



DISABILITY RIGHTS MOVEMENT: A PARADIGM SHIFT

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ABSTRACT

With the development in history India has witnessed a major shift in the realm of public sphere. During the World War II era there had been major development in the sphere of Women's Rights, Agricultural Rights of Farmers, Dalit Movement and many other social issues were protested. This was a major change in the domain of public sphere. With the constant change in society people became more aware and social issues were being voiced. The emergence of NGO's in India during 1970's and 1980's issues like the Labor Rights, Education for All, Child Rights came to the forefront. The series of these development gave way to the Disability Rights Movement in India (DRM). The "differently-able" united among themselves raged against all odds from the caste, creed, sex system and started protesting for their own rights. For a very long time history has witnessed discrimination, humiliation, disrespect towards the family and Person with Disability. Among few practical problems which hindered the growth and progress of the Disability Movement, one is ignorance. This ignorance hindered the progress till the 1980's even after 40 years of Independence. In 1970's and 1980's people saw the constant battle between few aware individuals against the state. These individuals were mainly families of the "differently-abled" who were economically strong and could provide their children with adequate Rehabilitation. A huge change was marked with the emergence of Rehabilitation Council of India in 1986 to subsidize and regulate the policies of Rehabilitation towards people who are differently-able. With this development the DRM gained momentum and gave rise to a series of development like the Person with Disability Act, UNCRPD which marked a huge change in the area of Disability Rights Movement. These changes has given impetus to the growth of DRM but, India still is not a barrier free country. PWD still cannot move freely in the society, have to struggle to be a part of a mainstream school, has limited employment opportunities. Therefore, the primary concern still remains the appropriate Rehabilitation of PWD.

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INTRODUCTION

In reality the people with disability constitute a part of the human society under which they are entitled to full range of Human and Fundamental Rights as any other section of the society. Unfortunately, in India PWD has always been subject to discrimination, denial, disrespect and have been looked upon with pity. People with disability were thought outcasts and were looked down upon. Disability was thought a previous life's sin that he is facing in his present life. This thought process has led to many unfair practices. Any assistance towards the people with disability was thought as an act of charity. Disabled children were at many instances left in the orphanage because the family could not accept the social embarrassment. In a country like India where the major population with disabilities live in the rural areas caste, creed, sex, race play an important role to discriminate and make "Disability" an issue of utter ignorance. In a backdrop where PWD was not granted employment and was thought irresponsible to contribute to the society the Disability Rights Movement became a necessity.

Even when the emergency for Disability Rights Movement was felt it was far from reality because of lack of consensus among the various disability groups. The various degrees of disabilities (i) Blindness (ii) Low vision (iii) Leprosy-cured (iv) Hearing impairment (v) Locomotor disability (vi) Mental retardation (vii) Mental illness had their own rights to be forwarded which led to poor unity. Any movement to be successful requires a strong leadership and unity among the members. The lack of these pre-requisites made Disability Rights Movement (DRM) difficult.

Overview from 1970's to 2000

If we look into the history of DRM in India we can observe a major shift of paradigm from 1970 to 1990. In 1970's Disability was a stigma and PWD were looked upon as sinners paying for their past sins. Discrimination, disrespect were common outlook of people. Their rights, demands were completely disregarded because the PWD had limited scope to contribute in the society as was thought by the then policy makers. During 1980's there was a major shift in the policy framework. The developmental policies included PWD and tried to improve their conditions through correct Rehabilitation. With the emergence of NGO's in India during 1980's and 1990's issues like labor rights, child rights, women education came into much light. These various right

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based movements gave impetus to the Disability Rights Movement (DRM). The Rehabilitation Council of India was set up by the Government of India in 1986 to regulate and standardize training policies and programs for the rehabilitation of persons with disabilities. The very next year saw the Mental Health Act (1987) come into existence. The Mental Health Act is a civil rights legislation that focuses on regulating standards in mental health institutions. This Act however, could not ensure the welfare of the PWD since the conditions of the people living in Mental Health Centers and other Welfare Centers were worse than jails. The conditions of the PWD did not improve and the standard of treatment was very low.

