrier free environment
- xii. Welfare of Senior Citizens

5.1. Education

To provide education, 11 Residential Schools (6 for Hearing Impaired and 5 for Visually Impaired) are functioning in the state. 40 Hostels and 3 Homes are functioning providing Accommodation, Education and Rehabilitation Payment of examination fee is exempted 30 minutes extra time is provided in SSC & Intermediate Public Examination (I & II Year) for Visually Impaired, Hearing Impaired and orthopedically disabled (upper limbs) Exemption of one language is provided under Part-I or II for Hearing Impaired. Reduction of pass marks for SSC, Intermediate and Degree courses in favor of the disabled students 3% seats are reserved in B.Ed., Engineering, Medical, LL.B., and other professional courses and in study centres for competitive exams.

5.2. Human Resource Development

To provide trained teachers for teaching visually impaired students a training centre for teachers of visually handicapped with the joint auspices of National Institute for Visually Handicapped, Dehradun is functioning

5.3. Training

A.P. Vikalangula Cooperative Corporation is providing vocational training as an institutional training

5.4. Employment

Govt. issued orders vide G.O.Ms.No.23 Dt.26.05.2011 for implementation of reservation in employment in favour of Persons with Disabilities and Interchange among the 3 categories of Disabled Persons in accordance with Persons with Disabilities Act, 1995 and also constitution of Inter Departmental Committee for exemption and for interchange of disabled categories in implementation of reservation. Govt. issued orders vide G.O.Ms.No.99 Dt.04.03.2013 for amendment to rule 22 of A.P. State and Subordinate Service Rules, 1996, relating to Persons with Disabilities Government launched special recruitment drive for filling up of the backlog vacancies reserved for the disabled and the period of recruitment has been extended from time to time Established Study Circle at Hyderabad for giving coaching to the Disabled students preparing for the competitive exams for the employment opportunities vide G.O.Ms.No.3 Dt.02.02.2013

5.5. Economic Rehabilitation

Government issued orders vide G.O.Ms.No.101, Social Welfare (SCP.I) Department dt. 31.12.2013 enhancing the existing subsidy from Rs.30,000/- to Rs.1,00,000/- under Economic Rehabilitation Scheme. It is to be ensured that the scheme is implemented as a Bankable Scheme and that every unit should be grounded with 50% Bank Tie-up Subsidy is provided to persons with disabilities who are working in private sector on purchase of petrol / diesel for the use of vehicle from the residence to place of duty and back

5.6. Social Integration

Government enhanced the Marriage Incentive Award from Rs.10,000/- to Rs.50,000/- for marriages between disabled and normal persons vide G.O.Ms.No.34, WCD & SC (DW.A1), Dt. 22.7.2011

5.7. Social Security

Govt. vide G.O.Ms.No.454 Dt.14.11.2008 issued orders enhancing the pension to Rs.500/- per month to the disabled persons having a minimum of 40% disability

5.8. Empowerment

The Director, Welfare of Disabled and Senior Citizens is designated as State Commissioner for protection of various rights conferred by the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The State Commissioner is vested with quasi-judicial powers for issue of notices and summons implementation of Rights and Entitlements conferred under various statutes including

- National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999
- Mental Health Act, 198

6. Conclusion

Government has been initiating the various programs for the socio, economic and political development of the disabled persons. Even though the programs and policies for the upliftment of the disabled persons intended to encourage the disabled for persons in the various fields, the fruits of the policies not reached the all deserved persons. Due to the illiteracy and poverty and lack of awareness about the right, benefits and availability of the various programs in different fields most of the disabled persons have been not got benefited by the government initiations. However the government at the State and Central level along with the Non-Governmental Organizations has to initiate and sensitize the disabled persons and society to use optimally various programs and right of the disabled persons which play vital role in the all -round development of the society by the socio, economic and political development of the disabled persons.

7. References

A. R. Wadia, ed., History and Philosophy of Social Work in India, A Souvenir Volume of the Tata Institute of Social Sciences, Bombay: 1961, p. 17-25.

Chopra.P. N., B.N. Puri & Das; A Social, Cultural & Economic History of India, Macmillan, Volume I & II, 1974, p.S0-63 21.

Jasinskis v. Latvia (2010) Persons with disabilities and the European Convention on Human Rights.

Majumdar, R.C.; Social work in Ancient and Medieval India, pub. Wadia, 1st ed., p.66 as cited in G.N. Kama United United Nations and Rights of the Disabled Persons, A study in Indian perspective, A.P.H. Publishing Corporation, New Delhi, 1st ed., 1999 22

Ministry of statistics & program implementation, government of India (2016).Disabled persons in India statistical profile.

National Human Rights Commission Disability Manual 2005, National Human Rights Commission, New Delhi, p.34-35 2.

Nencheva and Others v. Bulgaria (2013) Death of disabled people in a care home or a psychiatric hospital.

Paul Chowdhury, D.; A Handbook of Social Welfare, Delhi: Atma Ram & Sons, 1981, p.1.

Thapar, Romila; The Image of the Barbarian in Early India, Comparative Studies in Society and History, vol.13, 1971, p. 408-436; and also vide M. Miles, Disability in an Eastern Religious Context: Historical Perspectives, vol. 10, no.1, 1995, p.49-69. 15 ibid 16.

UNDP (2012) Livelihood opportunities for the persons with the disability.

Mukherjee, P.R. and Atul A. Waheli-'Integrated Approach towards Drug Development from A yurveda and others Indian systems of Medicines' -J ournal on Ethno Pharmacology, vol. 103, issue 1, 3rd Jan 2006, p.25

Bhattacharya, V.R., Some Aspects of Social Security Measures in India, New Delhi: Metropolitan, 1978, p.10