



An empirical study on disability schemes in India

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INTRODUCTION

Considering the complexities and multi dimensionality of disability, it is impossible to set a perfect definition that covers all the aspects of it. As per UN, definition of disability is “Persons with disabilities include those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”.¹ The RPWD Act, 2016 has incorporated this definition of Act. In India there is no structured data or constructive data that suggest actual number of disabled person. The 2001 Census² recorded 21.91 million (2.13%) people with disabilities and 2002 National Sample Survey 58th Round³ recorded that there are 18.5 million (1.8%) people suffer from disability. All these data are considered gross underestimation of actual number of persons with disabilities considering the report of World Bank⁴ which says that arguably there could be 40 million people with disability and a NGO working in disability sector in India, the National Centre for Promotion of Employment for Disable People (NCPEDP) states that there could be 5 to 6 percent of population with disability. World Health Organisation estimates that there could be 10% of population who could be suffering from any kind of disability worldwide. Considering this mammoth number it is essential to protect rights of persons with disabilities. The UNCRPD is step toward this. UNCRPD has empowered disabled people with “respect for inherent dignity”, “individual autonomy including the freedom to make one’s choices, and independence of persons”, “non-discrimination”, “full and effective participation and inclusion in society”, “respect

¹ UNCRPD,2006, p. 4

² Register General of India, 2001

³ NSSO, 2003

⁴ World Bank (2007: 12)



for difference and acceptance of persons with disabilities as part of human diversity and humanity”, “equality of opportunity”, “accessibility”, “equality between men and women” and “respect for the evolving capacities of children with disabilities to prevent their identities”. All these principles have been duly incorporated into RPwD Act, 2016 to protect their freedom, right and dignity. Article 41⁵ states that “the state shall within the limits of its economic capacity and development make effective provision for securing the rights to work, old age sickness and disablement”.

This paper is based on a survey conducted in certain rural parts of Rajasthan, India. The survey was conducted to understand the ground reality of the government legislation and policies regarding the disabled people. The RPWD act is an excellent legislation which is coherent to the principles of UNCPRD and the government policies (might be of state government or central government) regarding disability are also brilliant. The problem lies in the implementation of law and execution of policies. This paper tries to understand the ground reality of different policies and laws. This paper mainly focuses on four aspects i) Infrastructural facilities, ii) Special Education facilities, iii) Pension benefits for the disabled, and iv) finally the health care facilities for them. This paper tries to figure the lacuna in implementation and provide substantive suggestions to overcome such loopholes.

RESEARCH OBJECTIVES

The objective of this research paper is to understand the ground reality of disability laws, policies and schemes that are enriched upon disabled persons through different international conventions and national law and policies. The objective of this paper is to understand what are the available structured rights and policies of the government with respect to disabled persons. Further the paper aims to understand the ground reality of the government schemes and policies which would mainly focus on infrastructure, education, health and pension. The final objective of writing this paper is to provide constructive suggestions to the appropriate authority for the proper implementation of schemes which would benefit the disabled fraternity at large.

⁵ Indian Constitution



RESEARCH QUESTIONS

1. What are the laws and policies with relation to education for disabled student? And, what is the ground reality of such government policies?
2. What are infrastructural requirement for disabled people as per law? And what is the condition of such laws and policies when it comes to implementation?
3. What is the scheme of pension for disabled persons and how it is implemented?
4. What is a disability or UDID certificate? What is the importance of having such certificate by PwDs?

RESEARCH METHODOLOGY

The research methodology is primarily quantitative and draws from primary and secondary sources. The author admits that it was extremely difficult to be straight on the objectivity. By using statistics obtained from ground level survey and reports from UN and Government of India, the author conducts his research work.

Researcher collected data by conducting survey and secondary sources. Related books, articles, journals etc. are included in the secondary sources. Authors also have collected information from online.

This research paper mainly uses the statistical data of the survey and reports of different institutions and has adopted non-doctrinal methodology.

