Legislating Equality: India's Path To Inclusive Policies For People With Disabilities

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Abstract
India's disability law has evolved from a paternalistic, charity-based approach to a rights-based framework that prioritizes inclusion and empowerment. This abstract covers the history, milestones, and present developments in India's disability regulations, highlighting the Nation's dedication to developing an inclusive and accessible society. The journey spans from pre-independence to post-independence, showcasing India's acceptance of the United Nations Convention on the Rights of Persons with Disabilities. The Rights of Persons with Disabilities Act of 2016 complies with international norms and includes additional categories of impairments for a more comprehensive and inclusive approach. Although progress has been made, there are still challenges in implementing disability legislation effectively. Attitudes, misunderstandings, and inadequate infrastructure hinder accessible and inclusive environments. The voyage highlights the need for a multi-stakeholder strategy, involving government, civil society, and the private sector, to successfully transform legal requirements into real benefits for people with disabilities. This abstract concludes by highlighting the ongoing nature of the journey, acknowledging the progress made while recognizing the imperative for continued efforts to transform legislation into lived experiences that empower persons with disabilities and promote inclusion.
Keywords: *Disability Legislation, Rights-based Framework, Inclusion and Empowerment*

I. Introduction

The understanding and definition of disability have varied over time. It is commonly defined as any condition—sensory, physical, cognitive, or mental—that limits a person's ability to engage in activities to the extent considered normal in a given situation. Surprisingly, many of these attitudes persisted until the conclusion of World War II. Despite a notable decline in the abuse of those with disabilities throughout the second half of the 20th century, crimes against them continue to occur in many regions of the world even now.

In ancient Indian civilization, persons with impairments were frequently ostracized and discriminated against. Individuals with impairments were often disadvantaged by the caste system, which limited their prospects and social mobility. The many religious perspectives on disability in India represent various beliefs, attitudes, and practices from various spiritual traditions. According to Dr. Sanjay, the vulnerability of people experiencing overlapping forms of discrimination was highlighted by a recent Supreme Court of India decision, which investigated violence against a Dalit lady with vision impairment from an intersectional viewpoint. A crippled man from a higher caste may be reluctant to interact with people with impairments from lower castes, demonstrating the widespread effect of caste awareness. However, there were cases where people with disabilities were admired and appreciated for their unique traits and talents. (*Disability and Caste Bias: A Shared Struggle - National Law School of India University*, 2023).

Religious Perspectives on Disability

The diversity of religious perspectives on disability reflects the country's cultural and spiritual background. Hinduism, Buddhism, Islam, Christianity, Sikhism, and Jainism, among other religions, all have unique viewpoints on disability. Karma and rebirth are concepts in Hinduism that impact how people perceive disability. Some Hindus may see disability as a result of past acts (karma), believing that people with impairments are suffering the repercussions of their former lifetimes (Gupta, 2011). This viewpoint can lead to both acceptance and stigma regarding disability in Hindu communities. The Ramayana and Mahabharata (Religious books) have characters with impairments, such as Bhishma (partially paralyzed) and Dhritarashtra (born blind). While their representations differ, they occasionally highlight struggles overcome and perseverance demonstrated. Despite having eight physical defects, Ashtavakra, the respected sage who is credited with producing the Ashtavakra Gita,

acquired notoriety in Hinduism. He disproved the scholars in King Janaka's court who had minimized his disability, demonstrating his superior intelligence. In the same way, the celebrated Hindu poet and singer Surdas wrote over 125,000 songs and became a revered religious figure in the 16th century.

Individuals with disabilities were occasionally regarded for specific career possibilities when their infirmities were beneficial in ancient and medieval Hindu civilization. For instance, people with hearing or speech disabilities were hired by kings to transcribe sensitive government papers. *The Bhagavad Gita* promotes detachment from earthly concerns and views pain and suffering as neutral experiences. While suffering may cause anguish, it may also promote spiritual growth. Hindu teachings advise those with disabilities to confront life with optimism and to follow Dharma, or ethical behavior, even in the face of adversity (*Religion: Disability and Religion - HandWiki*, n.d).

Buddhism, which emphasizes compassion and the interconnection of all creatures, promotes the acceptance and inclusion of those with disabilities. Buddha's teachings promote empathy and assistance for individuals experiencing physical or mental hardships. 'Jataka tales' relate to the Buddha's previous lives and frequently feature individuals with impairments. These stories stress overcoming constraints and achieving enlightenment through effort and moral development. Patrul Rinpoche's book *The Words of My Perfect Teacher* suggests that an impairment that limits one's understanding of dharma may make practicing Buddhism difficult (*Religion: Disability and Religion - HandWiki*, n.d.)

Individuals with impairments are treated as equal members of society in Islam, and the notion of sabr (patience) is frequently highlighted, encouraging people to accept disability as a test from God. In Islam, disability is not viewed as the consequence of any misconduct on the part of the handicapped person or their parents. In contrast, in Islamic teachings, such impairments are viewed as tests or challenges from Allah. The Qur'an stresses the importance of treating individuals with intellectual disabilities with love and compassion, while also advocating for their protection. Furthermore, Muhammad's acts set a good example by treating handicapped people with dignity and respect (Al-Aoufi et al., 2012).

