

ENFORCEMENT MECHANISM AND STRATEGIES – ROLE OF THE NATIONAL COMMISSION FOR WOMEN IN PROTECTION AND EMPOWERMENT OF THE DISABLED

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Disabilities are defined as inability or limitation to perform tasks expected of an individual within a social environment. Traditionally, disabilities have been associated with conditions, physical and mental, where a handicap or impairment has been tangible and obvious such as physical and sensory handicap and mental retardation. However, in the recent past, certain chronic illnesses are being increasingly recognised as a source of great disability to the individual as well as to the community.

Women encounter major difficulties in socialisation, maintaining a peer group, holding on or acquiring a job and in general, process of reintegration into the mainstream of society. The stigma attached to a disability, the negative attitude of a family and the community at large, only serve to compound the problems faced by the women. The non-recognition of health as a specific social right only underscores the low priority, it has had in the shaping of public policy. Further, with a few exceptions, most legislations in India make no distinction between male and female in the area of health. Women by virtue of their sensitive nature are more vulnerable to mental and physical violations both within the family and outside. More and more women in India, are expected to perform multiple roles in the society – a wife, mother, employee, caretaker of an extended family. As a result women undergo great stress and strains, sometimes resulting in losing their mental balance.

As per sample surveys conducted by the NSSO in 1981 and 1991, there were 136.74 lakh disabled persons in 1981, which rose to 163.62 lakh in 1991. According to the 1990 census, there were 55 million people above the age group of 60, of which about 27.2 millions were women.

The focus in policy has shifted from the “welfare” approach to the ‘empowerment approach’ in order to make the disabled self-reliant and production contributors to the national economy. The time is ripe to place thrust on the ‘Human Rights Approach’ in empowering the disabled.

The National Commission for Women was constituted in January, 1992 under the National Commission for Women Act, 1990. The functions

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of the Commission may be divided into five categories.

- (a) To review laws and legal safeguards for women and related matters and to recommend remedial legislative measures;
- (b) Field enquiry and investigation for redressal of complaints of atrocities, discrimination and deprivation of women's rights;
- (c) To take up special studies and to undertake promotional research in order to formulate policies and evolve strategies for reduction of atrocities/discrimination and ensure socio-economic advancement of women;
- (d) Participation and advise the central and state governments on planning for women's development;
- (e) Ensure custodial justice for women.

The focus of this article is on the Commission's thrust in the area of empowering disabled women. The Commission has taken some initiatives in respect of the Visually Handicapped Women and Mental Health of Women.

Visually Handicapped Women

The planners and social workers of the country had been drawn to the problems of the handicapped from the very beginning but specific problems faced by the handicapped women did not attract their attention. The NCW, being concerned with the problems of the women, particularly those belonging to the special social groups and who have suffered neglect for long, directed its attention to the visually handicapped women. Since very little information is available about their problems, distribution and numbers, the Commission set-up an Expert Committee to study the same and to recommend necessary measures to improve their status.

The Expert Committee held two meetings in 1996-97 and discussed various issues relating to the socio-economic development of the visually handicapped women. The Committee came up with a set of recommendations (listed below) which have been submitted to the Central Government.

Recommendations

The Expert Committee made the following recommendations:

- Compile comprehensive directory on infrastructure available for persons suffering from visual disability with gender segregated data and details of micro-level agencies involved.

