CHAPTER 3

PERSONS WITH DISABILITY - AN OVERVIEW

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CHAPTER 3

PERSONS WITH DISABILITY – AN OVERVIEW

“We have a moral duty to remove the barriers to participation for people with disabilities, and to invest sufficient funding and expertise to unlock their vast potential. It is my hope this century will mark a turning point for inclusion of people with disabilities in the lives of their societies”1

World Report on Disability 2012, released by W.H.O – Said by the famous British theoretical physicist Stephen Hawking,

3.1 Introduction

In this Chapter the Researcher has made an effort to highlight all the gaps that exist and have come to light since the time it was decided to study the subject on ‘disability’ keeping in mind the objectives laid down. The Researcher has gone through the required and basic literature on the subject by way of books, papers and studies carried out, magazines, web site and so on and a few details of the relevant literature has also been described in the previous chapter – Chapter 2. The gaps related to the aim and objectives of the study have also been highlighted in Chapter 2.

3.2 Basic Document on Disability in India

The basic document to be followed on Disability in India is “The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (“PWD Act”).” Since the time UN started with the conventions on Rights for Persons with Disabilities India has been actively participating and is also signatory to its various mandates. Our convention and Gazette has been of 1995 vintage and rightly so it is being taken up now for revision. In this study the researcher would refer to the document of 1995 unless it is otherwise mentioned. The revised document is presently under study with the Government.

The Ministry of Social Justice and Empowerment, by notification\(^2\) F. No. 16-38/2006-DD.III dated 30\(^{th}\) April 2010, constituted a Committee chaired by Dr. Sudha Kaul with members representing persons with disabilities, NGO’s and experts from the disability sector, to draft a new legislation to replace the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (“PWD Act”).

The PWD Act, 1995, has now been in force for over 21 years. Keeping in view the experience of its working over this period, and the need to harmonize its provisions with those of the United Nations Convention on the Rights for Persons with Disabilities (UNCRPD), 2008, and of other legislations on the subject which we have accepted, and following, there has been a need to look at the revision of the PWD Act.

Extensive consultations with various stakeholders including State Governments, NGOs and experts have been carried out by all concerned and the Central Coordination Committee considered the matter in its meeting dated 21.07.2009, after which a comprehensive draft of amendments necessary in the Act was formulated and circulated to State Governments / Union Territories and concerned Union Ministries in September, 2009, for comments. We are sure that the Committee constituted will do a good work to revise the existing instructions on the subject and particularly to uplift the state of the PWDs in our country.

The Prime Minister has appointed a Group of Ministers\(^3\) (GOM) to examine the draft Disabilities Bill 2014. The suggestions and the recommendations of the GOM headed by the Home Mister will then be tabled before the Union Cabinet. The bill certainly has to fulfill all the Countries International commitments.

The new bill is exhaustive and in detail. The Draft of 127 pages brings out as a major change in the identification of 20 types of disabilities as against 7 disabilities,

also a large number of changes to suit the disability aspects in women and many other changes in the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Partition) Act 1995.

3.3 Disability

Today, we are working on 2.2% of population as persons with disability. When the WHO confirms the world figures of disabled as more than 10% and also when it qualifies by saying that the disabilities in developing countries are more then we in India would need to look at our figures of persons with disabilities. This means that we have a large number of persons with disabilities probably hidden and need to be identified. If the legislation and the new draft of PWDs Act is finalized the population of these persons will go up and a larger percent of population will show in our over all figures. Next, it has been seen that at the policy level, progressive legislation, schemes and provisions exist for the PWDs but at the ground level, the persons with disability continue to be neglected and marginalized with the responsibility of care on the family rather than the community or the Government. There has to be community based rehabilitation of the disabled.

