CHAPTER V

RIGHTS OF PERSONS WITH DISABILITY: A CRITICAL STUDY OF THE LAW, ITS IMPLEMENTATION AND THE SHORTCOMINGS IN GOA.

This chapter deals with the study of the laws and policies in State of Goa in relation to the rights of persons with disability. It also contains a component of the field study. The field study has been conducted with the objective of unearthing the ground reality that prevails in the society in relation to the persons with disability. The chapter studies the relevant legislations and policies and then moves on to the findings of the field study and its analysis.

5.1 Profile of the State of Goa

Goa is geographically surrounded by the State of Maharashtra and Karnataka and is naturally bound on the west by the Arabian Sea and in the east by the hilly ranges of the Western Ghats.

It stretches over an area of 3,702 sq. km; 1,736 sq. km in the north and 1,966 in the south, with 100 km coastline formed by the Arabian Sea on its west.

Goa is divided for administrative purposes into two Districts; the North Goa District and the South Goa District. There are 12 Talukas or CD Blocks; 6 in North Goa and 5 in South Goa. According to the 2001 Census, the total population of Goa was 13, 43,998 (757407 in North Goa and 586591 in South Goa). There are 209 inhabited villages in North Goa, and 138 in South Goa; totaling to 347 inhabited villages in the State of Goa.
There are a total of 188 Panchayats with 119 in the North Goa District and 69 in the south. There are 14 Municipal Towns 7 each in North and South Goa and 30 Census Towns with 20 in North Goa and 10 in South Goa. The State of Goa has 40 Vidhan Sabha seats, 2 Lok Sabha seats and 1 Rajya Sabha seat.

The uniqueness of Goa lies in its legal system, which consists of a Uniform Code in family matters. In addition it is pertinent to note that Goa has the highest per capita income in India.

Goa is the fourth State in India with the highest literacy rate with an impressive percentage of 82.01. Male literacy rate is 88.42 percent and female literacy is 75.37 percent. The rural female literacy rate is as high as 71.92 percent. The Government spends around 22 percent of its total budget on education.

The major occupations in the State of Goa are agriculture, mining, fishing, services and industries. The major communities of Goa are Hindus, Christians and Muslims. Goa has for many centuries, been the meeting point of races, religions and cultures of the East and the West.
Demography

Table 1  Demography

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<th>1) Area (sq. kmts.)</th>
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<td>2) Population</td>
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<tr>
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<td>3) No. of Talukas</td>
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<td>4) No. of inhabited villages</td>
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<td>6) No. of Municipal Towns</td>
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<td>7) Density of population per sq. km.</td>
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<td>8) No. of children in the age group 0-6</td>
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5.1.1. History of Goa

Goa was liberated from Portuguese rule in 1961 and the last census was conducted by the Portuguese administration in 1960. The subsequent
censuses from 1971 followed the Indian pattern of decadal census. Goa was a Union Territory till 1987, when it was declared the 25th State in India5.

5.2 Rights of Persons with Disability in the State of Goa

Goa has been in the forefront of elimination of discrimination relating to persons with disability. The departments dealing with the persons with disability are regularly awarded by the Centre for their achievement. As a result of these attempts, the State of Goa has carved a special place in the study of rights of persons with disability

5.2.1 Implementation of the Central Legislations

In 1997, the State of Goa framed rules in pursuance of Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995, which is a Central Legislation. As provided under Act and Rules, the Government of Goa has constituted the State Coordination Committee under the Chairmanship of the Minister of Social Welfare, and also a State Executive Committee under the Chairmanship of the Secretary (Social Welfare). The Secretary (Social Welfare) is also designated as the State Commissioner of Disability and both the Collectors (South and North Goa) have been designated as the Additional Commissioners of Disabilities for monitoring and implementation of the various provisions of the Act6.

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5 ncw.nic.in/pdfreports/Gender%20Profile-Goa.pdf visited on 12.01.2011

The State Government has also constituted a Local Level Committee under the National Trust for Welfare of Person with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999,\(^7\) the objective of which is to provide enabling climate for independence and assistive decision making in case of the disabled.

