

Legal Safeguards and Government Initiatives for Empowerment of the Persons with Disabilities in India

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ABSTRACT

The Persons with Disabilities are one of the socially excluded sections of the society, who are living a life with multiple challenges and also they face a number of problems in their daily life. In order to bring them into the mainstream, the Constitution of India provides some important provisions, duties, and facilities to those who are suffering like such categories of the vulnerable groups in society. Apart from this, governments are introducing many welfare measures and schemes. The proper utilization of these schemes is possible, only when their implementation is proper and effective and is reaching to the Persons with Disabilities timely and smoothly. Therefore, the present study is conducted to analyze the implementation and utilization of various government welfare measures and other such provisions. Descriptive research design is applied to the present mix type of the research. The major findings of the study are that Persons with Disabilities still remain one of the most marginalized groups in society, facing numerous challenges in their daily lives. Government's initiatives are commendable but Persons with Disabilities often remain unaware and out of the reach of such a majority of the resources and schemes. It is highlighted that despite constitutional provisions aimed at safeguarding their rights and ensuring access to opportunities, these persons continue to experience barriers that hinder their integration into mainstream society. Therefore, the study is concluded with the recommendations that there is need for an inclusive policy, qualitative programmes and schemes, their effective implementation and the scope of social work is also advocated at micro, mezzo and macro level to facilitate and advocate for the Persons with Disabilities

Keywords- Persons with Disabilities, Welfare and Well-being, Socio-economic Rehabilitation, Social Exclusion, Crime against PWDs, Stigma and Discrimination.

INTRODUCTION

India, the world's largest democracy, stands at the cusp of becoming a dominant global player. However, as the nation progresses on its developmental journey, it is imperative to ensure that this growth is inclusive, encompassing all citizens; especially those who are physically handicapped. Often referred to as the invisible minority, persons with disabilities (PWDs) have long been marginalized in societal development. Before labeling them as a minority group, it is important to consider the findings from the most recent census. According to the 2001 Census, the number of persons with disabilities in India was estimated at 02.10 percent of the total population, which goes to approximately 7 to 10 crore.

The National Policy for Persons with Disabilities recognizes these individuals as valuable assets to the country. The primary goal of the policy is to create an environment that guarantees the basic constitutional rights of equality, freedom, justice, and dignity. This approach aims to provide equal opportunities for persons with disabilities, thereby ensuring their rights are protected and enabling their full participation in society. However, disability is a multifaceted condition, often categorized as physical, cognitive, mental, sensory, emotional, developmental, or a combination of these. It is essential to recognize that disability is not merely the result of impairment but is an umbrella term that includes impairments, activity limitations, and participation restrictions. The meaning and basic understanding about the disability is mentioned as follows

- According to the Oxford Dictionary, disability refers to impairment which can be intellectual, cognitive, sensory, or a combination of these. Disability impacts a person's ability to carry out certain activities and can occur either at birth or later in life.

- United Nations- Convention on the Rights of Persons with Disabilities (CRPD)- The Preamble to the CRPD, adopted in 2006 by the United Nations, defines disability as the result of the interaction between individuals with impairments and environmental or attitudinal barriers. These barriers hinder their full participation in society on equal terms with others. The CRPD highlights that persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments. The interaction with various barriers can hinder their full and effective participation in society. This reflects a shift from a medical model of disability to a social model.
- According to the World Health Organization (WHO), disability is an umbrella term that includes impairments, activity limitations, and participation restrictions. It reflects the interaction between a person's body and the society in which they live.

As the world's population continues to rise, the number of persons with disabilities is expected to increase as well. In fact, 80.00 percent of persons with disabilities reside in developing nations, including India, China, Brazil, and South Africa. These statistics emphasize the importance of addressing the unique needs of this marginalized group. In India, the 2011 Census reported that approximately 26.8 million people, or 2.21 percent of the total population, live with some form of disability. However, estimates from the World Bank suggest that the actual number may be between 40 million and 80 million, highlighting a significant underreporting of the population of the Persons with Disabilities in official statistics. Furthermore, visual impairment remains one of the most prevalent disabilities worldwide, with an estimated 314 million people suffering from some form of vision impairment, including 45 million who are completely blind. The WHO estimates that more than 600 million people worldwide live with disabilities, resulting from chronic diseases, injuries, violence, infectious diseases, malnutrition, and poverty.