Christianity has diverse perspectives on disability, with certain faiths emphasizing the importance of faith healing and the notion that people with impairments may be cured through prayer. In several Bible verses, physical impairment is represented as a result of sin. However, in the New Testament, Jesus often performs miraculous healings on people with impairments, while some interpretations continue to blame sin for physical limitation. Notably, the Bible does not mention intellectual impairment. The tale of Jesus curing a man born blind (John 9:1-12) is a significant break from this viewpoint since it contradicts the assumption that disability is a penalty for sin. When his followers inquire if the guy or his parents sinned which caused his blindness, Jesus says, "Neither this man nor his parents sinned," but rather, "This happened so that the works of God might be displayed in him."Moreover, there are Christian groups that work for the inclusion and support of individuals with disabilities, acknowledging their intrinsic worth and dignity as members of God's creation (*Religion: Disability and Religion - HandWiki*, n.d.)

Sikhism encourages equality and compassion for all people, especially those with disabilities. The emphasis on seva (selfless service) motivates Sikh communities to actively assist and care for those with disabilities, including them in all parts of religious and social life. With its ideals of ahimsa (nonviolence) and compassion, Jainism promotes the respectful treatment and support of people with disabilities. Jain beliefs stress the interdependence of all living creatures, as well as the ethical obligation to help and care for those in need, including people with disabilities. The many religious perspectives on disability in India represent various beliefs, attitudes, and practices from various spiritual traditions. Understanding these viewpoints is critical for building inclusive policies and increasing acceptance and support for people with disabilities throughout the country.

During the colonial period, the British influenced how individuals with disabilities were regarded and treated. The number of asylums for individuals with disabilities has risen, focusing more on exclusion and control rather than assistance or rehabilitation. Following independence, India took steps to address the needs of people with disabilities. The Persons with Disabilities Act, enacted in 1995, safeguards their rights and ensures their full participation in society. However, despite legislative efforts, individuals with disabilities in India still encounter numerous obstacles. Initiatives are underway to enhance inclusion and accessibility across various sectors of Indian society. Despite international commitments such as the United Nations' Principles for the Protection of Persons with Mental Illness and the Convention on the Rights of Persons with Disabilities, people with mental disabilities face inhumane treatment and harsh living conditions worldwide, whether in correctional facilities, on the streets, or in institutions. India has witnessed a significant evolution in its legal frameworks concerning disability rights, characterized by a progressive series of laws aimed at fostering inclusion and protecting the rights of individuals with disabilities.

Research Objectives
- Thoroughly analyze India's laws and attitudes on disabilities and chart the historical development of disability laws, examining the transition from pre-independence charity viewpoints to post-independence rights-based approaches, culminating in the Rights of Persons with Disabilities Act, 2016.

- Investigate the historical impact of cultural and religious beliefs on the treatment and integration of people with disabilities to understand how these beliefs shape societal views of impairments.
- Assess the efficacy and implementation of the Rights of Persons with Disabilities Act, 2016, and highlight obstacles and difficulties that hinder the complete fulfillment of the Act, including social perceptions and insufficient infrastructure.

II. Literature Review

Emergence of Disability Rights in India

The disability rights movement (DRM) gained momentum in the West throughout the 1950s and was strongly confronting powerful governmental organizations by the 1970s (Jha, 2016). Individuals with disabilities in Western nations often faced neglect and discrimination, with lingering memories of Adolf Hitler's efforts to eradicate disabled individuals in Germany reinforcing the perception that they held little economic value (*The Murder of People With Disabilities*, n.d.). However, attitudes started shifting in the West after World War II, as returning veterans with various impairments became early supporters of the DRM, leveraging their status as war heroes to garner public support for their demands and secure some rights. Unlike other advocacy movements, such as those advocating for caste or women's rights, the DRM lacked significant leadership, hindering its growth and recognition. Throughout the 1970s, numerous non-governmental organizations (NGOs) dominated the disability sector, relying on foreign donations and affluent patrons for support. These groups, typically led by parents or professionals, operated independently with minimal coordination, each focusing on a specific disability without collaboration with others. In the 1980s, there was a significant shift in the policy landscape, moving from a welfare model to a developmental approach that prioritized the active involvement of individuals with disabilities in societal advancement. By the late 1980s, there was a growing emphasis on addressing impairments from a medical perspective, seeking to alleviate suffering through medical interventions, equipment, and technology aimed at normalizing the lives of disabled individuals, albeit primarily benefiting a small, educated, financially secure, and progressive segment of society.