5.2.2 State Legislation and the Rights of Persons with Disability

The Government has enacted a number of legislations for the protection of right to education and employment in general, as well as for the persons with disability in particular. The contribution of the State towards the same can be seen from the study of the following legislations.

i. *The Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975*\(^8\)

The Act was passed with the object of establishing Higher Secondary Education Board to regulate the quality of education\(^9\) education is regulated by granting recognition to schools and special attention to improve the education level. In addition to this, it also provides adequate facilities for educational and professional advancement of socially and educationally backward communities. And finally and most importantly, it thrives to achieve

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\(^7\) Ibid

\(^8\) Act No. 13 of 1975, Notification was issued on 27\(^{th}\) May, 1975

\(^9\) See, Preamble The Goa, Daman and Diu Secondary and Higher Secondary Education Board Act, 1975
intellectual, academic, physical and cultural development of youth\textsuperscript{10}. It requires constitution of a Board for the same\textsuperscript{11}.

An important aspect of the Board is the presence of one representative from the field of education/rehabilitation of the handicapped\textsuperscript{12}. It is observed that any person who has contributed towards education of children with disability should be nominated as a member. Therefore, the representative need not be a disabled person. This approach cannot be appreciated as it suggests that the persons with disability are not capable of protecting their own rights. When the Women Commission is headed by women; Minority Commission by minorities; SC/ST Commission by person belonging to that group; then obviously the person with disability should be a representative in the Board.

*Executive Council*: The Act provides for an Executive Council which enjoys the power to deal with finances, budgeting and other important aspects of functioning of the schools. This Council comprises of core members of the Board selected from all streams\textsuperscript{13}. Therefore, the representatives from disability group may or may not be the part of it.

*Academic Council*: It is another body to be constituted under the Act with the limited role to aid and advice the Executive Council to bring in improvement in

\textsuperscript{10} Id, See Sec 4

\textsuperscript{11} The Board shall comprise of chairman, secretary, joint and assistant secretary and includes other officers.

\textsuperscript{12} Sec 12 class C (ii): Nominated Members to the Board. (This new member was inserted through amendment to the Act in the year 1996 (No. 19 of 1997). This amendment is to meet the duties imposed by PWD Act, 1995.

\textsuperscript{13} The members of Board are classified as class A, B, and C
the academic matters. Among the other important functions, it has the duty to recommend improvements in the examination system, laying down guidelines for preparing text books, conducting statistical tests and research for the purposes of evaluation and reform of curricula, instruction and examination system\(^{14}\). This duty of the Academic Council is very important for the purpose of developing inclusive education system within the State of Goa.

Similarly, there are other bodies like the Examination Committee, Board of Studies, etc., which are largely formed by the members of the Board. Therefore, the representation from the community of disabled is not possible. As the needs of the children with disability have to be addressed holistically, there is a need to bring in change in one go. This approach will not yield fruits as long as specific and concrete directions are not given to all the committees to address the needs of the children with disability.

ii. *Goa, Daman and Diu Education Act, 1984*\(^{15}\)

The objective of the Act is to provide organizational set up and develop school education in the State of Goa\(^{16}\). The Act deals with various aspects of education, including the establishment of schools, their recognition, affiliation, management as well as grant of aid.

\(^{14}\) *Id*, see S. 25 (ix)

\(^{15}\) Act 15 of 1985, passed by Goa Legislature on 19.01.1984 assented by President of India on 01.06.1985

\(^{16}\) *Id*, see Preamble
Recognition of Schools\textsuperscript{17}: Recognition is a precondition for receiving aid, and participation in public examination. Under the Act the appropriate Authority\textsuperscript{18} has to consider various aspects before granting recognition\textsuperscript{19}. However, the study of the Act reveals that there are no conditions prescribed to make the school disabled friendly. One of the conditions which comes very close to the need of the children with disability, is the requirement of suitable or adequate accommodation and sanitary facilities having regard among other factors, to the number, age and sex of the pupil attending it\textsuperscript{20}. Here the law prescribes age and sex as the main consideration when it comes to accommodation and sanitary facilities. The law exhibits unexplained absence of need of children with disability. However, through interpretational exercise the needs of children with disability can be addressed through the terms ‘among other factors’ used in the provision.