Disability and Societal Reactions in India

India has a long cultural heritage of compassion and assistance towards the needy, even at great personal sacrifice. This tradition of helping others has extended to the Persons with Disabilities as well. Unlike many parts of the world, India did not witness the brutal practices of exposure or destruction of Persons with Disabilities that were common in some ancient societies. For instance, a foreign writer once remarked that in ancient India, physically deformed children were often cast into the Ganges. This suggests that while there were moments of extreme disregard for the Persons with Disabilities, such practices were not pervasive in Indian history. Throughout India's history, debates have surrounded the protection and care of these persons, with society often questioning the best means of integrating them into community life. In the past, the Persons with Disabilities were largely viewed through a charitable lens, with the general belief that their condition was a result of fate or divine will. However, the societal attitudes towards the Persons with Disabilities in India, like many other countries, have gradually evolved. Initially, Persons with Disabilities were often regarded with pity or seen as burdens to society. This perception has shifted somewhat in recent times, with greater emphasis placed on their rights and the need for inclusion.

In the light of the above, for the mainstreaming and maximum welfare of the Persons with Disabilities, the Constitutional provisions, welfare facilities, various programmes and welfare schemes, offered by the Government are crucial, therefore, in the light of the above all fact, present study is an attempt to examine and analyze the implementation and utilization of various government welfare measures and other such legal provisions and their impact on the lives of the Persons with Disabilities in India.

REVIEW OF THE RELATED LITERATURE

- **Bhanothu, R., & Lakkereddy, S. (2018).** Explored that the persons with the physical disability represent a marginalized segment of society, facing multifaceted challenges in daily life. The study revealed that beyond physical limitations, societal apathy and negative attitudes significantly worsen their psychological, educational, and social well-being. Therefore, enhancing awareness and fostering inclusive attitudes are essential for meaningful integration of Persons with Disabilities into society.
- **Mohan, et al. (2021).** Found that the global population of the Persons with Disabilities comprises 15.00 percent of the world's population, with children accounting for approximately 5 million. The study emphasized the urgency of accessible information, stronger implementation of disability rights, and the involvement of governmental and non-governmental organizations to address healthcare, rehabilitation, and inclusive development for persons with disabilities.
- **Vispute, S. B. (2021).** Study highlighted the systemic challenges faced by persons with disabilities (PWDs) in India. Author examined the lack of awareness among PWDs about welfare schemes. Study explored gender-specific barriers, emphasizing limited access to higher education for women with disabilities. Therefore, the study concluded with the recommendations to underscore the importance of targeted interventions, inclusive policies, and the pivotal role of advocacy and education in improving the quality of life for the persons with disabilities.

Need and Relevance of the Study

This study holds critical significance in understanding the implementation of the welfare programmes and legal provisions for the Persons with Disabilities (PWDs) in India. This research is significant in exploring how social work practice can amplify the effectiveness of government schemes and international frameworks by ensuring that interventions are participatory, rights-based, and culturally appropriate. Altogether, this study would prove as a guide for future research in the area.

Objectives of the Study

- To understand the major schemes, programmes and other legal provisions for the Persons with Disabilities in India.
- To evaluate the impact of the major schemes and provisions on the lives of the Persons with Disabilities.
- To suggest important solutions for effective implementation of these schemes, programmes and other legal provisions.

RESEARCH METHODOLOGY AND DESIGN

Author has adopted descriptive research design to present qualitative and quantitative research work. Study utilized data from various research papers, books, case studies and reports, which are based on primary data.