EDUCATIONAL FACILITIES TO DISABLED PERSON

Section 2(m) of RPWD Act, 2016 defines inclusive education. The act states that “inclusive education means a system of education wherein students with or without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities”. Government at the policy level has done brilliant job by formulating excellent policy and schemes to promote persons with disability. At the legislative level, the law makers has done a fabulous job by legislating an excellent legislature with coherent to the UNCPRD which protects the rights of disabled persons.



CONSTRUCTIVE INITIATIVE OF GOVERNMENT OF INDIA TO ENSURE INCLUSIVE EDUCATION TO THE CHILDREN WITH DISABILITY

1. Serva Shiksha Abhiyan (SSA)

Serva shiksha Abhiyan is a government scheme which was formulated post Right to Education Act (RTE ACT, 2005) and insertion of Article 21A⁶ in Indian Constitution. In 2005, the legislation amended the constitution to make right to education as a fundamental right of every citizens. In order to realise education for all, the government came up with this scheme. The aim of the SSA is Universalization of Elementary Education. The scheme says that children between the age group of 6-14 must get education, that education must be accessible and free. The scheme ensures that each and every child who requires special needs, irrespective of the degree and kind of disability the child is suffering, must be provided meaning and reasonable quality education. This interesting part is, the scheme positions a zero rejection policy which basically means any child with any sort of disability cannot be denied education on the basis of its disability. This ensures that children with special needs must be admitted and further must be provided with special education.

2. Inclusive Education for Disabled at Secondary Stage (IEDSS)

This scheme was basically launched in 1974 but in the year 1992 it was remodified and in 2009 the previous similar scheme was replaced with this new scheme named IEDSS. This scheme provide assistance for inclusive education of disabled children of class IX-XII having “low vision, blindness, leprosy cured, hearing impairment, locomotors disabilities, mental retardation, mental illness, autism and cerebral palsy”. Here funds are provided from the Department of Education for activities like “identification and assessment, assistive devices, allowance for transport, escorts, readers, uniforms, books and stationery, stipends for girls” and many other. Further scheme talks about hurdle free environment for education, special teacher appointment, teacher training programme, orientation programme for parents, teachers, communities and non-academic staff members.

3. Accessibility of Schools

⁶ Indian Constitution



All the educational institutions primary and secondary shall be accessible to disabled people. All the schools needs to be barrier free and discrimination free. The schools need to have all necessary infrastructural facilities which encourage students with disabilities to attend schools.

4. Training Program for Special Teachers

Rehabilitation Council of India (RCI) has designed and structured the curriculum for the training programme of the special teachers. There is a whole range of courses offered by this institution to standardise and specialize teachers to teach disabled children. The Courses are Diploma in Special Education, B.Ed in special education and many more.

GROUND REALITY OF THE SCHEMES OFFERED BY THE STATE/GOVERNMENT:

The survey that was conducted in the rural parts of the Rajasthan clearly shows that 100% dropout of children with disability.⁷ Children those who have some sort of mental and physical disability doesn't get any special assistance in the school and no special curricula for them. The schools are not accessible for the children with disability which is making them force to leave the education in between. The children with mental illness needs special assistance with regards to learning, as there are no special teachers appointed or any training programme for the existing teachers that makes the schools inaccessible to children with mental illness. Students with some degree of physical disability require conducive infrastructure to attend schools, but unfortunate due to lack of such infrastructure they are forbidding themselves to attend schools. In this survey mainly it was noticed that children with mental or physical disability are not attending schools as there are many hurdles to it, prominently

- i. There is no proper infrastructure for them.
- ii. There are no proper curricula designed for them.
- iii. There are no specialized teacher for them.
- iv. There are no teacher with certain ability to teach them.
- v. Lack of awareness regarding their rights.

⁷ Annexure 1



INFRASTRUCTURAL FACILITIES

Persons with disability face lot of problems due to inadequacy of services regarding infrastructure such as non-availability of wheel chairs or ramps in any building or public places. It is not a hard task for getting around the world with narrow passages, curbs or stairs but people with disabilities have a hard time to deal with these barriers. There is a clear lack of consideration towards people with disabilities when we observe there are no proper infrastructural facilities in public buildings, educational institutions and also near their residences. This lack of consideration has been recognized and addressed by over 50 countries, through laws that protect people with disabilities from discrimination and provision of access to public facilities, employment, services and amenities.

