

## Chapter 8

### Government Initiatives for Redressal of Disability in India

#### 8.1 National Policy for Persons with Disabilities, 2006

The National Policy recognizes that Persons with Disabilities are valuable human resources for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in society. It is in consonance with the basic principles of equality, freedom, justice and dignity of all individuals that are enshrined in the Constitution of India and implicitly mandate an inclusive society for all, including persons with disabilities. The National Policy recognizes the fact 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.

The salient features of the National Policy are:

- i) Physical Rehabilitation, which includes early detection and intervention, counselling and medical interventions and provision of aids and appliances. It also includes the development of rehabilitation professionals;
- ii) Educational Rehabilitation which includes vocational training; and
- iii) Economic Rehabilitation, for a dignified life in society.

#### 8.2 Mechanism for implementation of the National Policy

The following mechanism is in place for implementation of the National Policy:

- a. The Ministry of Social Justice & Empowerment is the nodal Ministry to coordinate all matters relating to implementation of the Policy.
- b. The Central Coordination Committee, with stakeholder representation, coordinates matters relating to implementation of the National Policy. There is a similar Committee at the State level. Panchayati Raj Institutions and Urban Local Bodies are associated in the functioning of the District Disability Rehabilitation Centres. They are required to play a crucial role in the implementation of the National Policy to address local level issues.
- c. 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 Women & Child Development and Departments of Elementary Education & Literacy, Secondary & Higher Education, Road Transport & Highways, Public Enterprises, Revenue, Information Technology and Personnel & Training are also identified for implementation of the policy.

- d. The Chief Commissioner for Persons with Disabilities at Central level and State Commissioners at the State level play key role in implementation of National Policy, apart from their statutory responsibilities.

### **8.3 India as a signatory of UN Convention on the Rights of Persons with Disabilities**

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which India signed on 30th March, 2007, was ratified and came into force on 3.05.2008. Three important obligations arise out of the Convention, namely (a) Implementation of provisions of the UNCRPD, (b) Harmonization of Indian Laws with the UNCRPD, and (c) Preparation of a Country Report by 2010.

All concerned Central Ministries were requested to implement the provisions of the UNCRPD in so far as these relate to them. The need for focus on women and children was also emphasized. The Ministries were also requested to identify statutes and orders that require amendment in the light of the Convention and to initiate the process of amendment. All Chief Ministers of States and Administrators of UTs were similarly requested to refer to various obligations under the Convention that relate to the State Governments and to implement the same. State Governments/ UTs were also requested to furnish the status report for preparation of Country Report.

### **8.4 Disability Certificates**

The PWD Act, 1995, provides certain benefits to persons with disabilities who have not less than 40% of any disability, as certified by a medical authority. Thus, a person with disability who wishes to avail the benefits under the Act, has to obtain a disability certificate from the medical authority notified for the purpose. State Governments are responsible for issuing disability certificates on the basis of applications from the persons with disabilities.

The Persons with Disabilities Rules, 1996 have been amended in 2009 which inter-alia prescribed a simplified and decentralized procedure for issuance of Disability Certificate. In the amended rules, instead of “Medical Board”, “Medical Authorities” has been prescribed for issue of medical certificates. The Medical authorities have to be notified by the appropriate governments.

### **8.5 Statutory Committees**

- i. **Central Coordination Committee (CCC)** constituted under Section 3 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, is chaired by the Minister for Social Justice and Empowerment and has official and non-official members, including Members of Parliament, representatives of organizations of persons with disabilities and experts in the field of disability. It serves as the national focal point on disability matters and facilitates the continuous evolution of a comprehensive policy towards solving the problems faced by persons with disabilities. It advises the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability and reviews and coordinates the activities of all the Ministries/ Departments of

Government and other Governmental and Non-Governmental Organizations which are dealing with matters relating to persons with disabilities. It takes up the cause of persons with disabilities with the concerned authorities and international organizations with a view to provide for schemes and projects for the disabled in the national plans and other programmes and policies evolved by the international agencies.

- ii. **Central Executive Committee (CEC)** constituted under Section 9 of the Persons with Disabilities Act, 1995, chaired by the Secretary, Ministry of Social Justice and Empowerment, is the executive body of the Central Coordination Committee. It is responsible for carrying out the decisions of the Central Coordination Committee and performs such other functions as may be delegated to it by the Central Coordination Committee.

### **8.6 Provisions of the PWD Act relating to Rehabilitation**

Section 2(w) of the PWD Act, 1995, defines “rehabilitation” as “a process aimed at enabling persons with disabilities to reach and maintain their optimal, physical, sensory, intellectual, psychiatric or social functional levels”.

