



## **Performance and outcomes of the person with disability act 1996: A state-wise analysis on policy perspective**

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### **Abstract**

“New information and communications technologies can improve the quality of life for people with disabilities, but only if such technologies are designed from the beginning so that everyone can use them. Given the explosive growth in the use of the World Wide Web for publishing, electronic commerce, lifelong learning and the delivery of government services, it is vital that the Web be accessible to everyone.” – Bill Clinton

In India, differently-abled populations are considered marginalized, neglected, and sympathizers throughout centuries. This community contains more than 2.19 % of the total population of the country. But after the Liberalization, Privatization, Globalization, and Technological Development in India, government have taken various action to empower this community whereas convention on Disabilities in the Asian and Pacific Region, the Meeting to Launch the Asian and Pacific Decade of Disabled Persons 1993-2002, convened by the Economic and Social Commission for Asia and Pacific held at Beijing on 1st to 5<sup>th</sup>, December, 1992, adopted the Proclamation on the Full Participation and Equality of people with, Disabilities in the Asian and Pacific Region; in which India was a signatory to the said Proclamation. So it is considered necessary to implement to Proclamation aforesaid. On behalf of this promise to provide proper facility and empowerment of the community to the differently-abled population of Indian government passed a “The Persons with Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995”. An Act to give effect to the Proclamation on the Full Participation and Equality of the people with, Action Plan and Initiatives of the Person With Disability Act and some provisions through the sections of Act like State Coordination Committee, State Executive Committee, States have some activities regarding Education, Job identified, Education Reservation, Poverty Alleviation, Incentive Scheme, Preferential Land Allotment, Barrier Free Environment, Appointment of competent Authorities, Appointment of Commissioner, Insurance Unemployment Allowance/ Disability Pension.

So, this paper focused on the policy perspective of the section-wise provisions of the act which should be fulfilled with the fastest initiatives and also try to identify all the loopholes in the implementation process in states of India.

**Keywords:** performance, person with disabilities, implementation, provisions, ranking

### **Introduction**

“Coming out and with the passing time, you realize you need to find people with you to share. There is no need to despair your life, it can be your own and there is no reason to condone. What passes for their care so I am coming out? I have had enough of passing & playing their game, I’ll hold my head high. I’m done with sighs and share <sup>[1]</sup>.

(Sinclair 1999, cited in Swain & French 2000 576)

These lines are reflecting the frustration of those disabled people who were of being scanned by society seeks to break the shackles created by the societal notion of ‘normality’. Which denied the existence of a person with disability and they lack behind as a marginal group in the society.

In the case of Indian society differently-abled population generally considered as sympathetic, helpless & hopeless historically. The attitude of peoples toward this marginal section of the society is that- they can’t perform well in any field including economic, social, political life. They have doubts about their decision making and potential. So, being a disabled person it is not easy to avail of any opportunity

for further development. According to the ILO survey on the disabled population in Singapore, it is found that they have more capacity to perform in economic front then so-called normal participants, then why not in India.

However, a major change in Indian economic, social as well as political paradigm after Liberalization, Privatization, and Globalization, which converted international markets in the local and Indian economy became a market economy. But about 2.1 % population of society redress by the Government of India through the legislation of which was implemented in 1996, which provide some opportunities in term of barrier-free environment, social security, education, & employment. It helps in changing the attitude and behavior of society, towards this vulnerable section in India as well as across the globe. The Census of India has enumerated this section in 2001 and other organization like National Sample Survey also enumerated this section in 47<sup>th</sup> & 58 round of the survey.

The empowerment of the differently-abled population is an end of the problem in itself. While being critical for economic development, empowerment builds self-confidence and creates belief & self-dignity. Therefore, for their empowerment, it is necessary to improve their

<sup>1</sup> This quotation has been taken from literature written by Sinclair, 1999.

contribution as an economic actor, which is presently very low. Differently-abled population's contribution is mostly not recognized or undervalued & hence marginally included in the national income. The potential of this section in economy is highly underexplored which acts as a handicap in their real empowerment. So, it is very important to study the section-wise outcome and the performance of the person with disability act which reflects the actual situation of the implementation of the Person with Disability Act, 1996 in Indian states.