Conversely, India did not experience a similar progression. Assistance to disabled individuals in Indian society was often viewed as charity rather than a means of empowering persons with disabilities (PWDs) with legitimate rights. Families with disabled members were stigmatized and scrutinized by relatives and neighbors, leading to instances of abandonment and disownment. Disability was strongly associated with shame, and politicians largely overlooked the rights of disabled individuals, perceiving them as a marginalized voting bloc due to their perceived inability to advocate for themselves effectively (*Empowering Persons With Disabilities*, n.d.)

The United Nations' declaration of the years 1982 to 1993 as The Decade of Disabled Persons marked a significant shift in the goals of rehabilitation. In 1986, the Indian government established the Rehabilitation Council of India, tasked with supervising and setting benchmarks for training initiatives and programs aimed at the rehabilitation of people with disabilities. The next year saw the introduction of the Mental Health Act (1987), a piece of legislation that sought to set thorough civil rights guidelines for mental health institutions.

This act was a major step forward in protecting the rights and well-being of those utilizing mental health services (Nanda, 2019). During the latter half of the 2000s, a transformation took place in India's disability sector which was marked by the emergence of a separate self-advocacy movement amongst people with disabilities whose rationale for focusing on their fundamental human rights. It pushed the government to enact a comprehensive disability rights-based law – The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. With a focus on rights, this legislation included provisions on workforce development facilities for the seriously impaired, education, early identification, employment affirmative action, discrimination, barrier-free access, and research. A "person with a disability," as defined by section 2, is defined as an individual who has at least 40% of any impairment as determined by a medical authority. Moreover, section 2 defines disability as follows: blindness, reduced eyesight, recovery from leprosy, hearing loss, locomotor disability, mental disease, and mental retardation (Trivedi, 2011).

Rights of Persons with Disabilities Act, 2016

The Rights of Persons with Disabilities Act, 2016 is divided into 102 sections in XVII chapters. Chapter I provides an overview of the Act, including its commencement date and key definitions. Important terms like "appellate authority," "appropriate government," "competent authority," "discrimination," "person with benchmark disability," "person with disability," and others are defined in Section 2 of the RPWD Act, 2016.

The following is a list of the various rights and benefits that individuals with disabilities are granted under Chapter II of the Act:

Section 3 of the Rights of Persons with Disabilities Act is dedicated to ensuring equality and outlawing discrimination against individuals with disabilities. Its primary objective is to establish equitable opportunities for all members of society, irrespective of their disabilities, by addressing discriminatory practices and promoting

equal access across various domains. Similarly, Section 4 of the Act focuses on protecting women and children with disabilities, recognizing their vulnerability to various forms of abuse and discrimination. It includes provisions aimed at safeguarding their rights, promoting their welfare, and ensuring access to necessary support services.

Section 5 emphasizes the importance of promoting the involvement of people with impairments in communal life, recognizing their valuable contributions to society, and calling for measures to facilitate their inclusion in social, cultural, and recreational activities. Section 6 addresses the crucial issue of protecting individuals with disabilities from abuse and harsh treatment, prohibiting any form of emotional, mental, or physical abuse, and mandating measures to prevent such incidents and provide support for victims.

Section 7 highlights the prevention of violence, abuse, and exploitation against individuals with disabilities, outlining methods for identifying and addressing cases of exploitation and abuse and providing victims with access to legal representation and support services. Section 8 is devoted to guaranteeing the security and safety of people with disabilities in a variety of contexts. It establishes guidelines for making safe spaces and skillfully handling emergencies or crises that impact these people. Section 9 underscores the significance of promoting family and home life for individuals with disabilities, acknowledging the caregiving role of families, and advocating for measures to enhance their ability to meet the needs of disabled family members.

Section 10 emphasizes the protection of reproductive rights for individuals with disabilities, affirming their autonomy to make decisions about their reproductive health and advocating for measures to ensure access to reproductive health information and services. Section 11 aims to make voting procedures accessible to individuals with impairments, calling for actions to reduce obstacles to political engagement and enable them to exercise their right to vote fully and equally. Section 12 guarantees access to justice for individuals with disabilities, containing provisions to ensure their effective participation in legal proceedings and remove barriers to accessing the justice system.

Section 13 addresses the issue of legal capacity for individuals with disabilities, advocating for measures to promote decision-making based on their wishes and will and recognizing their right to be able to make choices and take legal actions with the same rights and powers as other people. Finally, Sections 14 and 15 outline the requirements for guardianship and designate authorities to support individuals with impairments who may need assistance in decision-making or managing their affairs. Together, these sections provide a comprehensive framework for advancing and defending the rights of individuals with impairments in India (Rights of Persons with Disabilities Act, 2016).

Other significant rights included in this legislation include Adult education, Equal employment opportunities, Free education for children of disabled persons, social security benefits, Access to healthcare services, Transportation accessibility, Privacy protection, Rehabilitation services, Reservation Policies, Insurance schemes, Accessibility of information and communications, among others.