A disability is only deliberated as disabling when it prevents a person from doing what they want or need to do. A lawyer will be effective in a wheelchair as long as he has access to the courtroom, legal library and to all the places that he's required to visit. A person who can't hear might be a chief scientist of any laboratory if he is able to communicate with his clients and assistants. On the other hand, a disability truly limits a person's actions and abilities such as if the building is on fire and elevators don't work then a wheelchair user will be in extreme danger.

Persons with disabilities need access to buildings, open spaces, and some other place an individual may need to go for work, play, training, business, administrations, and so forth. Physical access incorporates things like accessible routes, curbs, parking and passenger loading zones, elevators, signage, entrances, and restroom accommodations. Signs, open location frameworks, the Internet, phones, and numerous other correspondence media are situated towards individuals who can hear, see and utilize their hands effectively. Making these media open to individuals with disabilities can take some imagination and creativity. Individuals with disabilities have, before, frequently been prevented access to administrations from claiming different sorts – from kid care or mental health guiding to help in retail locations to stimulation – either because of absence of physical openness or in light of uneasiness, or preferences in regards to their disabilities. Everybody ought to deserve the privilege to completely take an interest in network life, including going to religious administrations, public restaurants, shopping, enjoying community clubs, and so forth. Indeed, even where there are no physical boundaries, individuals with disabilities still once in a while experience differential treatment.



GOVERNMENT INITIATIVES REGARDING INFRASTRUCTURAL FACILITIES

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

MHRD has issued various instructions from time to time to all the centrally funded educational institutions to ensure barrier free environment in the buildings, which would include provisions of ramps, rails, lifts, adaptation of toilets for wheel chair users, braille signs, tactile flooring etc. to PWDs.

UGC has also issues various instructions from time to time to the universities regarding Accessible India Campaign, and RTE Act, 2009 provides that every school should have a barrier free access which includes free infrastructure access for the benefit of children including CWSN (Children with Special Needs) by March, 2020. As per Unified District Information System for Education, 2015-16, 61.83% of elementary schools are having ramps and 23.08% schools have been provided CWSN friendly toilets where CWSN enrolment > 0.

MHRD is also implementing the scheme of Inclusive Education for Disabled at Secondary Stage (IEDSS) as part of RMSA, under IEDSS component, central assistance is provided for student oriented assistance @ Rs. 3000/- per child per annum, besides support for engagement of special teachers, equipping resource room, making school barrier free, orientation of parents, administrators, educationists etc. UGC provides building grant to colleges. The guidelines for construction of building insists on colleges to ensure creation of special facilities such as ramps, rails, and special toilets and make other necessary changes to suit the special needs of differently abled persons.

DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES, MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

Accessible India Campaign (Sugamya Bharat Abhiyan) was launched as a nation-wide flagship campaign for enabling PwDs to gain access for equal opportunity and live independently and participate in all aspects of life in a society which also deals with building a disabled friendly environment, transportation and Communication method.

In addition, Ministries of Railways, Road Transport and Highways & Civil Aviation also entrusted with the works creating accessible transportations under this campaign for making contributions to create accessible railway stations, accessible international and domestic airports and public transport carriers.



As per the survey of our Report, there have been no infrastructural facilities provided to PwDs in Rajasthan near the home or educational institutions or work places which created a barrier for PwDs to go to their work places or educational institutions or even to just roam around their residence for any community events etc. It is very disheartening to observe that just due to lack of few infrastructural facilities, PwDs have lost the opportunity to work or study or to participate in any kind of community activities around them.

CENTRAL PUBLIC WORKS DEPARTMENT

This department issued guidelines for Space Standards for Barrier Free Built Environment for Disabled and Elderly Persons for amending the existing building bye-laws which would be applicable to all the public buildings and facilities. These guidelines were created with an intention to ensure that there are equal opportunities for disabled people will have equal access in everyday life in the city.

