

# **GOVERNMENT'S POLICIES AND PROGRAMMES FOR PROTECTION OF PERSONS WITH DISABILITIES**

*Asha Das\**

The Government in the recent times has enacted legislations for protecting and granting the rights to the disabled. The Persons with Disabilities (PWD) Act, 1995 and the National Trust Act, 1999 are the recent ones, and we had deliberations for amending the PWD Act, which is in process. The National Trust Act, 1999 has recently been passed which is for providing a large number of services. As we all know that law has never been, or is not the end of all the problems. The law only initiates and tries to give rights and provides for the implementation of the laws and the atmosphere or the environment, which is more important. It is, therefore, necessary that the community, the society and other institutions as also individuals are called upon to provide the opportune services as they are sensitised to the various issues and problems and the manner in which the community comes forward to provide the support to persons with disability. There are legislations with regard to every category. The Ministry of Social Justice and Empowerment deals with all the vulnerable segments in the society such as the Scheduled Caste, the Scheduled Tribes, the minorities, the backward classes, the delinquency, the destitute and orphan children, the handicapped and every segment which needs some specialised attention, treatment, sensitisation, awareness and a response from the community. Even though there are legislations in many of these areas yet we have not been able to solve many problems. It only helps us in creating an atmosphere and probably generating a greater understanding and awareness with regard to the problems that each of the segments face.

The implementation of Persons with Disabilities Act came into being from 1996. For the last one decade there is certainly a greater awareness with regard to the problems of the disabled. There is also a quicker response from various ministries in the Union and the state governments, from organisations and even from individuals, in terms of their problems. May be ten years ago you couldn't have discussed the problems of these vulnerable section of society. People would have probably bored you out

---

\* Secretary, Ministry of Social Justice and Empowerment, Government of India, and Chairperson of the session. Transcribed from the presentation made at the national seminar.

or thought that you were talking of something which didn't make sense. It was perceived as the family's problem and, therefore, the family would tackle it. The society or the government on the whole was not under an obligation to provide protection to the disabled persons. Today, we are not only dealing it the world over but we are thinking in terms of creating an environment and an atmosphere or facilities and services through which these rights can be extended to the disabled also.

It appears that making a legislation is critical but it is not the only factor and not the end. It only lays down the intent of the government and those that are interested in doing certain things. So whereas legislation is important, what it contemplates and the intention with which it is brought out have to be understood by people. It is important, therefore, that the basic issue that today appears to be very crucial is information or lack of information. Almost sixty percent of disability in our country is avoidable or preventable, and that should be our biggest concern. One hardly finds dissemination of information with regard to how the disability can be prevented. It should be very material for all of us who are dealing with it. One should not either give birth to a disabled child or let a child for lack of early detection or lack of knowledge or let the child become disabled in perpetuity and not provide the treatment, which can curb it. How do we create the infrastructure, the facilities, the knowledge base that is required to do it, is a big question? The Ministry of Social Justice is concerned about it, and it is in the process of decentralising the availability of services. In this context it has already approved a programme for decentralised services through hundred and four districts in the country. The Ministry had chosen these hundred and four districts, and disseminated information about them to the state governments, and have requested them that each of these districts should become the nodal point for providing both awareness generation programmes assistive devices etc., for the four or five districts that surround it, so that the need for people to travel large distances for want of knowledge and facilities or to remain deprived of the services that are available should not arise. We also feel that there is lack of knowledge on the part of various professionals including that of doctors, with regard to disabilities. But the Ministry is hoping that in doing so the doctors who are available at the districts and lower levels, even government doctors, would get involved in providing services in this sector.

The government is funding a large programme for providing assistive devices through camps and camp approach. But it found that the entire programme becomes very *ad-hoc* because it allocates funds to a handful of organisations that come to the Ministry along with proposals and they choose to go to places of their choice and therefore, (i) it lacks follow up, (ii) it lacks greater reach and therefore it is very selective in its approach and hence it is not able to reach out to the large numbers. It is

well known that the services have not reached more than ninety five percent of the disabled in the country who are in need of these services. So it is an effort which the Ministry has to make to see as to how it can reach out to them, how it can utilise the services of each professional who is available in the field. There are a large number of professionals who are available, but a little bit of additional input with regard to training, development of manpower resources should be done.

Besides there is a need on the part of each department and ministry which is involved in providing certain facilities to draw up a programme. The ministry of social Justice is taking up the issue with the health and other ministries, but every institution and every state government will have to work on dissemination of enough information and providing the wherewithal to them. Once the responsibility is given, there are large number of people in district hospitals, and medical colleges who will discharge it. It is also being noted that where they don't have a rehabilitation centre, the medical college professors are willing to take up the programme provided the government gives them the same sort of funds that it is giving to an NGO to organise a camp. They are of the opinion that they can organize these camps in their campuses with the help of their doctors in their free time or even within their time and invite people there and be able to reach out to a larger number. But resource constraint is a big problem with them due to which they are not able to take-up these things. To this end, each one of us wherever we are, there is certainly a need for thinking beyond ourselves to say how we can reach out or how can we facilitate the provision of services or exploration or access of whatever infrastructure is provided. Though there are inadequate facilities, even the available little is also not fully utilised.

With regard to reservations in employment, the government is trying to fulfil the obligations or the commitments that it has made under the Act or otherwise. But what troubles the government is that even if it is able to reach out to three percent, ninety seven percent of the disabled would still remain outside the ambit of the provision of the services that are there. What is the response from people who need these services and the facilities. No organisation has approached the Ministry asking—can you give us a production unit, we would like to run a production unit where the mentally retarded can come and work. The Ministry has set-up a committee recently with the help of national institute functionaries requesting them to take up ten industries on an experimental basis and identify in consultation with them some jobs that the industries can offer to the disabled. It is the responsibility of the NGOs to play a meaningful role and also give their suggestions to the government.

The Government has recently enacted the National Trust Act, 1999 and it will fulfil its commitment to provide a hundred crores corpus but that itself is not going to give anything, no service whatsoever to anyone,

until and unless the community comes forward. Once the trust becomes functional and operative, the large number of institutions and infrastructure, which is expected through the Trust, would benefit those who need the services. Therefore, what we need is basically a charter for the community, for the institutions, for the private sector, for individuals, for families, which should tell us as to what is it that they can do. The lack of services we have and further it has been pointed out that in the area of health care, assistive devices, in the area of education etc., there are lot of technological advancements taking place and it is very necessary to bring down the costs of the assistive devices as also to go on improving on them. The Ministry is having a science and technology mission, which it is supporting to develop kits. The Ministry also gave directions to its nodal agencies to take up outreach programmes themselves. Each of the institute has started these outreach programmes. The Ministry of Social Justice is also interacting with the department of education and other ministries, and offered to provide them the inputs if they require for providing training for their teachers to make them understand the various limitations of the disabled and the ways in which they can train and teach the disabled, especially in the integrated form as part of the education department's on-going programmes. The department of education has launched a programme for imparting training to functionaries. It may take time to make it fully functional but the Ministry of Social Justice is pursuing it with them and all those who are working in various states or have the capacity to take up these tasks can also perhaps come forward to provide these services.