The Indian Council of Medical Research (ICMR) reports that the prevalence of disability in India stands at 4.52%, encompassing approximately 63.28 million individuals. These findings are derived from the National Family Health Survey (NFHS-5), conducted between 2019 and 2021 (Pattnaik et al., 2023). Locomotor disabilities constitute the highest proportion of disabilities, accounting for 44.70% of all cases, followed by mental and speech disabilities. Moreover, the prevalence of disability is most pronounced among individuals aged 75 years and above, reaching 6.07% within this demographic (Pattnaik et al., 2023)

III. Research Methodology

This study employs a comprehensive approach to investigate the evolution of disability laws in India, emphasizing the shift from a paternalistic, charity-based model to a rights-based framework promoting inclusion and empowerment. The methodology encompasses the following key components:

Historical Analysis: A thorough examination of historical records, legislative documents, and policy frameworks to trace the evolution of disability laws in India. This includes scrutinizing the transition from pre-independence charity-based perspectives to the present rights-based approach.

Milestone Identification: Identification and analysis of key milestones in India's disability legislation journey. This involves highlighting significant policy shifts, legal amendments, and the incorporation of international norms, with a specific focus on the acceptance of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

Legislative Review: A detailed review of the Rights of Persons with Disabilities Act of 2016, comparing its provisions with international standards set by the UNCRPD. Special attention will be given to the Act's inclusive approach, incorporating additional categories of impairments for a more comprehensive coverage.

Ongoing Nature of the Journey: Recognition of the continuous nature of India's path towards inclusive policies. Acknowledging the progress made, the research underscores the imperative for sustained efforts to translate legislation into lived experiences, empowering individuals with disabilities and fostering a culture of inclusion.

Through this comprehensive research methodology, the study aims to provide a nuanced understanding of India's legislative journey towards fostering equality and inclusivity for people with disabilities.

IV.   Discussion

Disability Laws and Schemes in India

For generations, individuals with disabilities (PWDs) in India have endured marginalization and restricted possibilities. Before independence, societal norms and philanthropic organizations mainly shaped their experiences. However, after independence, India went on a path to recognize and protect the rights of PWDs, which culminated in the historic Rights of Persons with Disabilities Act (RPwD Act) of 2016. This historical research dives into the history of disability legislation and policy in India, providing insights into the progress made while emphasizing ongoing obstacles. From the first stirrings of legislative action to the entire framework contained in the RPwD Act, we see a shift in perspective: from charity to rights, exclusion to inclusion.

Pre-Independence

There are few historical records. There is less information available on legislation and plans treating disability before independence. Efforts to acknowledge the needs and rights of individuals with impairments were largely absent, leading to a scenario marked by social stigma, discrimination, and marginalization against them. Access to essential services like healthcare, education, and employment was scant, further limiting their opportunities for inclusion in community life.

During this period, there was a notable absence of supportive provisions or policies for people with disabilities. Instead, societal attitudes often framed disability as a personal tragedy rather than a matter of human rights requiring societal integration and assistance. Additionally, traditional beliefs and cultural norms sometimes contribute to the exclusion of individuals with disabilities from mainstream society. They were frequently segregated and overlooked, with their potential contributions disregarded.

Post-Independence

1950s:

- 1954: Hindu Marriage Act (prohibited marriage for specific disabilities, repealed in 2018)
- 1959: Mental Health Act (provided a framework for care and treatment of the mentally ill)

1960s:

- 1960: Rehabilitation Council of India Act (established the regulatory body for disability professionals)

1970s and 1980s:

- 1975: International Year of the Disabled (raised awareness and led to some government initiatives)
- 1986: Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act (first comprehensive legislation, but weak implementation)

1990s:

- 1992: Persons with Disabilities Act (Amendment) Act (introduced reservation in government jobs)
- 1995: Persons with Disabilities Act (more comprehensive than the 1986 Act, but still limitations)
- 1996: National Policy on Persons with Disabilities (outlined broader policy framework)
- 1999: National Trust Act (established the National Trust to provide services and support)

2000s and 2010s:

- 2007: Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act
- 2011: Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act (Second Amendment) Act (strengthened some provisions)
- 2012: United Nations Convention on the Rights of Persons with Disabilities (CRPD) ratified by India
- In 2015, India began the Accessible India Campaign, commonly known as the Sugamya Bharat Abhiyan. This program includes an index for assessing the accessibility of buildings and human resource methods. The Prime Minister launched it on December 3, 2015, which also happens to be International Day of People With Disabilities. The program complies with Article 9 of the United Nations Convention on the Rights of Persons with Disabilities, which India signed in 2007. It is also covered under the Persons with Disabilities Act of 1995, specifically sections 44, 45, and 46, which prohibit discrimination in transportation.
- 2016: Rights of Persons with Disabilities Act (RPwD Act) (promulgated, aligning with CRPD)
- 2020s (Present):

2017: Accessible India Campaign (aims for barrier-free India by 2022)
2018: Bharat Swabhiman Yojna (financial assistance for assistive devices)
2019: Accessible India Mobile App (reporting accessibility issues and requesting facilities)
2020: Deendayal Disabled Rehabilitation Scheme (skill development and self-employment)
2022: GyanPrabha Scheme (higher education and vocational training for PWDs with specific disabilities)