Section 66 of the PWD Act, which deals with rehabilitation, reads as below:

“Appropriate Governments and local authorities to undertake rehabilitation

- (1) The appropriate Governments and the local authorities shall within the limits of their economic capacity and development undertake or cause to be undertaken rehabilitation of all persons with disabilities.
- (2) For purposes of sub-section (1), the appropriate Government and local authorities shall grant financial assistance to non-governmental organizations.
- (3) The appropriate Governments and local authorities while formulating rehabilitation policies shall consult the non-governmental organizations working for the cause of persons with disabilities.”

### **8.7 Components of Rehabilitation of Persons with Disabilities**

Some of the main components of rehabilitation of persons with disabilities are:

- (i) provision of assistive aids and appliances
- (ii) education
- (iii) vocational training
- (iv) assistance for employment
- (v) training in or assistance for independent living

Central Government has been providing grant-in-aid to non-governmental organizations over successive Five Year Plans through various schemes for projects relating to rehabilitation of persons with disabilities, including the Deendayal Disabled Rehabilitation Scheme that covers components (ii) to (v) above and the

Scheme of Assistance to Disabled Persons for Purchase/ Fitting of Aids/Appliances (ADIP), covering component (i) above.

### **8.8 Schemes of the MSJE**

The Ministry of Social Justice & Empowerment operates various schemes for empowerment and rehabilitation of persons with disabilities (PWDs). The schemes aim to promote physical, psychological, social, educational and economic rehabilitation and development of persons with disabilities to enhance their quality of life and also enable them to lead a life with dignity. The major schemes for rehabilitation of persons with disabilities are:

1. Scheme of Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances (ADIP) - aims at physical rehabilitation of persons with disabilities through provision of assistive aids and appliances.
2. Deendayal Disabled Rehabilitation Scheme (DDRS)- an umbrella scheme that addresses all aspects of rehabilitation and includes projects covering various services ranging from programmes for pre-school and early intervention to rehabilitation of leprosy-cured persons.
3. Scheme for Implementation of Persons with Disabilities Act- under the scheme funds are provided for projects to make public buildings barrier-free, support to the institutions at regional and district level providing services to persons with disabilities and the creation of awareness on related issues.
4. Scheme of Incentives to Employers in the Private Sector for Providing Employment to Persons with Disabilities.

### **8.9 National Institutes working in the field of disability**

There are seven National Institutes under MSJE working in the field of disability. These institutes are engaged in Human Resources Development in the field of disability, providing rehabilitation services to the persons with disabilities, research and development. These National Institutes including their regional centres and composite regional centres run 80 courses of one year or more duration. The seven National Institutes are:-

1. National Institute for the Visually Handicapped (NIVH), Dehradun
2. National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD), Chennai
3. Swami Vivekanand National Institute for the Rehabilitation, Training and Research (SVNIRTAR), Cuttack
4. National Institute for the Hearing Handicapped (NIHH), Mumbai
5. National Institute for the Mentally Handicapped (NIMH), Secunderabad
6. National Institute for the Orthopaedically Handicapped (NIOH), Kolkata
7. Pt. Deendayal Upadhyaya Institute for the Physically Handicapped (PDUIPH), New Delhi.

## 8.10 Regional and District-level Centres for Persons with Disabilities

Composite Regional Centre (CRC): The scheme of setting up of Composite Regional Centres is a part of overall strategy to reach out to the persons with disabilities in the country and to facilitate the creation of the required infrastructure and capacity building at Central, State and District levels and below for awareness generation, training of rehabilitation professionals, service delivery etc. At present, there are six CRCs functioning at Sundernagar, Srinagar, Lucknow, Guwahati, Patna and Bhopal.

District Disability Rehabilitation Centres: To facilitate the creation of infrastructure and capacity building at district level for awareness generation, rehabilitation, training and guiding rehabilitation professionals, MSJE with the active support of the State Governments is providing comprehensive services to the persons with disabilities by way of setting up of District Disability Rehabilitation Centres in all the unserved districts of the country.

## 8.11 Economic Empowerment

**A. National Handicapped Finance and Development Corporation** is an apex institution for channelizing the funds to persons with disabilities through the State Channelizing Agencies (SCAs) nominated by the State Government(s) or through Non Government Organizations (under Micro Credit Scheme) with the following purposes:

- a) To promote economic development activities and self-employment ventures for the benefit of persons with disability.
- b) To extend loan to the persons with disability for up gradation of their entrepreneurial skill for proper and efficient management of self-employment ventures.
- c) To extend loans to persons with disability for pursuing professional/technical education, leading to vocational rehabilitation/self-employment.
- d) To assist self-employed persons with disability in marketing their produce.

### **B. National Awards for the Empowerment of Persons with Disabilities**

The National Awards are conferred on the persons with disabilities having outstanding achievements and the individuals and organizations that are working for the empowerment of persons with disabilities. These awards have been instituted with the objective to focus public attention on the issues concerning persons with disabilities and to promote their mainstreaming in the society. The awards are given on 3rd of December in every year, which has been declared as International Day of Disabled Persons.

