



Destigmatising Disability

This article is based on [“On disabled persons, Supreme Court gives a welcome order with problematic observations”](#) which was published in Indian Express on 08/11/2022. It talks about the issues related to persons with disabilities in India and the Supreme Court's position on the issue.

For Prelims: Persons with Disabilities, The Convention on the Rights of Persons with Disabilities, Article 41, Article 46, Rights of Persons with Disabilities Act, 2016, Covid-19 Pandemic, Indian Sign Language, UNESCO Report on Understanding the Impact of Covid-19 on Learners with Disabilities

For Mains: Constitutional Provisions Regarding Disability in India, Challenges Faced by a Person with Disability in India

The [Constitution of India](#) ensures **equality, freedom, justice and dignity** of all individuals including **persons with disabilities** and mandates an inclusive society for all. However, measuring disability is a complex phenomenon as the **definitions of disability vary at international and national level** due to the various approaches.

India is a signatory to [The Convention on the Rights of Persons with Disabilities](#). However, in 2020, a [United Nations](#) report indicated that **44%** of the indicators are not followed by the countries in the [Asia-Pacific region](#).

Narrowing it to India, the **access to justice and the right to be inclusive** is a challenge because India has **stringent requirements for being classified as “disabled”**, which needs to be addressed.

How does the United Nations view Disability?

- The Preamble to the **Convention on the Rights of Persons with Disabilities (CRPD)** -2006, adopted by the **United Nations**, describes disability by stating that:
 - “Disability results from the **interaction between persons with impairments and attitudinal and environmental barriers** that hinder their full and effective participation in society on an equal basis with others.”
- The expression of the UN reflects a **shift from a medical model to a social model** of disability.

What are the Constitutional Provisions Regarding Disability in India?

- **Fundamental Right to Equality Dignity: Equality and Dignity** of the individual is a fundamental notion behind all the fundamental rights guaranteed under [part III](#) of the **Constitution of India**, that protects the rights of the disabled.
- **Directive Principle of State Policy: Article 41** of Constitution of India declares that the State shall make effective provision for securing the **right to work, to education and to public assistance in cases of** unemployment, old age, sickness and **disability**.

- [Article 46](#) lays down an obligation on the State to promote with **special care the educational and economic interests of the weaker sections** of the people, and **protect them from social injustice** and all forms of exploitation.
- **Legislative Power:** Indian Constitution while distributing legislative powers between the Centre and States kept the **disability issue in the State list**.

What are the Challenges Faced by a Person with Disability in India?

- **Denying Recognition, Depriving Development:** The **complexity of the recognition of a disability** not only makes us in India lag in the international scales of **human development**, but **also makes a person hesitant to approach the judiciary and the bureaucracy to determine their access to health care and welfare**.
 - Added to this, a layer of certification deprives **People with disabilities (PwD)**, especially mental disabilities, **to reach the corridors of welfare** as they are **dropped at the entrance**.
- **Lack of Infrastructural Access:** Lack of infrastructure like **sanitation, stair-case, ramps, canteens and recreation rooms, separate wash rooms, garden areas**, faced by the disabled.
 - Also, for **young talented disabled persons** who live in rural areas and employment opportunities are situated in the urban areas. They sometimes have to **leave the job as conveyance facilities are not up to the mark**.
 - **According to the National Statistical Office (NSO) report**, disability is more prevalent in rural areas than in urban areas.
- **Treated with Sympathy Rather than Empathy:** Insensitivity among **peers, and teachers, access to inclusive education, institutionalisation of rights** are some of the major concerns often raised by the PwD candidates which are somehow **acknowledged but not acted upon**. As a result, people with disabilities encounter **discrimination from various walks of life**.
- **Lack of Timely Survey and Policy Delay:** The [Rights of Persons with Disabilities Act, 2016](#) mandates to conduct survey of **school going children every five years for identifying children with disabilities**, ascertaining their special needs and the extent to which these are being met.
 - Since the primary survey has not been conducted yet, the **policy formation for the implementation of the act** remains in the pipeline.
- **Lack of Inclusive Education:** During the lockdown imposed due to [Covid-19](#), many children with disabilities **faced the wrath of a pandemic**. With public participation rounding to zero, they **struggled to find scribes, sign language interpreters to continue their studies**.
 - Even though the school curriculum was hastily shifted to online mode, **inclusive learning took a back seat**. Hence, adding more pain to the existing problems.
- **Lack of Job Security:** Unemployment being one of major factors as at such times **disabled persons are the ones who are scapegoats** in getting fired at tenure of recessions.
 - They are **first to be discharged from their services** when cost cutting methods are adopted by the companies.

What Should be the Way Forward?

- **Transparency in Budgeting and Planning:** Disability Response Planning should be the part of budgeting by all ministries.
 - Accordingly, the policy paradigm of governance should be **proactive in addressing the needs of people** in disadvantaged situations and **providing them equal opportunities in every sphere of development**.
- **Recognising Indian Sign Language :** Making ISL ([Indian Sign Language](#)) interpreters should be mandatory in all official communication where disabled are involved.
 - Also , **incentivising companies who are accessible to disabled in physical design** as well as [Information and Communications Technology \(ICT\)](#).
- **Universal Design for Learning:** It is necessary to take into account all the features of the **neuropsychological, cognitive and emotional profile of the child** when planning and delivering a lesson in schools.
 - [UNESCO](#) has suggested in its report on **Understanding the impact of Covid-19 on learners** with disabilities that:

- The use of a [“Universal Design for Learning”](#) approach could be a way to address these situations, to develop learning materials and **increase the inclusiveness of distance learning.**
- **Tackling Social Disability:** Disability is considered to be a **social stigma** in society which needs to be improvised. **Disability is nothing but impairment in the mind of people** rather than being impaired by limbs.
 - The problem lies when the **society sees differently abled people as a liability or a charity case.**
 - The entire concept of the **‘special kids’** term used for us is flawed. **No person with a disability wants to be treated exceptionally.** All we need is sensitisation towards their basic needs.
 - Therefore, their **right should be recognised as a mandatory step** and not at the **goodwill of others.**
- **Adopting Transdisciplinary Approach:** We need to create awareness and capacity building at various levels.
 - **Awareness at family level, Sensitization at the community level and capacity of government frontline workers and professionals.**
 - India was able to fight **polio and leprosy** because we were able to bring a transdisciplinary approach. **Such a transdisciplinary model is required to tackle stigma related to disability.**

Drishti Mains Question

Discuss to what extent has the Rights of Persons with Disabilities Act 2016 contributed to curbing the stigma associated with disability in India?

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. India is home to lakhs of persons with disabilities. What are the benefits available to them under the law? (2011)

1. Free schooling till the age of 18 years in government run schools.
2. Preferential allotment of land for setting up business.
3. Ramps in public buildings.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (d)