Harmonizing Global and National Disability Rights

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Indian Rights of Persons with Disabilities Act, 2016 (RPWD) stand as pivotal documents in the global and national disability rights movements. While both share the overarching goal of promoting equality and inclusion, understanding their nuances is essential for assessing their effectiveness and identifying areas for improvement. Adopted by the UN General Assembly in 2006, the UNCRPD seeks to safeguard the human rights of people with impairments and enable their complete inclusion into society. It is one of the most widely accepted human rights accords, having been ratified by 181 countries. The UNCRPD champions the full inclusion of individuals with disabilities in every facet of society, stressing the importance of equal rights and non-discrimination. It underscores the value of diversity and the provision of equal opportunities, advocating for a world where people with disabilities are integrated and valued equally (United Nations, 2006).

In contrast, the RPWD Act was enacted by the Government of India in 2016, drawing inspiration from and aligning with the UNCRPD. This comprehensive legislation addresses various facets of disability rights, spanning education, healthcare, employment, and accessibility. It not only recognizes and protects the rights of individuals with disabilities but also strives to create an inclusive society tailored to India's unique circumstances. The RPWD Act places significant emphasis on affirmative action to ensure the realization of rights for individuals with disabilities (RPWD Act).

While the UNCRPD sets broad and ambitious standards as an international convention, advocating for fundamental rights across multiple domains, the RPWD Act applies these principles to specific Indian contexts. It broadens the definition of disability, enhances reservation quotas in education and employment, mandates accessible infrastructure, and establishes robust grievance redressal mechanisms. This action-oriented approach aims to concretely implement the UNCRPD principles within India, addressing historical and societal barriers faced by individuals with disabilities. For instance, while Article 9 of the UNCRPD promotes "universal design" for accessibility, Sections 41-47 of the RPWD Act detail comprehensive accessibility standards for buildings, transportation, and communication technology. Similarly, while Article 24 of the UNCRPD stresses inclusive education systems, the RPWD Act (Sections 26-28) specifies requirements for free and compulsory education, inclusive teaching methodologies, and accessible resources for children with disabilities.

In employment, Article 27 of the UNCRPD advocates for equitable job opportunities and prohibits disability-based discrimination. Correspondingly, the RPWD Act (Sections 47-50) addresses employment challenges by expanding reservation quotas, mandating reasonable accommodations, and prohibiting disability-based discrimination This comprehensive strategy demonstrates a dedication to promoting an inclusive community that protects the rights of people with impairments.

Inclusive Policy Initiatives by the Government

The Indian government has undertaken several inclusive policy measures aimed at empowering and supporting those with disabilities. The Rights of Persons with Disabilities Act, 2016 is a significant effort that superseded the Persons with Disabilities Act, 1995. The range of rights and benefits available to individuals with disabilities was broadened in addition to the categories of impairments being redefined by this new legislation. The amended legislation now specifies a 4% reservation for government workers, whereas the 1995 law only stipulated a 3% reservation. In a similar vein, the new law mandates that 5% of all enrollment spots in higher education institutions that are supported or operated by the government be given to people with disabilities (RPWD, 2016). The Rights of Persons with Disabilities Act, 2016, in India, expanded the list of recognized disabilities from the earlier seven categories to include a total of 21 conditions. These disabilities cover a broad spectrum of sensory, physical, mental, and intellectual impairments and thus may deny an individual full participation and enjoyment in society at all levels. The conditions outlined in this legislation encompass cerebral palsy, muscular dystrophy, psychiatric disorders, cognitive disabilities, visual impairment, leprosy-cured status, hearing impairments (including deafness and partial deafness), mobility impairments, dwarfism, chronic neurological disorders, learning disabilities, multiple sclerosis, and speech disorders. The inclusion of these disabilities represents a more inclusive and comprehensive approach to meeting the varied needs of individuals with disabilities in India. The Act mandates the equal rights, opportunities, and full participation of persons with disabilities and provides for their education, employment, social security, legal capacity, and accessibility, among other things.

Within the Ministry of Social Justice and Empowerment, the Department of Empowerment of Persons with Disabilities is responsible for addressing disability-related issues. Prime Minister Narendra Modi has suggested the term "Divyangjan" ("those with divine abilities") as an alternative to "Persons with Disability." However, disability rights advocates have criticized this term as being patronizing and derogatory.