- Implement suggestions of Ministry of Welfare to convert at least one Government school into an integrated school.
- Introduce a package programme in the plan for blind women covering infrastructure, special hostel facilities, scholarships etc.
- Identify districts for special schools for blind girls, phased according to types of disability.
- Make separate provisions in the central and state budgets for blind women.
- Ensure increasing involvement of voluntary organisations for educating blind girls.
- Introduce pension schemes for blind single women with separate provision for single disabled women in the scheme for blind women.
- Set-up a separate trust for visually handicapped women on the pattern of existing National Trust for mentally handicapped persons.
- Issue circulation to all reputed industrial houses and associations by the Ministry of Welfare for encouraging employment of blind women in suitable places.
- Set-up “Sheltered Workshops” for blind women linked with the major industries. Form a National Co-operation on the lines of “Welfare Factory” to cater the employment of physically handicapped women.
- Raise the present total reservation of three per cent for physically handicapped to five percent. In addition, give two percent weightage to blind women. Give weightage of marks to blind women in recruitment. As per existing provisions of the Act, only identified posts in specific categories are earmarked for the physically disabled.
- Immediately fill the posts already identified. Review the identification of additional posts by the new committee simultaneously.
- The Ministry of Welfare may coordinate schemes of various ministries by establishing proper linkages.
- Circulate vacancies reserved for the blind among the concerned NGOs for sponsoring candidates, since even the existing one per cent reservation for the blind has not been fully implemented.

Initiatives: Legal Awareness Programmes for Visually Handicapped Women

The added disadvantages of being visually handicapped might not only impede the socio-economic development of visually handicapped women, but also render them more vulnerable to exploitation. The deliberations of the expert group set-up to study their problems and the Commission's own interaction with such women, revealed that due to their ignorance of the legal provisions for the handicapped, they were not able to avail their due rights.

The Commission, in collaboration with Justice Sunanda Bhandare Foundation and Varnatha Welfare Association for the Blind, organised a four-day state level conference of blind women in November 1997 to generate legal awareness amongst them.

The Commission sponsors voluntary organisations for conducting legal awareness programmes and provides funding for the same. Its legal literacy programme for teachers and students has been transcribed in Braille. Organisations interested in conducting legal awareness programmes for the visually handicapped are urged to contact the Commission. The manual, in Braille, is also available with the Commission and can be used/copied as desired.

Women and Mental Health

About 10 to 50 per cent women suffer from distressing, psychological symptoms and 2 to 5 percent from mental disorders. As mentioned earlier, women are more vulnerable to physical and mental violations within their family and outside. Their subordinate status in a patriarch social order, great stress and strains on account of shouldering work both in the house-hold and outside, and other socio-economic responsibilities and above all mental and physical torture, contribute to the mental problems of women.

Women in mental asylums, their health care and rehabilitation is one of the thrust areas of the NCW. The Commission visits institutions from time to time to look at the situation of its women inmates and their problems. Besides, the Commission has also conducted studies and workshops to assess their problems. Its recommendations relating to women in custodial institutions sent to the central government are listed below:

Recommendations

- Rehabilitate women patients who have been declared behaviourally cured, but have not been accepted by their families.

The state should take this responsibility in collaboration with NGOs.

- Implement a modernisation scheme for mental asylums.
- Organise periodic orientation courses for the staff of mental hospitals.
- Devise a mechanism to ensure that a woman admitted to a mental hospital is really a mental case. It has been found that in many cases women are dubbed mad for various reasons including property matters and admitted in collusion with the doctors/ police.
- Develop a vocational–cum–educational package for the inmates of mental asylums.
- Set up an expert committee of committed women workers to prepare schemes for effective and proper utilisation of the corpus in the Hospital Development Fund and their monitoring.

The National Commission for Women is an autonomous body, playing an activist's – interventionist's role in lobbying for women's cause as an umpire and defender of women's rights. On *suo-moto* notice, receipt of complaints and on the basis of its studies and research, it sends its recommendations to the Government, both central and state. The state is bound to consult the Commission on laws and policies to be framed which would affect women.

It is, therefore, suggested that:

- In respect of law and policy – existing or new lacunae noticed, as well as the suggestions for improvements, be brought to the notice of the Commission. These would provide valuable inputs in framing suitable recommendations to be submitted to the Government to act upon.
- Cases of complaints of atrocities/deprivation of the rights of women be brought to the notice of the Commission as it is empowered to take up such matters with the appropriate authorities.