### Objectives

The objectives of the study are to find out the implementation status of the Persons with Disabilities Act a provincial analysis in India and also to examine the section-wise Performance and outcome of the person with Disability act at the State level in India.

### Database

The data source for the research study is the Census of India, 2001, Series C, Table- 20, 21, 23, and 24, which incorporated multiple questions on disability and gives the empirical scenario of the study and the real situation of the study. In the Census 2001 type of disabled were to categories in speech, sight, hearing, mental (mental), or movement (physical), and every person was asked if he/she had a physical or mental disability. The data acquired from other sources are the National Sample Survey Organization (NSSO), Round 58<sup>th</sup> commenced in 2002 (July to December, Ministry of Social Justice and Empowerment, Government of India. (Annual Reports) and Rehabilitation council of India reports.

### Methodology

The methodology is an important part of the study of research because, in the study of any aspect, the researcher needs an appropriate result of the study. Therefore, the concerned topic we are following to evaluate and examine some data need the help of some cartographic methods, charts, line graphs and the statistical calculations of secondary as well as primary data. These data will be collected by a random survey of various companies/ government organizations, which provides jobs and other facilities like health, education, and employment to the disabled persons as the result of implementing acts and policies of the government. For finding out the impact & hindrances of the implementation process through some selected variables like allocation of the fund, education, finance, and development fund Ranking Method was adopted to analysis the Statewise implementation of Person with Disability Act.

### Interpretation

**Government of India have taken some Action Plan and initiatives of the person with disability Act. 2007-2008**<sup>[2]</sup>

#### i) Awareness and Convergence

- Four seminars on disability issues in convergence with national Trust, RCI, NIS will be held in different parts of the country.

- Liaison with media will be maintained for telecasting /publishing programmes on disability issues.
- Compilation and publication of the Judgements and Orders of Chief Commissioner for Persons with disabilities.
- Design and Development suitable MIS & a website based information system for displaying the status of cases /queries, orders on the cases, online information on the activities of the O/o CCD.
- An accessible and interactive website O/o CCD will be developed and efforts will be made to link it to the State Commissioners, Disabilities and the Districts under the scheme submitted for strengthening the office of CCD.

#### ii) Prevention and early detection

- Ministry of Health will be asked to undertake immunization against rubella.
- Ministry of Human Resource Development and State Education Departments will be asked to include simple methods of early detection of disabilities in the school textbooks.

#### iii) Education

- Ministry of Human Resource Development and State Education Departments will be asked to provide at least one Special Educator in every school in a time-bound manner.
- All the State Education Departments will be asked to modify the curriculum as per the needs of children with disabilities.
- Ministry of Human Resource Development will be asked to provide for flexibility in the education system to promote inclusion of children with disabilities in the mainstream schools.
- Ministry of Human Resource Development /University Grant Commission will be asked to expedite the development and circulation of guidelines for the provision of various facilities such as scribe to students with disabilities in examinations.
- O/o CCD will continue to take up suo-motu cases for reservation of seats for the person with disabilities in educational institutions.

#### iv) Employment

- State Governments will be asked to adopt the instructions of DOP&T for implementation of a 3% reservation to ensure uniformity.
- Central Govt. Departments, PSUs, and State Govt. will be asked to calculate backlog since 1996 and conduct a special recruitment drive to fill the backlog.

#### v) Barrier-Free Environment

- Ministry of Urban Development will be asked to update the guidelines on creating a barrier-free environment and ensure accessibility to Central Govt. Offices.
- A Guide book on Creating Sporting & Recreational Activities for Person with Disabilities in the National Institutes and other such Institutes will be prepared and the concerned institutes will be asked to develop the facilities to promote sports activities amongst Persons with Disabilities.

<sup>2</sup> This section has been initiated from Office of the Chief Commissioner for Person with Disabilities, Ministry of Social Justice & Empowerment, Government of India, New Delhi. Reports. 2007-2008.

**vi) Monitoring of Utilization of Funds**

- Monitoring teams as proposed in the scheme for the 11<sup>th</sup> Five Year Plan will be formed and monitoring will be carried out in 10 to 12 States during the year.