To make the lives of individuals with disabilities easier, several initiatives have been launched by the Indian government:

Accessibility
● Accessible India Campaign (Sugamya Bharat Abhiyan): The primary aim of the 2015 initiation of the Sugamya Bharat Abhiyan, also recognized as the Accessible India Campaign, is to enhance accessibility for individuals with disabilities in public spaces and infrastructure. This initiative encompasses various projects aimed at providing accessible restrooms, ramps, and other facilities in government buildings, public transportation systems, and educational institutions. The campaign's principal goal is to advocate for inclusivity, eliminate barriers for individuals with disabilities, and ensure their equitable access to essential facilities and services.
● Accessible Digital India: The aim of the Accessible Digital India project, which is an extension of the Accessible India Campaign, is to improve accessibility in the digital realm by guaranteeing that mobile applications and websites are usable by people with disabilities. To guarantee that information and services are available to all residents, guidelines have been set to ensure that government websites and applications comply with accessibility requirements.
● Accessible Transport Initiatives: Accessible Transport Initiatives, as part of the Accessible India Campaign, encompass efforts to foster inclusivity in public transportation. This involves implementing measures to enhance accessibility in railway stations, airports, and public buses. Guidelines have been provided to retrofit existing transport infrastructure, ensuring it accommodates the needs of people with disabilities.

Education
Education in pre-colonial India was focused on the Gurukuls or Rishikulas, where students lived in Ashrams with their "guru" or instructor. Under the gurushishya parampara, an age-old educational system, children of all talents and impairments received instruction together, whether in the Gurukul or under a shade tree. This kind of schooling was the epitome of inclusion because there were no special schools for people with impairments. To ensure that students could readily acquire useful skills, alternative occupational courses like as caring for cattle, gardening, or domestic activities were provided to those who struggled with academic learning. India was ruled by the British until 1947, at which point the Gurukul system was abandoned. This was followed by the adoption of the "British style" education system, which is still widely used in India today and is typified by rote memorization. In India, the British educational approach's first known use dates to 1835 and is known as the Macaulay's minutes." The goal of the British Government, as stated in this manifesto, was to create an Indian class that would reflect English values, beliefs, morality, and intelligence. Interestingly, people with disabilities were not included in this text since, at the time, they were not allowed to attend school because they were not considered good enough to represent Indians in the British sense. In India, special education began in the 1880s with the founding of the first schools for the deaf and blind in Bombay in 1883 and Amritsar in 1887, respectively. In the 1800s, however, these special schools were mostly for those with physical disabilities. The first school for people with intellectual disability wasn't founded until 1918.

After gaining independence in 1947, inclusive education was made a basic right for all Indian people under the country's constitution. The Ministry of Social Welfare was established in 1960 as a result of reorganization within the Ministry of Education. The mission of this new ministry was to supervise the well-being of the "weak and vulnerable" segments of the population, with an emphasis more on rehabilitation than on the education of disabled people. The Kothari Commission was founded by the Indian government in 1964 to improve the nation's educational system and give special attention to the needs of those with impairments. But the commission's recommendations were never implemented, despite that. The panel emphasized how important the development is. The Indian government came up with a plan in the 1960s to train instructors to instruct kids who have vision impairments and other disabilities. Nevertheless, this training program encountered difficulties such as the lack of defined curricula, entrance requirements, and a dearth of competent teacher educators and instructional materials in the sector. To supervise and control human resource development programs in the framework of disability rehabilitation, the Ministry of Welfare concluded in the 1980s that the establishment of an institution was necessary. In India, integrated education gained popularity in the middle of the 1950s, mostly due to the medical model of disability. It promoted enrolling kids with impairments in regular classrooms. Motivated by prosperous global endeavors, the Planning Commission incorporated an integrated education program into its blueprint in 1971. Then, in December 1974, the government unveiled the Integrated Education for Disabled Children (IEDC) program. The purpose of this officially supported program was to promote the academic attainment and retention of children with special needs by giving them educational opportunities in

regular schools. Financial support was given under the program for the creation of resource centers, the purchase and manufacture of educational materials, the surveying and evaluation of children with disabilities, and the induction and training of educators.

A few more initiatives taken by the government are:
● Sarva Shiksha Abhiyan (Campaign)
● The Right to Education Act
● The Inclusive education for the disabled at secondary stage (Program)
● Accessible Books for All (ABFA)
● Sugamya Pustakalaya (Online Library)
● Nai Manzil Scheme

Employment
        Although things have improved in the last several years for disabled people seeking work in India, there are still significant obstacles to overcome. Governments and other organizations, both domestic and foreign, have worked hard to encourage more diverse workforces. Since the Persons with Disabilities Act of 2016 requires employers to give people with disabilities a 4% preference when hiring for government posts, one avenue for employment opportunities is through the government. In addition, several private sector businesses have implemented inclusive hiring practices in recognition of the value of diversity in the workplace. The goal of skill development programs designed for people with disabilities is to give them the confidence to enter the workforce with the necessary training and assistance. People with disabilities can also benefit from entrepreneurship since the government has programs in place to assist handicapped business owners. Jobs are available in a variety of fields through NGOs and social companies that address issues related to disability rights, among other things. Even though these initiatives have resulted in progress, obstacles remain, including societal stigma, barriers to employment, and inadequate training and education. Resolving these issues is still a priority to guarantee that all people, regardless of handicap, have equal opportunities in the workforce.