In spite of these guideline and schemes, it is evident through our survey reports conducted in Rajasthan depict the negligence regarding the infrastructural facilities necessary for PwDs and the lack of attention for equal opportunity and access towards PwDs. The change in the attitude towards PwDs and a strict application of laws and regulations will give a positive affect towards the development of PwDs.

PENSION SCHEMES

STATE DISABILITY PENSION

A pension scheme called as the Social Security Pension is a form of disability pension which is provided by the Government of Rajasthan. There are three categories of pensions which is provided to the people on the basis of their age

- a) A pension of Rs. 750 per month is given to the disabled person who is in the age group of 75 years and above.
- b) A pension of Rs. 500 is given to the people who and under the age of 75 years.
- c) Any person who is below the age of 8 years is given a pension of Rs.250.

Eligibility Criteria

- a) The person with disabilities to avail the pension must be unemployed.
- b) The yearly income of the family must be less than Rs 14000/- (that has been increased upto Rs 48000 per annum) in rural areas.



- c) The yearly income of the family must be less than Rs 16000/- (that has been increased upto Rs 60000 per annum) in urban areas.
- d) The person must have a domicile of Rajasthan.

Documents required availing the pension

- a) Proof of residence
- b) Disability Certificate
- c) Proof of income
- d) Passport size photo

Procedure for application for the pension

In the rural areas the applicant can approach the Block Development Officer/Tahsildar and District Social Welfare Officer in the urban areas. The mode of payment can be made by the savings account in a bank or the post office. There is a special online platform which is aimed at the social security pension scheme in Rajasthan during the year, 2011. This kind of a system may be used by the Tehsildars, treasury, BDO and SDO. The copy for application for the disability pension must also be given along with the copy of order.

INDIRA GANDHI NATIONAL DISABILITY PENSION SCHEME

This is a scheme that is specifically executed by the state. Under this scheme, any person who is between the age group of 75 years and above can avail a pension of Rs. 750 per month and any person who is below the age of 75 years can avail a pension of Rs.500 per month under the scheme.

Eligibility Criteria

- 1. Only a person who belongs to the Below Poverty Line (BPL) Category can claim for the pension under this scheme.
- 2. Only the people who have multiple disabilities which is a degree of more than 80% is only in a position to avail the pension
- 3. The age group of 18-79 years are eligible for this particular scheme.

Documents required

- 1. Proof of Residence



2. Disability certificate
3. Proof of Income/ the BPL card
4. Passport size photo

Procedure for application

The scheme is looked after by the Block Department Officer (BDO) who decides if the person is eligible of the pension or not. The form for application of the scheme will be available in the office of the BDO itself. The fees for availing the pension can be paid through the savings account in the bank or the post office. The web based security pension system which is launched by the Rajasthan government is more accessible and is a speedy system. This system is handled by the BDO, SDO, treasury and the Tehsildar.

According to the survey which is conducted by us in Rajasthan, there are a large number of people who do not avail the benefit of pension, Most of the people are not aware as to how much pension they are supposed to get. The pensions all do not reach the person at a faster rate. The awareness should be spread regarding the pensions and the pensions which are provided for the disabled person must be given on a regular basis which can be made accessible to him. The pension is provided to only some people who avail it. Some of the elder citizens also get pension for under the scheme for old people apart from the pension on disability. The government should conduct awareness campaigns regarding the schemes that they have for the disabled and the way is which they can utilize the money. It has to also ensure that the money reaches to all the people who have availed it. Since the people who avail the pension are disabled and in some cases old it is very difficult for them to get the pension from the office of BDO. The step taken by the government of Rajasthan to avail the pension through online web portal for security pension system is a very good initiative to implement his particular scheme. One major drawback of these schemes are, the money given by the government for the treatment or the well-being of the disabled person may not be utilized in the right manner. So, the government should consider providing the medical treatment and some necessary items that the disabled person might need instead of giving the money as a whole. But overall the scheme of the government is a good initiative for the welfare of the disabled.



UDID CERTIFICATE

A Disability certificate is issued to people having disabilities that are mentioned in the PWD Act, 1995⁸. A permanent disability certificate is given to the people who have no chances of variation in the degree of disability. In order to get a disability certificate, a birth certificate and proof of residence are required.