Major Findings and Summary

On the basis of various research studies and reports, it is found that in India, the welfare and empowerment of Persons with Disabilities (PWDs) has gained increasing attention through various government schemes, legislative frameworks, and national policies aimed at improving their quality of life. It is also explored that the country's vast and diverse population includes a significant number of persons with disabilities, who have historically faced barriers in terms of accessibility, education, employment, and social participation. While progress has been made in ensuring their rights and rehabilitation, challenges remain in terms of implementation of the welfare programmes and schemes and societal attitudes. Disability recognition in India dates back to 1872, with government censuses beginning to count population of the Persons with Disabilities. Initially, disabilities were categorized in limited terms, with the first significant act for the Persons with disabilities in 1995, which defined seven types of disability. It is explored that apart from these provisions, the Indian government recognized PWDs as valuable assets and formulated policies to ensure their equal opportunities and participation in society. The policy's primary goals are physical, educational, and economic rehabilitation. Thereafter, a more comprehensive, inclusive and detailed act came into force in 2016, expanded the scope, recognizing 21 types of disabilities, making strides toward more comprehensive inclusion. Persons with disabilities in India face severe social exclusion. Apart from the policy and act, time to time, several schemes are also being implemented to improve the lives of persons with disabilities, which are highlighted as follows-

- ✚ The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)- It is a groundbreaking international treaty aimed at safeguarding the human rights and dignity of persons with disabilities (PWDs). Adopted by the United Nations General Assembly in December 2006 and coming into force in May 2008, the convention has been a pivotal instrument in promoting and protecting the rights of PWDs globally. Currently, 177 states have ratified the convention, with 92 states also ratifying the optional protocol, which allows the monitoring committee to investigate alleged violations. The core principles of the UNCRPD serve as the foundation for the rights and obligations that member states must uphold.
- ✚ National Policy for Persons with Disabilities- 2006- The National Policy for Persons with Disabilities was formulated in February 2006. This policy marked an important milestone in India's efforts to comply with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Biwako Millennium Framework. The policy acknowledges that persons with disabilities (PWDs) are valuable human resources and aims to create an inclusive environment that provides equal opportunities, protection of rights, and full participation in society for them. The significant focus areas of the policy include, such as; prevention of disabilities, physical rehabilitation, educational rehabilitation, social security, special attention is given to women with disabilities, children with disabilities are identified as the most vulnerable group etc. Moreover, Sports, the policy emphasizes the right of persons with disabilities to participate in sports, recreation, and cultural activities. It acknowledges the therapeutic value of these activities and encourages the government to ensure opportunities for PWDs in these areas.
- ✚ The Rights of Persons with Disabilities Act, 2016 (RPWD Act)- In 2016, India replaced the 1995 Act with the Rights of Persons with Disabilities Act, 2016 (RPWD Act), which aimed to align India's disability laws with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory. The RPWD Act expanded the list of disabilities from 7 to 21 conditions, including; Cerebral Palsy, Dwarfism, Muscular Dystrophy, Acid Attack Victims, Autism Spectrum Disorders, Multiple Sclerosis, Parkinson's Disease, Blood

Disorders (e.g., hemophilia, thalassemia), and Multiple Disabilities. The Act stresses the right to equality, dignity, and personal integrity for all persons with disabilities, with special focus on inclusion and empowerment. The Act mandates accessible infrastructure, and healthcare measures, alongside establishing special employment exchanges. The RPWD Act introduces reservation quotas for PWDs in government education and employment. 05.00 percent reservation for benchmark disabilities in higher education institutions. Despite the progressive nature of the Act, its implementation has faced several hurdles; some of the important are mentioned, as; delayed notifications in many states, public buildings, transportation systems, and services are often not fully accessible.