Some more initiatives taken by the government are:
● National Action Plan for Skill Development (Program)
● Financial assistance and welfare programs: Like disability pensions and The National Handicapped Finance and Development Corporation (NHFDC) offers concessional loans to persons with impairments for self-employment, education, and purchasing assistive devices. Additionally, various scholarships are available for students with disabilities, covering expenses like tuition fees and books. Financial assistance is also provided for the purchase of assistive devices such as wheelchairs, hearing aids, and prosthetic limbs, ensuring greater accessibility and independence for individuals with disabilities.
● Unique disability identity card Project (UDID)

Health Care
        The Indian government has launched several healthcare programs and initiatives with the express goal of helping and supporting people with disabilities. A few of these initiatives include:
● Rashtriya Bal Swasthya Karyakram (RBSK): This initiative concentrates on providing healthcare services to children, including those with disabilities. For children up to the age of 18, RBSK enables early diagnosis and treatment for birth abnormalities, developmental delays, impairments, and other medical issues.
● National Health Mission (NHM): NHM comprises a variety of sub-programs and endeavors aimed at enhancing healthcare accessibility and quality across India. While not specifically tailored for disabilities, NHM endeavors to fortify healthcare infrastructure, foster maternal and child health, and enhance access to essential healthcare services, which can benefit individuals with impairments.
● Assistance to Disabled Persons for Purchase (ADIP Scheme): This scheme extends financial aid to individuals with disabilities for procuring aids and appliances like wheelchairs, hearing aids, prosthetic limbs, and other assistive devices. These tools enhance mobility, communication, and overall better the quality of life for individuals with impairments.
● Rehabilitation Council of India (RCI) Schemes: RCI oversees a range of schemes and initiatives related to rehabilitation services for individuals with disabilities. These programs encompass training and capacity-building endeavors for rehabilitation professionals, accreditation of rehabilitation centers, and advocacy for inclusive education and employment opportunities for individuals with disabilities.
● District Disability Rehabilitation Centers (DDRCs): DDRCs provide rehabilitation services to individuals with disabilities at the district level. These centers deliver comprehensive rehabilitation services, including assessment, therapy, counseling, and referral services, to empower individuals with disabilities to achieve greater independence and integration into society.

● Swavlamban health insuarance scheme
● Nirmala health insurance scheme

National Disability Institutes Overview

The Ministry of Social Justice and Empowerment (MSJE) in India plays a pivotal role in addressing various issues related to disability. MSJE is responsible for managing several programs that are meant to enhance the quality of life for people with disabilities, with an emphasis on empowering and fostering inclusion. MSJE works to improve accessibility, offer rehabilitative services, and uphold the rights and dignity of people with disabilities through its activities. Through working with many stakeholders and putting comprehensive policies into place, MSJE aims to make society more inclusive so that people with disabilities may thrive and fully participate. The Ministry of Social Justice and Empowerment (MSJE) is home to seven National Institutes that are specifically focused on disability-related issues. These institutions are actively involved in a variety of activities, such as conducting research and development projects, offering rehabilitation services to individuals with disabilities, and developing human resources in the disability sector. These National Institutes, alongside their regional centers and composite regional centers, deliver a total of 80 courses spanning one year or beyond. The following list enumerates the seven National Institutes:

1. National Institute for the Visually Handicapped (NIVH) located in Dehradun.
2. National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD) situated in Chennai.
3. Swami Vivekanand National Institute for Rehabilitation Training and Research (SVNIRTAR) based in Cuttack.
4. National Institute for the Hearing Handicapped (NIHH) located in Mumbai.
5. National Institute for the Mentally Handicapped (NIMH) situated in Secunderabad.
6. National Institute for the Orthopedically Handicapped (NIOH) based in Kolkata.
7. Pt. Deendayal Upadhyaya Institute for the Physically Handicapped (PDUIPH) situated in New Delhi.

Challenges in Implementation and Enforcement

The definition of disability by the World Health Organization (WHO) encompasses impairment, constraint, or limitation in activity, often stemming from health-related issues and environmental factors (WHO). Globally, approximately one billion individuals, or 15% of the population, experience disability, with 20% facing significant functional limitations (WHO). Notably, 80% of people with impairments dwell in developing nations, highlighting the necessity for their inclusion in all development endeavors (WHO). In India, the prevalence of disability is recorded at 2.2%, according to the 2011 Census and the 76th wave of the National Sample Survey (NSS) (NSS report no. 583: Persons with Disabilities in India NSS 76th round [July – December 2018]). Over a decade, the disabled population in India increased from 21.9 million to 26.8 million between 2001 and 2011 (NSS report no. 583: Persons with Disabilities in India NSS 76th round [July – December 2018]). The incidence of impairments escalates with age, particularly among individuals aged 60 and above, a demographic projected to reach 323 million by 2050 in India (NSS report no. 583: Persons with Disabilities in India NSS 76th round [July – December 2018]). This demographic shift presents significant structural and fiscal challenges for the nation(NSS report no. 583: Persons with Disabilities in India NSS 76th round [July – December 2018]).