Advisory Board: The Act prescribes an Advisory Board which comprises of Minster of Education as its Chairman and Director as its Secretary. All the other members of the Board are nominated by the Government. These members are from all walks of life and profession\textsuperscript{21}.

\textsuperscript{17} Id, S. 2(t): Recognized School: means a school recognized by the appropriate Authority
\textsuperscript{18} Id,S. 2(e)- Appropriate Authority means the Administrator of any other officer authorized by him in this behalf.
\textsuperscript{19} All the aspects are enshrined under S. 5(1) of the Goa, Daman and Diu Education Act, 1984
\textsuperscript{20} Id, S. 5(c)
\textsuperscript{21} The Board should consist of three headmasters from different recognized schools, four representatives of teacher’s organization from private schools, three representatives of managements of recognized private schools, one principal of one of the colleges in the Union Territory, two members of legislative assembly, two members each from eminent educationists fraternity, parents and guardians of students, representatives of students.
However, under no circumstances the legislature has felt the need to include a member from the disabled fraternity. The impact of absence can be felt in the form of lesser contribution of the Advisory Board to the protection of the right to education of children with disability.

Admissions to the school: According to the Act, age is the only important criterion for the admission of students to the schools. The Act has not imposed any obligation on the schools to admit children with disability. This lacuna has been exploited by the school authorities to the fullest. The major discrimination is exhibited at the entry level. There is a need to have a strict and unambiguous law governing admission of the students to schools. There is a need to change the approach of the section, where it should start by imposing unbridled duty on all the recognized schools to provide education to all the children. This flaw has lead to absence of duty to include student with disability in normal schools.

Code of conduct for teachers\(^\text{22}\): The Act contains a Code of Conduct for the employees. It mentions that the staff should not discriminate between students. It can very well be appreciated in the sense that the Act requires that all children should be treated equally. However, the children with disability are the ones who require special attention to cope with the studies and examination as well as several other matters. This calls for positive discrimination in favour of

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\(^{22}\) Supra n.19, See Sec 12
such children, which duty needs to be spelt in clear and unambiguous words. The mention is missing even under the additional Code of Conduct\textsuperscript{23}.

The Code also prohibits discrimination on the ground on caste, creed, language, and place of origin, social and cultural background or any of them\textsuperscript{24}. It also prohibits incitement of any students to practice casteism, communalism or untouchability\textsuperscript{25}. Therefore there is a need to make specific provision in the Code as well as the Act as a whole, which will address the needs of disabled in particular.

\textit{iii. The Goa Compulsory Elementary Education Act, 1995}\textsuperscript{26}

The State of Goa is at least 11 years ahead of the rest of India when it comes to compulsory elementary education. Though, the Union of India passed the Compulsory Education Act in 2006, an Act with a similar objective was in operation in Goa from 1995 itself.

The Act lays down a rule as well as the exception. The rule is that ‘elementary education shall be compulsory for every child of school age’. It starts with a rider providing scope for the State as well as the legislature to create an exception.\textsuperscript{27}.

\textsuperscript{23} The Goa, Daman and Diu School Education Rules 1986, as per the power exercised under Sec 29 of Goa, Daman and Diu Education Act, 1984,

\textsuperscript{24} Rule 100 (iii), The Goa, Daman and Diu School Education Rules 1986

\textsuperscript{25} Id, Rule 100 (xiv)

\textsuperscript{26} (Goa Act of 1996), which has been passed by the Legislative Assembly of Goa on 14-12-1995 and assented to by the Governor of Goa on 13-3-1996,

\textsuperscript{27} See S. 3(1), The Goa Compulsory Elementary Education Act, 1995
The important aspect of the Act is that it imposes duty upon the State to provide education and the parents or guardian to cause a child to attend elementary school\(^{28}\). The violation of this duty is made punishable with penalty which may extend up to Rs. 100/-\(^{29}\).

The positive aspect of the Act ends here as it treads the cautious path of enlisting children who may not be required to attend schools. Under S. 3, the Act states the duty to start schools at all possible places and make every child to attend the schools. However S. 5(2) of the Act states that the child may be exempted, ‘if such child is prevented from attending elementary school by reason of sickness, infirmity or such other cause as may be prescribed;’. The usage of the word ‘infirmity’ makes it clear that the child with disability is also included. It implies that the parents and even the State is not under an obligation to provide education to the child with disability. This provision can be said to be a blot on the State’s attempts to make it disabled friendly.