**vii) Grievance Redressal**

- 10 to 12 Mobile Courts and review meetings to review the implementation of various provisions of the Act will be organized.

- 50% of pending cases will be disposed of.
  - Workshop of the State Commissioners with legal experts for discussing/sharing experiences, problems & other issues related to the implementation of quasi-judicial functions of CCD/Commissioners will be organized.
- Above discussed topics have some important provisions in the person with Disability Act in India to empower, provide equal opportunity, protection of right and freedom to move everywhere across the country.

**Table 1:** Coverage of National Institutes for person with disabilities by type of services

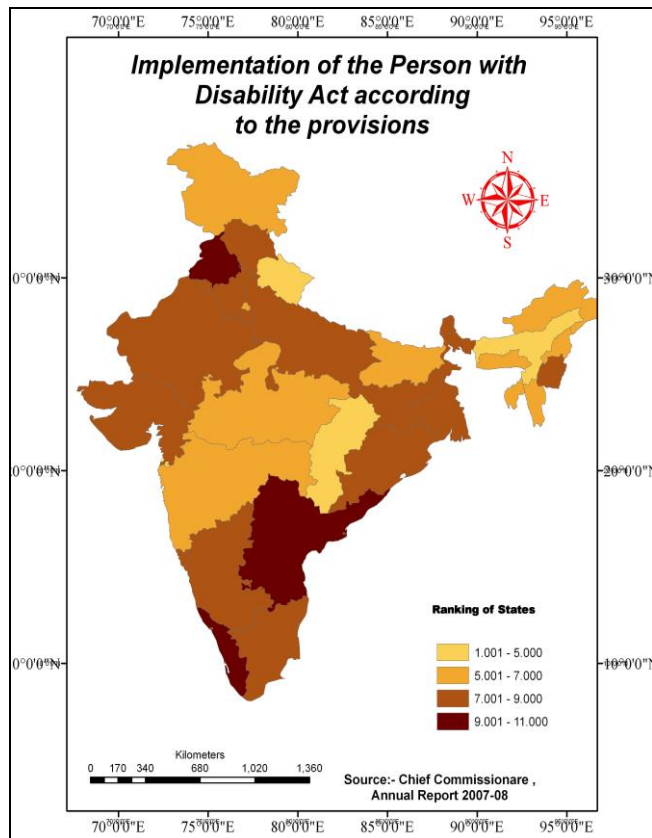
Institution	special educators Trained	Rehabilitation Services	Extension Services	Clinical Services	Total PWD served
National Institute of Hearing Handicapped	2536	23452	11077	175893	212958
National Institute of Mentally Handicapped	31804	14445	54071	18923	119243
National Institute of Orthopedically Handicapped		23487	65083	221804	310374
National Institute of Visually Handicapped	5972	325771	83463	24128	439514
National Institute of Physically Handicapped	619	22090	47201	65652	135562
National Institute of Rehabilitation Training and Research	415	26369	1863	330437	359089
District Rehabilitation Centre / Regional Rehabilitation Training Centres		26416	149583	204286	380483
Total	41346	462228	412526	1041123	1957223

Source: Asia Pacific Development Centre on Disability India Country Profile

of India is providing the various facility to persons with disability through various ways and types and also set up some special institutions which are serving for the disable these have been established not only at state-level but at regional level also in terms of special education, rehabilitation services, extension services, clinical services itself. As data indicated that the total person with a disability served by these institutions is 1957223.

**Implementation of the person with disability act according to the provisions on the basis of ranking method among states**

- Code of Provisions: Constitution of Commissionaires-1, Education-2, Employment-3, Reservation in Education-4, Poverty Alleviation-5, Incentive Scheme-6, Preferential Land Allotment-7, Barrier Free Environment-8, Appointment of Competent/Commissionaire authority-9, Insurance-10, Unemployment Allowance-11, Disability Pension-12.
- Code of Indication: Yes-1, No-2., Under Process – 0.