- ✚ Mental Health Act, 1987- Addressed the treatment and care of mentally ill persons.
- ✚ Rehabilitation Council of India (RCI) Act, 1992- Established the RCI to regulate training for rehabilitation professionals and ensure the quality of services provided to PWDs.
- ✚ Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995- A significant law promoting equal opportunities for PWDs. It addresses education, employment, and vocational training, and also mandates job reservations, research, and barrier-free environments.
- ✚ The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999.
- ✚ Mental Health Care Act, 2017- Replaced the 1987 Act, aiming to provide better mental healthcare and services for persons with mental illnesses, while protecting their rights.
- ✚ Schemes related to the Educational Schemes and Opportunities- A variety of scholarships are available for students with disabilities, including those pursuing technical, professional, or higher education, with a significant focus on girls and marginalized categories of disabilities.
- ✚ Health and Rehabilitation Initiatives- District Rehabilitation Centers (DRCs) were launched in 1985, these centers, along with Regional Rehabilitation Training Centers (RRTCs) in cities like Mumbai and Chennai, help in vocational training and rehabilitation. National Institutes like NIMH, NIVH, and NIIH contribute to the rehabilitation of PWDs by offering specialized care and training.
- ✚ Schemes and Programmes related to the Social Inclusion and Attitudinal Barriers- Government support physical and economic rehabilitation, societal attitudes toward PWDs.

On the basis of the above all facts and findings, it is explored that the act played pivotal roles in framing the legal and political environment for persons with disabilities in India. These Acts mark significant steps towards equality and empowerment, aligning India's national laws with international norms such as the UNCRPD. However, the implementation gap remains a significant challenge. Awareness campaigns, resource allocation, and policy enforcement need to be strengthened across the country to ensure that the rights of persons with disabilities are fully realized, ensuring their social inclusion, empowerment, and dignity.

It is explored that the welfare of the persons with physical disabilities in India has seen substantial progress through a combination of legislative measures, social welfare schemes, and legal and institutional support. However, gaps remain in terms of scheme implementation, accessibility, and public awareness. The number of PWDs in India is significant, and it is crucial for both the government and society to continue working towards an inclusive environment where they can lead dignified lives and contribute meaningfully to the nation's development.

Recommendations and Social Work Application

- Localized awareness campaigns in regional languages through community radio, social media, and NGOs should be prioritized.
- Decentralized Service Delivery- There is a need to empower Panchayati Raj Institutions and urban local bodies to implement schemes more efficiently.
- Digitize and Simplify Processes- Government portals must be made accessible and available in multiple Indian languages.
- Ensure Regular Training and Sensitization of Officials- Government staff and service providers must undergo regular training on disability rights, inclusive service delivery, and respectful communication with PWDs.
- Infrastructure and Transport Accessibility- Public spaces, transportation, and government offices must be made universally accessible.
- Increase Budget Allocation and Timely Disbursement- Fund allocations for disability programmes must be increased and released on time. A transparent audit mechanism should monitor utilization.
- Strengthen Data Collection and Research- A central disability database with real-time updates should be developed to track the needs and reach of services, enabling data-driven policymaking.

- Promote Public-Private Partnerships (PPPs)- Collaboration with private organizations, CSR wings, and NGOs can improve service delivery in education, employment, and healthcare for PWDs. Moreover, there is a need to strengthen awareness and outreach programmes for PWDs.

Role of Social Work Profession

The social work profession plays a crucial role in bridging the gap between policies and practice. Social workers advocate for the rights of PWDs at grassroots and policy levels, ensuring that voices of the marginalized are heard. They provide counseling, help in availing government schemes, and educate families and communities to reduce stigma. Social workers also facilitate community-based rehabilitation, assist in forming self-help groups, and train PWDs in life and employment skills. Importantly, they monitor the implementation of schemes, identify gaps, and work with local authorities to ensure inclusive and sustainable development of the persons with disabilities.

CONCLUSION

It is concluded that the welfare of Persons with Disabilities in India has seen substantial progress through a combination of legislative measures, social welfare schemes, and institutional support through the Central, State Governments, International Initiatives and civil society actions in India. However, gaps remain in terms of scheme implementation, accessibility, and public awareness. A significant number of the Persons with Disabilities in India are crucial for both the government and society to continue working towards an inclusive environment where they can lead dignified lives and contribute meaningfully to the nation's development. In addition to it, the study is concluded with the recommendations that social work interventions can work towards empowerment of the Persons with Disabilities through its various professional services and strategic engagements, such as; support services, advocate for their rights, working at policy level and working on effective implementation of the all schemes and programmes for them.

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