The Project "Unique ID for Persons with Disabilities" has a view to make a centralized National Database to the disabled people and to provide them with a Unique Disability Identity Card. The project will encourage transparency, efficiency, uniformity and ease of delivering the government benefits to the person with disabilities. The project will also streamline the tracking of physical and financial progress of beneficiaries at all levels of the hierarchy of implementation from Village level, Block level, District level, State level and National level.

The Department of Empowerment of Persons with Disabilities has initiated the UDID project with the aim of building a holistic end-to-end integrated system for Issuance of Universal ID & Disability Certificates the identification and a for the details about their disability Person with Disabilities with their identification and disability details.

The UDID project consists of:

- It provides with the details and information of a disabled people all around the country by a single internet application.
- It helps in filing and submission of registration application form for disability certificate/ Universal ID card through online; Offline applications are also available and is digitalized by the agencies themselves.
- It helps in providing and calculating percentage of disabilities given by the hospitals or the medical boards
- It also provides with facility to renew or the make updates on the data of the PwD by themselves

⁸ The PWD (Equal Opportunities, Protection of Rights, and Full Participations) Act, 1995 was enacted to give a Pacific Region.”[2] The Proclamation was issued in a meeting of the Economic and Social Commission for Asia and the Pacific Region in December 1992 at Beijing, to launch the “Asian and Pacific Decade of Disabled Persons 1993–2002.” The Act listed seven conditions of disabilities, which were blindness, low vision, leprosy cured, hearing impairment, locomotor disability, mental retardation, and mental illness. Mental retardation was defined as “a condition of arrested or incomplete development of mind of a person which is specially characterized by sub normality of intelligence.” Mental illness was defined simply as “any mental disorder other than mental retardation.” The Act adopted an approach of social welfare in respect of PWD and the main focus was on prevention and early detection of disabilities, education and employment of the PWD. The Act also provided 3% reservation in Government jobs and educational institutions. It stressed on making the barrier-free situations as a measure of non-discrimination.



- It acts as an MIS reporting framework.
- It also gives awareness about the schemes policies and benefits provided by the government to the Disabled people.

OBJECTIVE

The aim is to provide or to give awareness to the PwD about the policies, benefits and schemes given to them by the Government which can only be availed by obtaining the UDID card. This card will be also considered as valid Pan Card.

Given below are the benefits of the card:

Disabled people shall not need to carry or to keep many documents as every other information's will be present in the UDID which is a single document for vailing the benefits and for the identification. It also helps in getting information about the progress of the persons with disabilities physically and financially.

From the sample surveys conducted in Rajasthan out of 24 peoples with disability, 16 of them had a disability certificate but the issue that might arise is that many of them will not be aware about the benefits of this certificate which will hinder them from attaining their rights and from the ones which aren't even aware of the disability certificate or their benefits which are their right. The state of Rajasthan also provides the persons with disabilities with several schemes which are beneficial as well as a helping hand for them

RAJASTHAN GOVERNMENT PROVIDES WITH MANY SCHEMES FOR THE PERSONS WITH DISABILITY BY DIRECTORATE OF SOCIAL JUSTICE AND EMPOWERMENT WHICH ARE MENTIONED BELOW:

STATE DISABILITY PENSION

The government of Rajasthan state provides with disability pension which is called as Social Security Pension. Following are three categories of pensions which is given on the basis of age criteria of the persons with disability. An amount Rs 750/month is given to people who are aged 75 and above and Rs 500/month is provided to people who are aged below 75 years and Rs 250/month is given with children below 8 years.

Eligibility Criteria



The disabled person should not be employed. Rs 48,000 should be the annual family income of PwD living in rural areas and Rs 60,000 should be the annual family income of people with disabilities living in urban areas

As we can see from the survey only one amongst the people who are surveyed are having an income above 1 lakh and many are not even aware about these schemes and have the right to avail it.

INDIRA GANDHI NATIONAL DISABILITY PENSION SCHEME

A pension is given to the PwD which is directly remitted in the bank accounts. In 2011, Rajasthan government has launched web based social security pension system and system will be used by SDO, BDO, Tahsildars, and Treasury.