Throughout 1980's and 1990's few individuals came up with the term "differently-able" to include the PWD into the mainstream society. For politicians the disability issues was always non important because the disabled population was not considered to be a vote bank. The disability issue has been so varied that the lack of any proper unification has led to the slow success of the movement. Also, the society thought PWD cannot contribute to the society's development. The causes and rehabilitation was unknown which led to a major speculation among people. The little awareness of people made Disability a stigma.

Even the NGO's till 1990's kept the mental and developmental disabilities out of their jurisdiction stating that these conditions had a medical implication. Few educated sensitized individuals came up with Developmental and Intellectual Disability awareness and took the initiative to make The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation Act 1999 which deals with developmental disabilities at large. A wide range of issues had to be addressed such as the causes of disability, its care, rehabilitation, and empowerment mainstreaming equal education rights, employment, health care, transportation and other socio-legal support. After a series of protests and petitions the government passed the Persons with disability Act (PWD) in 1995. This action reserved 3% of the government posts for people with disability. The year 1995 became a benchmark in the history of Disability Rights movement. It further ensures the objectives of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) • Promoting and ensuring equality and full participation of persons with disabilities and • Protecting and promoting their economic and social rights. The PWD Act 1995 focused more on the rights of the people in accessing education, medical facilities, Barrier free environment which guarantees the PWD to move around the environment freely. The critics of PWD Act points out that the Act was a failure because it passed as an Act without a proper debate. The Act further has a lot of escape points which provides no tangible development of PWD.

People filed petitions and protests to make the DRM a more stringent Act. The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act 1999 came into being after the PWD Act could not ensure the protection of rights of PWD. The specific objectives of the Act include: • To enable and empower persons with disabilities to live as independently and as fully as possible

within and as close to the community to which they belong. • To promote measures for the care and protection of persons with disabilities in the event of death of their parent or guardian. • To extend support to registered organizations to provide need based services during the period of crisis in the family of the disabled covered under this Act.

In the new millennium the United Nations adopted the Convention on the Rights of Persons with Disabilities in 2006. With the International Convention people all over the world waited anxiously for the bill to be enacted a law. The International interference ensured the protection of rights, self respect and dignity of PWD. The objective of the International Convention were (a) Respect for dignity, autonomy, freedom to make one's own choices, and independence of persons (b) Non-discrimination (c) Full in effective inclusion and participation in society (d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity (e) Equality of opportunity (f) Accessibility (g) Equality between men and women (h) Respect for the evolving capacity of children and their right to preserve their own identities. However, the UNCRPD was a blessing in the field of DRM.

The PWD Act was ratified in 2011 and was meant to codify with the UNCRPD. The PWD Act enlisted 21 disabilities under its arena to ensure the overall development. Statistics shows that there are 8 million disabled people in India which almost comprise 2.2% approx the total population. India has a huge population of disability which makes us even more responsible to work towards the collective development of the PWD. Based on the current statistics and conditions the Disability the Medical Framework had to be replaced by the Social Model. This social framework would ensure 5% reservation for the government jobs and a friendly and barrier free environment in private companies. The education for all objectives was also taken into consideration. The Cabinet Government had accepted the bill and once it becomes a law it would replace the 1995 disability law.

CONCLUSION

It is clear from the above discussion that Disability Right Movement is still trying to make an impression in India. The PWD Act did mark a change in India but the collective and overall development of PWD is still on process. When we are dealing with a huge country like India where heterogeneity is a primary feature the collective issues takes time to come into action. The positive angle to this DRM is the fact that time and again India has fought for Disability Rights. From social ostracization to accept disability as a part of the society is a big change in itself, from discrimination to accepting is a change in the thought process too. The collective demands and rights of people with disability is a process of a long understanding and mutual cooperation. All the different types of disabilities have their own causes and rehabilitation therefore, to merge all the differences in one Act is an idea which needs to be worked upon keeping in mind the sensitivity of the issue. India has also witnessed cases where

due to human trafficking man has been made disable. Therefore a number of cases has been surveyed where disability was created. Therefore, keeping all this in mind a barrier free, inclusive society is still a dream to be achieved. The unification of all members of the society embracing their differences is an idea which is still to be achieved. Development and progress has been constant since 1970's and this change will one day set an example for our future generations who will witness an inclusive society. Keeping in mind the various degree of change in DRM since 1970's one can clearly observe the shift in paradigm.

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