



## 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)**