Concept of Disability differs from Society to Society. There are two other terms used with disability – impairment and handicap. These need to be understood as defined by World Health Organisation (WHO) quite distinctly. Impairment is any loss or abnormality of psychological, physiological or anatomical structure or function. Handicap is a disadvantage for a given individual, resulting from impairment or a disability that limits or prevents the fulfilment of a role that is normal (depending on age, sex and social and cultural factors) for that individual. The term disability\(^4\) is defined by WHO as any restriction or lack of ability (resulting from an impairment) to perform an activity in the manner or within the range considered normal for a human being. PWD Act of 1995 would define Disability\(^5\) as those seven authorised impairments (blindness, low vision, leprosy cured, hearing impairment, loco motor disability, mental retardation and mental illness) which a person with

\(^4\) Definition of Disability by WHO
\(^5\) Definition of Disability as per PWD Act of 1995
disability may have and the person must be suffering from not less than 40% of any disability as certified by a medical authority. The proposed PWD Act 2014 has defined person with disability as persons with any developmental, intellectual, mental, physical or sensory impairments including those mentioned in Schedule 11 of the Draft Act\(^6\) (there are 20 in number as against 7 in the present act), which are not of a temporary nature, and which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others. The above subtle differences in the definitions need to be noted.

3.4 Prevalence of disability

There is no\(^7\) record of any population based study on persons with disability and if available the Researcher has not been able to get the exact figures of persons with disabilities. In 1993, Project Integrated Education for the Disabled (PIED) carried out a sample study of 10 blocks in different states giving an average of about 2.5% children of school age having disability of a kind. The National Sample Survey Organisation (NSSO 1991) has estimated the figure of persons with disabilities as 10% and the 2001 census say we have 2.5% PWDs. Finally we are working at a figure of 2.2% - the figures of 2011 census. There is a need to have the correct figures of effected persons so that we can plan and work for them appropriately.

Prevention, early identification and intervention programmes to include programmes like the Integrated Child Development Services (ICDS) scheme launched in 1975-76. to improve the nutritional and health status of children in the 0-6 age-group, provide nutrition and health education for all women within the age range of 15-44, and enhance the capability of mothers to tend to the health and nutritional needs of children, the National Health Policy (1983) incorporating the WHO-sponsored Expanded Programme of Immunisation, the universal immunisation programme against diphtheria, prussic, neonatal tetanus, tuberculosis, poliomyelitis and measles, the Pulse Polio programme for all Indian children (0-5 years)


\(^7\) www.Wikipedia.com on disability in December 2015
irrespective of their immunisation and other such programmes have done good and continue to benefit all. A number of organisations have been created and their offices located in New Delhi and in all states to guide parents and organisations serving these young children, PWD Act 1995 and other regulations published - the Rehabilitation Council of India Act 1992 that led to the establishment of the Rehabilitation Council of India (RCI), the RCI Act amendment of 2000, the National Trust Act 1999 - need appreciation.

3.5 Education, Training and Employment

We are still talking about our young children with disabilities. Today there are about 3000 special schools for them and with ASHA schools being created by well known institutions the figures will be very large. There are 700 of those schools for children with loco motor disability and similar are the other numbers. Government has also a few sponsored programmes and NGOs too are also contributing to bring up the children. In and around Pune there are over 100 such schools for children with disabilities.

Table 3.1 : Details of Government Aided Schools for Children with Disabilities in Pune

<table>
<thead>
<tr>
<th>Ser No</th>
<th>Type of Disability</th>
<th>No of Schools</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Schools for Blind Children</td>
<td>6</td>
<td>Up to the age of 18, gets Grants</td>
</tr>
<tr>
<td>2.</td>
<td>For mentally challenged</td>
<td>17</td>
<td>-------------------------</td>
</tr>
<tr>
<td>3</td>
<td>For deaf and Dumb</td>
<td>19</td>
<td>-------------------------</td>
</tr>
<tr>
<td>4.</td>
<td>Loco motor Disability</td>
<td>6</td>
<td>-------------------------</td>
</tr>
<tr>
<td></td>
<td>Other schools</td>
<td>42</td>
<td>With no Grants</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>90</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: Data collected from Bal Kalyan Office, Pune, May 2013

All these schools have certain vocational training organised. But in the view of the Researcher this is more of a hobby centre than as a vocational rehabilitation training Centre for the children with disabilities. The age of all these children is not more than

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8 Data given by Bal Kalyan Office, Camp, Pune
16 to 18 years and they have barely studied up to 10 or 12th class or much less than that.