The implementation and enforcement of disability regulations in India encounter various obstacles that impact the lives of individuals with impairments. The general lack of knowledge and comprehension of disability rights is a major obstacle. as evidenced by a 2019 survey indicating that only 27% of respondents were aware of the Rights of Persons with Disabilities Act (Ministry of Social Justice and Empowerment demand no. 94). This limited awareness contributes to widespread prejudice and ignorance surrounding the protections afforded by the Act (Ministry of Social Justice and Empowerment demand no. 94). Additionally, inadequate funding for disability-related programs poses a substantial challenge, with the Department of Empowerment of Persons with Disabilities receiving a mere 0.03% of the entire Union Budget in 2021 (Ministry of Social Justice and Empowerment demand no. 94). Accessibility barriers persist, with only 35% of public structures in India deemed wheelchair friendly as of 2020, hindering participation in various activities ("Ministry Of Social Justice And Empowerment Demand No. 94 Department Of Empowerment Of Persons With Disabilities," N.D.) Discrimination and stigma further impede social integration, with 73% of people with impairments facing preconceptions in public places ("Ministry Of Social Justice And Empowerment Demand No. 94 Department Of Empowerment Of Persons With Disabilities," N.D.)

Efforts to address these challenges should prioritize raising awareness of disability laws, rights, and accessible services through diverse communication channels, including digital platforms. Community involvement initiatives that promote inclusivity are also crucial for breaking down social barriers. Additionally, addressing capacity and training gaps among medical professionals, as well as enhancing monitoring and assessment processes, are essential steps in effectively implementing disability laws. Furthermore, recognizing the intersectionality of impairments with other marginalized identities necessitates the development of comprehensive policies to cater to diverse needs. Ultimately, comprehensive approaches, increased budget

allocations, and sustained awareness efforts are vital for the successful implementation and enforcement of disability laws in India ("Ministry Of Social Justice And Empowerment Demand No. 94 Department Of Empowerment Of Persons With Disabilities," N.D.).

In Chennai, on 13th February 2024, a significant event unfolded as visually impaired individuals staged a sit-in protest on a busy thoroughfare, signaling their demand for the implementation of a governmental directive ensuring 1% reservation for visually impaired individuals in government positions (Kannan, 2024). This demonstration highlighted the persistent challenges confronting the disabled community in India and underscored the urgency for effective policy implementation. Despite assurances from Tamil Nadu Chief Minister MK Stalin regarding the resolution of this issue within a stipulated timeframe, no tangible progress had been made even after ten months.

The New Indian Express reported on the palpable frustration within the visually impaired community, as promises of special examinations and recruitment drives to address backlog government vacancies remained unfulfilled. This incident serves as a stark reminder of the dissonance between legislative intent and practical outcomes and highlights the structural barriers preventing individuals with disabilities from fully integrating into society and the workforce. As the protestors made their grievances known, they epitomized the steadfastness and determination of a community advocating for their rights with dignity.

V. Conclusion

While India has made significant strides toward disability equality, persistent obstacles remain. A primary challenge lies in the lack of awareness among medical staff regarding the unique needs of these patients, exacerbated by inadequate infrastructure in healthcare facilities that hinders access for individuals with mobility or sensory impairments. To effectively cater to the diverse patient population, it is imperative to advocate for the integration of comprehensive disability awareness training in medical school curricula and the stringent enforcement of accessibility standards in healthcare facilities. Furthermore, continuous efforts are required to overcome these challenges comprehensively, extending beyond policy creation to encompass thorough review processes facilitating prompt revisions based on evolving information. By doing so, India can aspire to create a truly inclusive society where individuals with disabilities have equal opportunities in healthcare, work, and education, thus translating principles of equality and social justice into tangible realities.

Comparing the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) with the Indian Rights of Persons with Disabilities Act, 2016, highlights the intricate interplay between international standards and local implementations in the field of disability rights. While the UNCRPD sets forth broad and ambitious frameworks for the protection of the human rights of individuals with disabilities worldwide, the RPWD Act customizes these ideals to address the specific challenges and requirements faced by people with disabilities in India. Both frameworks emphasize principles of non-discrimination, equal opportunity, and comprehensive inclusion of people with disabilities in all life spheres, such as education, employment, and healthcare, showcasing a concerted effort to align global objectives with national realities. While the UNCRPD promotes a comprehensive approach, encouraging international cooperation and establishing uniform standards across nations, the RPWD Act focuses on practical implementation and contextualization, aiming to effectively apply UNCRPD principles within the Indian context.

However, despite its aspirational goals, the effectiveness of the RPWD Act is questioned due to financial constraints, attitudinal barriers, and inconsistent implementation strategies. Therefore, while the RPWD Act addresses specific challenges faced by individuals with disabilities in India, further efforts are necessary to overcome implementation obstacles and ensure the successful realization of disability rights in the country.

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