**Fig 1:** Implementation Status of the Person with Disability Act a state-wise analysis

In the Persons with disabilities act have been set up some provisions according to the sections which are indicating above ranking method which show that the Section 13-18 have provision to set up the State Coordination Committee and the State Executive Committee, Section 19-21 have on the Educational developmental activities for disabled, Section 26-30 free and appliance of education, Section 32 Job Identification, Section 29 Seat should be reserved 3 % in educations, Section 40 has provision of the Poverty alleviation of the Disabled, Section 41 to promote some important Incentive Schemes for Disable, Section 43 have provision to provide preference to disable at the time of land allotment, Section 45-46 Government should be responsible to provide the barrier-free environment at the public places for the disabled, Section 50 Appointment of Competent Authority and the Section 60 Deals with Appointment of the commissionaire, Section 67 has provision for the insurance, Section 68 deals with the unemployment allowance and the Disabled pension.

However, we have gone through all the section-wise provision of the implementation of the person with disability act. It is found that Punjab, Andhra Pradesh and the Kerala state have better approach to fulfill the act.



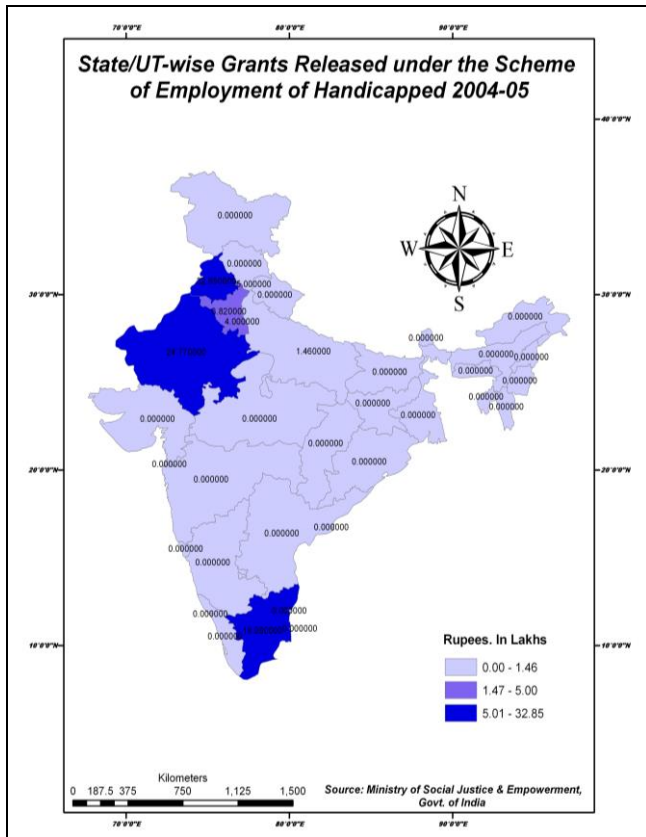


Fig 2: Grant for the Scheme of Employment.

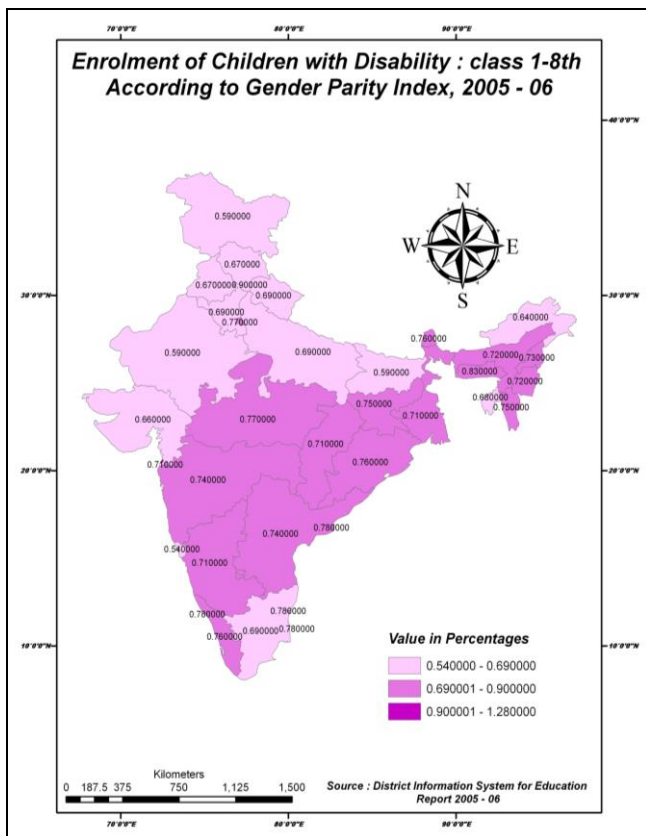


Fig 3: Enrolment of Children with Disabilities.