The Government has announced 3% reservations for employment for these category of persons (PWDs). There are to be special employment offices for them but would these young ones at 18 years be adequately trained to join any organisation to work and earn a living for their lifetime is the question. Also are 3% vacancies sufficient, there is a need to have schools for students who pass out and go beyond the age of 18 years. Also, there would always be increase in persons with disabilities in every age group because of illness and accidents considering that the age group of working class is 18 to 60 years, the percentage of persons with disabilities will be about 55% of the total PWDs. This is certainly an HR and a management problem to be studied rather than only a social problem to be worked upon. It was with this in mind that a study on vocational rehabilitation was felt necessary and is being carried out. The objectives of the study have been as follows -

(i) To study Physically Challenged not rehabilitated and those rehabilitated with types of jobs.
(ii) To Identify Reasons for Non Rehabilitation of Physically Challenged.
(iii) To identify subjects, methods and facilities for Vocational Rehabilitation of Physically Challenged.
(iv) To study measures by which it will be possible for the Government and the Industry to accept more Physically Challenged for rehabilitation.

To study the subject the Researcher visited a few concerned offices, schools, vocational training institutions, NGOs and a number of Individuals. Report on the few institutions / personalities visited is at Appendix D.

3.6 Institutions and Personalities Visited / Contacted

The list of Institutions and personalities visited were as follows -

(a) The Society for the Welfare of the Differently abled Persons (Physically Handicapped), Education and Research Centre – Wanavadi, Pune 411040

Refer Chapter 1, page 17, extracts of CENSUS 2011.
(b) Mahatma Phule Apang Prashikshan Kendra, Maan, Pune
(c) Bal Kalyan Sanstha and Sanshodhan Kendra, Near Pune University, Pune
(d) Military Limb Centre, Wanowari Pune
(e) Queen Mary Technical Institute for differently abled persons, Kirkee, Pune
(f) Paraplegic Rehabilitation Training Centre, Kirkee, Pune
(g) Kamyani School at Nigadi and Gokhale Nagar, Pune
(h) Pimpari Chinchwad Apang Mitra Mandal Sanchalit ‘Apang Vidhyalaya’, Yamunanagar, Nigdi, Pune.
(i) Centre for Special Education, Sardar Kanhoji Angre, School No 24, Shukrawar Peth, Pune 411002
(j) MEC Tehmina Barma Centre for Independent Living, Kanhe Phata, Taluka Maval, District Pune.
(k) Maji Bhau Saheb Bora Apang Kalyan Kendra, Aane, Taluka Junnar, District Pune – 412 410
(l) Dilasa Kendra and School, Guruwar Peth, Pune
(m) Bal Kalyan Vibhag at Pune Jilha Parishad Office
(n) Jeevan Dhara Vidhyalaya, at Somwar peth.
(o) DSWO, Pune
(p) Met all the senior officers of all the above Institutions to discuss various aspects of Disability
(q) Met Mr Manav Kambale – minus two legs – working with his team of Directors / Trustees who too are physically disabled towards uplifting the physically handicapped.
(r) Met Dr V N Tungar who has worked on the subject to rehabilitate the weak persons. He is the Founder member of Apang Sahayyakari Sansta, Pune and also written a few books on the subject of Disability in Marathi.
(s) Met Mr. Kalidas N Sopate who co-ordinates and runs the two kamyani Units mentioned above.
(t) Met Dr Jitender Agarwal, a person with disability, of Delhi who is working to set up a skill centre for Persons with disabilities of age groups 20 to 45 years all over India and one presently in Pune, the first in Maharashtra.
Every Institution and every Person mentioned above is contributing to the well being of persons with disability but the four institutions, whose photographs have been placed at Appendix J (refer Photographs 1 to 4) fit in the perspective of the Researcher on the training facilities and the objectives given for the study – on how conceptually the facilities for the vocational rehabilitation of the Physically Challenged should be.