5.2.3 State Policy and Plan of Action for Differently abled Persons

According to the Census 2001, there are 2.19 crores of differently abled persons in India, which constitutes 2.13 percent of the total population\(^{30}\). This includes persons with visual, hearing, speech, locomotors and mental disabilities. In the State of Goa there are 15,749 differently abled persons, of which there are 4910 affected with locomotor disabilities, 4393 visually

\(^{28}\) Id. See sec 4

\(^{29}\) Id. See sec 6

\(^{30}\) delhi.gov.in/wps/.../Welfare+of+the+Differently+Abled+Persons/ visited on 22.01.2011
impaired, 1868 speech impaired, 1000 hearing impaired and 3578 persons with mental retardation. The percentage of differently abled population is around 1.17% as compared to the total population of the State of Goa\textsuperscript{31}.

\textit{Addressing the Persons with Disability:} The important difference in the approach relating to the nomenclature used to address the persons with disability can be seen in the State of Goa\textsuperscript{32}. The Central legislations use the words 'persons with disability'. However, the State of Goa prefers the words 'differently abled persons' over the words 'persons with disability'. This significant deviation is very important to bring a change in the attitude of the general public as well as the Policy framers.

\textit{Approach of the State:} The State has adopted an entirely different policy approach towards the rights of persons with disability. The State recognizes the differently abled persons as an important resource. This Policy brings a change in the attitude as it treats the facility to persons with disability as an investment in order to exploit the potential of the State to the maximum rather than as social security which is a burden on the exchequer. This Policy Statement is followed by important areas of thrust, where the State seeks to create an environment that provides them equal opportunities, protection of rights and full participation in society.

\textsuperscript{31} See State Policy and Plan of Action for Differently abled Persons prepared by Department of Social Welfare of State of Goa.

\textsuperscript{32} The researcher has followed the nomenclature officially used by the Union of India.
The major shift in the attitude of the Government can be seen in the State Policy. Here the State has realized that majority of differently abled persons can lead a normal life if they have effective access to rehabilitation services.\[^{33}\]

**Detection and Intervention:** The State has planned to counter the disability problem at different levels. Initially and most importantly, the State plans for early detection and intervention. The plan is to prevent the disabilities which are related to malnutrition and defective upbringing. This approach can potentially reduce huge population of persons with disability as the poverty related causes are the major contributor to disability.

**Education:** The Policy changes from 'prevention' to 'empowerment' once the State directly deals with persons with disability. The empowerment is through different approaches like rehabilitation which includes counseling, strengthening capacities of persons with disabilities and their families, physiotherapy, occupational therapy, surgical correction and intervention. Further, it also includes education. Education as a right of persons with disability is fulfilled by a different approach. One of the approaches was by proposing inclusive education rather than education in special school which is achieved by the Sarva Shiksha Abhiyan. To address the needs of the adults with disability, the State has launched Community based Rehabilitation and Vocational Education and Cooperative Programmes.

\[^{33}\text{Supra n. 31}\]
The Policy provides a comprehensive look, when it also considers the need to train teachers to deal with the task of teaching person with disability.

In addition to this, the Policy lays down thirteen points of concentration to achieve the reality of education for children with disability. Most important consideration is to include pre-schooling as a part of the Policy. Concentrating on physical and structural changes in the school buildings and making the building barrier free and accessible for all types of disabilities is another important aim. To make accessibility more meaningful the educational institutions have to be located within the easy traveling distances. Alternatively viable travel arrangements have to be made.

Along with structural changes, the Policy provides for adaptability of medium and method of teaching to suit the disabled candidates. Sign language, Alternative and Augmentative Communication (AAC) modes as a viable medium in inter personal communication is required to be recognized. Along with teaching / hearing tools and aids such as educational toys; Braille / talking books appropriate to the needs of the disabled are required to be given to expand the available facilities. Incentives have to be given to expand facilities for setting up of general libraries, e-libraries, Braille - libraries, talking libraries, resource rooms, etc.

Curriculum designs have to be suitably amended to cater to flexible system of education and examination along with popularizing National Open School and
Distance Learning Program. Parents - teachers counseling and grievances redressal system is required to be formalized within the school setting.