FINANCIAL ASSISTANCE AWARDS TO THOSE WHO CLEAR ENTRANCE EXAM AND GET ADMISSION IN FOLLOWING COURSES

Nishakatjan Anuprati Yojna Sanchalan niyam, 2011 is the scheme provided by the RJ govt. to the students who are disabled.

- a) For a student who is clearing the interview of UPSC/SSC and RPSCs Rs 5,000 will be provide and for a student who is clearing the mains of these entrances 25,000 will be provided
- b) Students who are clearing the entrance and gets admission into IITs will be provide with 50,000
- c) Students who are clearing the entrance and are getting admission into IIMs will be given Rs 25,000 for entrance exam and getting admission.
- d) Students who are clearing the entrance and are getting admission into AIIMs will be provided Rs 50,000
- e) Students who are clearing the entrances of medical college will be provided with Rs.25, 000
- f) Students who are clearing the entrance and are getting admission into NITs will be given Rs 40,000.
- g) Students who are clearing the entrance and are getting admission into NLUs will be given Rs 40,000.

BUS CONCESSION

Disabled people can travel for free in the state in public transports which can be availed by showing Smart card which is given by the Rajasthan State Road Transport at each district.



INCENTIVE AWARD FOR MARRIAGE BETWEEN DISABLED AND NON - DISABLED

An amount of Rs. 25000 is provided to the persons with disability by the department of Social Justice and Empowerment to lead a happy married life.

EDUCATIONAL SCHOLARSHIP

No separate scholarship is provided to the disabled people made but they can apply for the post metric scholarship amongst the general category which is open for all students.

Through the survey we can understand that most of the people are not aware of these schemes and cannot attain benefits from them. Many with disabilities who are staying alone who doesn't even have a helping hand for their daily living these types of schemes can benefit them a lot in several ways. To make them aware of these schemes and policies we should give them awareness classes and workshops to help them to attain their rights.

SUGGESTIONS & RECOMMENDATIONS

With this current dynamic policy and excellent legislation is not impossible to impart education to people with disability. The heart of the problem is the psychology. The bureaucracy, which is assigned to implement the scheme on ground need to change their British era mind set and need to start work on implementing these policies.

1. The State need to impart quality training to at least one teacher in every government owned school so that the right to education of every child with disability is ensured.
2. Every school needs to have infrastructure which facilitate accessibility for the children with disability.
3. Every district need to set up monitoring units which will update data of children with disability on an annual basis and help them secure admission into the school. Further the monitoring units shall provide any other kind of special assistance required by the student.
4. There shall be awareness program by disability department of the state government for the enrollment of disabled children into schools.
5. The state shall formulate curricula for children with disability that might be physical or mental. This would help them in great way.



6. Measures should be adopted to develop infrastructure facilities in educational institutions, work places especially public buildings where public services are provided.
7. Public transportation should be renovated as disabled friendly in order to increase equal access for travelling.
8. Schemes and guidelines drafted by the Government should be adopted strictly by the administrations and measures have to be taken for not following the stated rules.
9. Awareness programs and events have to be held regarding pension schemes and UDID certificates which can avail extra benefits for PwDs

CONCLUSION

It is necessary to ensure access for people with disabilities as they have equal rights as any other person and any kind of discrimination faced by them is a violation of human rights. They have the right to be included to fully participate in community life. People with disabilities are competent at various important jobs and can do a remarkable job and denying access to such people will result to unemployment and waste of talent. Economically and commercially, it is as important as the accessibility will increase the prospects of sales and profits. As a civilized society, it is expected to have human decency and try to help these people when they're in need. Creating accessibility for people with disabilities will also be helpful to other people like baby strollers, bicycle riders. Through the survey conducted, it has been observed that there has been a clear ineffective administration towards the part of the government regarding any kind of schemes or services that should be provided by them. The Government administration should be considered as one of the responsible authority for improper implementation of various guidelines and schemes drafted by the government itself and it has to be taken into consideration of how the funds kept for PwDs is misused.