3.7 Visualisation of Appropriate Facilities for the Vocational Rehabilitation of the Physically challenged

The Researcher is of the opinion that if the listed below requirements are fulfilled in a training school for the persons with disability, it will be possible to effectively carry out Vocational rehabilitation of the Physically Challenged. All these identified necessities have been subsequently kept in mind during all phases of the study-

(a) **Census** – We have no authentic data of category wise persons with disabilities. This must be available in detail at village, taluka, district and in the region. Correct Data will enable effective planning.

(b) **Education from KG to PG** – Government must monitor growth and their education from the time the child is identified as weak till the child is employed. Today we have Government aided schools and no Government Schools for the PWDs. There is a room for the Government to step in more.

(c) **Gaps in the Education Link**. Today there are schools for the children with physical handicap up to the age of 16 to 18 years. There are no special schools for their further studies or even for their skill training and their employment. All weak students, are not fit to join regular schools as they are both physically and economically not sound. There have to be schools all over, run by the Government, to educate persons with disabilities beyond 16 years of age. We have only one privately run school for 25 boys (none for Girls) in Pune District for
children or persons above 18 years – it only gets a small aid from the Government. This is also a privately run school but aided minimally by the Government.

(d) **Subjects for Vocational Training.** The subjects for training need to be correctly selected and revised periodically. Capabilities of the persons with disabilities need to be seen while allotting subjects for rehabilitation.

(e) **Motivation to Train Oneself.** The person with Disability must have motivation to undergo training. Not only the individual but his family also be motivated so that there are no difficulties in the individual going for training. The Society in which the individual lives also must motivate the person affected.

(f) **Training Staff.** The training staff needs to be selected appropriately. Today, the schools have become a family business. Training for the staff must be formal and scientific. At some point in time the persons with disabilities have to compete with many. Appropriate and well trained staff will bring in positive results for the rehabilitation of the Physically Challenged. The training of the staff is very important, Special psychological training for the teachers is essential who deal with persons with disabilities for the basic education to the highest education of the persons (from KG to PG). The teachers need training to be kind, helpful, with patience, to be empathetic and need special training which is not prevalent today in any of the institutions. Working for long periods in institutions for persons with disability should not be a criteria for teachers employment in such institutions as these have formed the norms today. In one of the only institutions training PWDs after the age of 18 years of their age for their rehabilitation all trustees and instructors and the staff of the institution is having disability – yes, if all of them were trained to impart training
this institution would be the ideal one. But, today the institution lacks the basic requirement of having trained teachers. So is the case in all such schools. To facilitate the children with disability institutions have classes up to primary class and the teachers are sent from the Municipal schools who are ordinarily trained, changed from time to time and so on. In other countries there are special qualifying courses for such teachers and such trained teachers is the need for the day.

(g) **Persons with Severe Disability.** There would be a large number of persons who have very severe disability like our paraplegic cases. Separate arrangements be made for them with doctors on call and to meet all their basic needs. These persons would really not move out of the campus so if they have to work – the work should come to them and to that extent even their training and looking after would differ from others. Presently there is no care for such categories of persons. An example of this institution is like that of ‘Paraplegic Rehabilitation Training Centre, Kirkee, Pune’ – please also refer to the Photograph 3.

(h) **Special Employment Exchanges for PWDs.** It has been difficult to locate the Special Employment exchanges. We must utilise 3% Government Reservation Quota and consider having the same quota in the Private Sector. It is said that in Developed countries PWDs are less but in USA they go by 8% reservations for jobs for PWDs. We too have a case to go upwards for the reservation quota.