Education is the key indicator for the transformation of knowledge in the society which plays an important role the not only accumulation of knowledge but also creates multidimensional ideas in human beings. But for the person with disability is also equally important to survive in

society. and to the equal opportunity with the empowerment of the socio, economic, demographic as well the political approach to ruin the stigma of disability. In keeping the mind all these approaches we have tried to analyze the employment opportunity and the educational status of the disability. It is found that the Tamil Nadu and the state of Rajasthan is the only states which release proper grant for the employment scheme of person with disability and Haryana also provide grant as comparative to the disabled population is state but except these three state other states are not provide grant for the employment of the person with disability in 2004-2005 financial year.

However, in terms of the educational states of the first to eight class education of the person with disability found not so good situation in almost states of India. According to the gender parity index of the enrolment of the person with disability, it is found that middle India and the eastern of the country have very high gap in terms of the educational status of both sexes.

**Conclusion**

Finally, it is found that performance of the person with disability act has not good in implementation because of lack of allocation of the funds not only for the employees but also for purchase the aid/appliances. The ranking method shows that the implementation of the person with disability act in Punjab, Manipur, Kerala, and Tamil Nadu states are better in terms of educational status, employment opportunity for the person with disability and the protection of right. On the other hand, states like Chhattisgarh, Uttarakhand, and Assam, etc. have done little progress to implement the provisions of the Act.

**Barriers in the implementation of the act and recommendation**

**How Lack in the Proper implementation of Person with Disability Act**

- No sufficient availability of funds in the budget by govt.
- Shortage of manpower/staff in Disable courts.
- Lack of proper and efficient functioning.
- Courts are more expensive for the Rural population and in terms of time, layer, tension.
- Lack of proper awareness of Person With Disability in terms of the PWD Act.
- Lack of infrastructure as well as Political intervention.

**How person with disability act can be efficient in India**

- Map & Identify the area where the person with a disability is more sufferers.
- Decentralize awareness through electronic media on – Radio, Television, Mobiles courts, etc.
- Decentralize awareness of the person with disability act through Self Help Groups, Anganwadi, School, Health like Population Policy function.
- Spread awareness of person with disability act through M.C.D, Nagar Palika, Panchayat as well as NGO’s.
- Facilitate legal rules & regulation which can help to become disabled-friendly.
- Promote persons with disability courts according to Background of the social-economic situation of majority like remote areas or urban areas.
- Promote RTI act 2005 & Mobile courts with efficient, accountable functioning.

## References

1. Indian Association for Special Education and Rehabilitation. The recommendation of the National Conference on Manpower Development Report, 27, 1995.
2. Person with Disability Act. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
3. Rehabilitation Council of India News. Volume 5/6, Issue No.4/1, 2009.
4. Mehrotra Nilika. Women disability & social support in rural Haryana. Economic political weekly, 2004, 5640-5644.
5. Mitra Sophie, Samumoorthi Usha. Disability estimation in India." Economic political weekly, 2006, 4022-4024.
6. Zutshi B. Report on Disability status in India - A case study of metropolitan region. Ford foundation, New Delhi, 2004.
7. Zutshi B. Report on Service for different able population in India. India International centre New Delhi, 2003.
8. Gajendragadkar SN. Disability in India Publishing by Bombay Somaipublication, Bombay, 1983.
9. Jha Madan M, Priti Joshi, Renu Singh, Subir Shukla. Towards Inclusive Education: Developing Sociological Perspective on Disability Published by Rehabilitation Council of India New Delhi, 2005.
10. Karna GN. Disability studies in India - Retrospective & Prospective. Gyan publishing New Delhi, 2003.
11. Karna GN. United Nations and The right of disabled persons: A study in Indian perspective. Publishing - A.P.H Corporation New Delhi, 1999.
12. WWW. Disability India Network.Com