The awards are given under the following twelve categories:—

- (i) Best employees/self-employed with disabilities,
- (ii) Best employers and placement officer/agency of persons with disabilities,
- (iii) Best individual and institution working for the cause of persons with disabilities,

- (iv) Role Model,
- (v) Best applied research/innovation/product development aimed at improving the life of persons with disabilities,
- (vi) Outstanding work in creation of barrier-free environment for the persons with disabilities,
- (vii) Best district in providing rehabilitation services,
- (viii) Best Local Level Committee of National Trust,
- (ix) Best State Channelizing Agency of National Handicapped Finance and Development Corporation
- (x) Outstanding creative adult persons with disabilities, and
- (xi) Best creative child with disabilities.
- (xii) Best Braille press

**C. National Handicapped Welfare Fund**, subsequently renamed as National Fund for People with Disabilities (National Fund) was established in 1983. Presently, the National Fund is implementing a scholarship scheme for students with disabilities.

**D. Trust Fund for Empowerment of Persons with Disabilities:** In pursuance of the directions of the Hon'ble Supreme Court judgment dated 16.04.2004, a Trust Fund for Empowerment of Persons with Disabilities (chaired by Comptroller & Auditor General of India) was registered on 21.11.2006.

### **8.12 Statutory Authorities/Bodies of MSJE in the Disability Sector**

The Office of the **Chief Commissioner for Persons with Disabilities (CCPD)** has been set up to take steps to safeguard the rights and facilities to the persons with disabilities. Based on the complaints filed before him/her, if the provisions of the Persons with Disabilities Act, any rules, bye-laws, regulations, executive orders or instructions are violated or are not implemented, the Chief Commissioner takes up the matters with the concerned authorities. The Act also empowers the Chief Commissioner to issue suo-motu notice of any such non-compliance.

**National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities** is a statutory body set up under the National Trust for the welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act (Act 44 of 1999), 1999. The main objective of National Trust is to ensure persons with disabilities to lead independent life with dignity, support and strengthen NGOs and other service providers and appoint legal guardians to take care the needs of persons with disabilities. The major activities of National Trust include training and awareness programmes, capacity building programme & shelter, care giving & empowerment programmes.

The **Rehabilitation Council of India** was initially set up and given Statutory Status by an Act of Parliament namely Rehabilitation Council of India Act, 1992. The Act was subsequently amended in 2000.

The Council is responsible for regulating and monitoring the training of rehabilitation professionals and personnel, promoting research in rehabilitation and special education.

### **8.13 Other major initiatives**

- i. Artificial Limbs Manufacturing Corporation of India (ALIMCO) was set up in 1972 by the Government of India, a “Not for Profit” company with the mission of Empowerment of Persons with Disabilities and restoration of their dignity by way of manufacturing and supplying durable, sophisticated, scientifically manufactured modern and ISI standard quality Assistive aids and appliances that can promote physical, psychological, social economic and vocational rehabilitation by reducing the effect of disabilities and enhancing potential for self-dependence. ALIMCO is the premier and the largest manufacturer of quality Aids & Appliances in whole of South Asia.
- ii. Accessibility to Buildings: Sections 45 and 46 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 envisage barrier free accessibility in public buildings which includes ramps, adaptation of toilets for wheel chair users etc. Several Central Ministries have been requested to take appropriate steps in this regard. In a pursuant Accessibility to Websites
- iii. Ministry of Social Justice & Empowerment has launched its accessible website – [www.socialjustice.nic.in](http://www.socialjustice.nic.in) which is disabled friendly. A new category of National Awards for the welfare & development of persons with disabilities has been announced for launching disabled friendly websites in Government Public and Private Sectors.
- iv. Dedicated Satellite Channel on Disability: The EDUSAT Channel ‘NAVSHIKHAR’ has been set up at RCI Office in collaboration with Indian Space & Research Organization (ISRO) and Media Lab Asia (MLA) for the benefits of the students, trainees and parents of the persons with disabilities.
- v. National Interactive Web Portal on Disability: RCI in collaboration with the Media Lab Asia (MLA) has developed a comprehensive national web portal namely “[www.punarbhava.in](http://www.punarbhava.in)” on disability. The portal is designed to provide all related information regarding different disability issues at one platform on regular basis.

### **8.14 Programmes/Activities of other Ministries relating to Disability**

Besides Ministry of Social Justice and Empowerment other Ministries/ Departments of Government of India which attend to certain policy measures and other incidental issues related to disability through their programmes and activities are as follows:

- i. Ministry of Women & Child Development
- ii. Ministry of Human Resource Development
- iii. Ministry of Health & Family Welfare

- iv. Ministry of Urban Development
- v. Ministry of Housing & Urban Poverty Alleviation
- vi. Ministry of Rural Development
- vii. Ministry of Labour & Employment
- viii. Department of Higher Education
- ix. Department of Personnel & Training (DOP&T)
- x. Department of Science and Technology
- xi. Department of Scientific and Industrial Research.