(i) **An HR and a Management Problem.** With 2.2% of our population as PWDs we have with us more than 2.86 Cr effected persons and with 10% of our population as PWDs we will have 1.3 Million persons with disability in the country. The later figures, as per Researcher, are near correct. This large population can be made use of and should not be wasted. We are with the UNO to look after PWDs but we have a long way to go. It is sure that when employed the needy and well
trained PWDs will be more of an asset to any organisation than other normal persons, for many a reason

(j) **Awareness about Disability.** There is a total ignorance on the subject of all – relatives of PWDs, PWDs themselves, all citizens of the country including the educated class. We must educate all persons on complete aspects of Disability. This be done by all the ways of media, text books, seminars and using all the possible methods. Finally, we must all have in mind to make every person a part of us – they to be in the main stream. Like we talk of women empowerment we must talk of empowerment of the persons with Disability on the media and thus bring such categories of people in the limelight.

(k) **Location of Training Centres.** These must be located near villages, in towns and in cities to meet the needs of all. Convenience of the PWDs is essentially required to be seen.

(l) **Facilities in Training Institutes.** For PWDs the facilities at the Institute must be ideal – the class rooms, books, to play games even on wheel chairs or in a specially designed gymnasium, appropriate seating, conducive atmosphere to live and train – all this and more is essential.

(m) **Medical Facilities for Emergencies.** Ideally the Training centres must be located close to Hospitals and medical centres. This, if not possible there must be certain medical facilities created in the area of the Training Centre as the students in almost all cases would be residing in the same area. Persons with Severe Disability will have to be cared for in a better manner.

(n) **Other Facilities in a Training Centre.** A training centre must have an office area or an administrative block, a visitors room, a residential
complex for the weak persons, Class room facilities for the required training, an open ground to play, a suitable assembly hall or an auditorium, dining hall with a kitchen to cook, certain accommodation for PWDs to stay with their families, a small recreational centre which may have table tennis playing arrangements, a computer centre, a library and any such like items identified, accommodation for essential persons to stay in the campus. All this must be enclosed with a boundary wall to make our PWDs in the campus more secure and safe.

(o) **Involvement of the Government and Private Sector**. There is a need for the Government to channelise efforts of all to improve the state of our PWDs. This can be done by many ways and will go a long way for the cause.

The above points relate mainly to the objectives of the study and most appropriate in the described environment of ‘Disability’ above. All these points have been kept in mind while formulating the hypothesis, studying and deciding on the Research Methodology, making a questionnaire, collecting the data and analysing it, subsequently testing directly the hypotheses and reconciling the findings with the objectives to make sound recommendations on the study carried out.

### 3.8 Conclusion

During the course of this study, the researcher has come across examples of individuals who have disabilities and individuals having association with disabilities doing excellent work that needs appreciation for eg. girl student with disability has stood first in this year’s IAS examination – she is keen to join the IFS, the blade runners are running in an outstanding manner for the country; in Pune, in one of the schools for Physically Challenged, the Chairman is a person with disability with two legs amputee above knee and his only two Directors (one of them a lady) also with disabilities – willingly serving similar persons with utmost understanding and care; a doctor husband and wife of Delhi realised that Husband Dentist was losing his eyesight and in this state of disability he decided to serve the cause of the persons
with disability and presently he is in Pune looking for a place where he could start skill training for the persons with disability with a view to make them fit for employment – he is doing this in the seventh state; a number of one, two and three star Generals of the Indian Defence Forces have served with major physical disabilities in an outstanding manner, who despite their limitations have done proud to the country serving in the defence forces till their superannuation; an institution of the Defence Persons with Disabilities (almost 200 persons in the Institution today) – the QMTI - is stepping into its 100th year of service on 17th May this year! The list is long of such outstanding fetes. It is suffice to say that all our persons with disability have a ‘special sense’ in them and they will excel if given a special training to use it. We must analyse our PWDs well and give them the best.