The Policy gives special thrust on girl child and plans to create a separate mechanism to review annually the intake and retention of girl child with disability at primary and secondary level of education.

Disability presents varied kinds of challenges. One such challenge is the children with severe disability who are not in a position to join inclusive education system. For such children, the Policy provides for educational services through Special Educational Institutions. Special Educational Institutions are required to be appropriately re-modeled and re-oriented based on technological development so that they may act as agents for change in all the educational institutions. In addition, the Policy also provides for skill learning and leisure learning for adults. Therefore, the Policy has the objectives of achieving education for all and the Plan of Action seems to be holistic and capable of achieving the objective. What needs to be seen is whether it has been realized practically.

*Employment:* Education and rehabilitation provides for development of oneself. An educated person with disability is a person with more potential and there is a need to tap his potential. In addition, education alone cannot fulfill the objectives enshrined in the Policy. There is a need to address the problem through special attempts to protect the right to employment. Again this right to employment becomes meaningful when a person can ensure approachability.
Approachability can be ensured by two methods; one, by providing assistive device and other is by removing barriers. The State has tried to ensure barrier free environment as well as assistive device to make it accessible. The district which ensures maximum accessibility is adjudged as the most disabled friendly district and is eligible for an award under the Policy.

Approachability solves only one part of the problem. This alone cannot ensure employment. There is a need for acceptance of the disabled by the society in general, and by the employer specifically. Therefore, the Policy provides for equal opportunities for production and gainful employment.

The Policy mentions about ensuring three percent reservation through executive instructions which is only against identified posts in accordance with the statutory requirements.

The Policy also addresses the need for employment in the private sector. However, at present the private sector cannot be brought under reservation and therefore, the State has formed a scheme to encourage the differently abled persons to develop appropriate skills for their employability opportunities and self employment. In addition, the State is developing a package of incentives for the employer that would help in creating opportunities for them in this sector. One of the Schemes proposes to provide for the ‘Best Employer Award’. The award money amounts to Rs. 25000/-. The award has to be given to an employer who has sympathy towards employees/disabled employee; who has ensured 3% disabled persons working as employees in his organization;
who has provided barrier free access and equal service condition than other normal employees with additional facilities of transport/housing.

In addition, the Policy attempts to encourage the person with disability, to work and provides for ‘Best Employee Award’. The awards (One of each category i.e. visual disabled, hearing disabled and physically disabled) amounting to Rs.25000/- are given on the basis of the performance of previous 3 years.

To encourage self employment by the differently abled persons, the State Government also provides financial assistance.

The Policy tries to implement the objectives by following the Plan of Action. It slightly deviates from the PWD Act, 1995, in the sense that the Act specifically provides for Special Employment Exchange. However, considering the small population of the differently abled persons the policy states that the existing Employment Exchange should maintain a separate record of differently abled persons.

The Policy is open to the needs of urban and the rural population. Therefore it has developed a supporting structure of services to ensure equal opportunities for productive and gainful employment to both; the urban and rural population.

To deal with rural employment, the Policy provides for appropriate tools and equipments in the agro based activities.

The Policy is developing integration of differently abled persons into open employment. To ensure it, a variety of measures are taken such as Center – Oriented Quota System, reservation in designated employment, formalism of
cooperatives with exclusive or priority production items, provision of sheltered industries, etc.

Surprisingly, under the heading of employment the Policy discusses the need to establish special or regular specialized institutions to provide vocational training and job training consistent with the differently abled person’s abilities to meet the demands of the job market. However, this misplacement of the institutions can be explained only on one ground, that it speaks of ‘on job training’.

The policy plans to undertake additional steps: it aims to ensure reservation in accordance with the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 in identified posts for differently abled person in the Government sector, as well as develop appropriate home based employment programs for severely differently abled persons. It lays special emphasis on promoting self employment of differently abled persons by providing credits at preferential rates of interest and necessary training. Providing assistance through appropriate agencies like Marketing Federation, DRDA’s, etc., to market the goods and services produced by differently abled persons, is also provided under the Act.

The Act mentions the co-opting of the Director of Social Welfare or his representative as member of the Departmental Selection and Promotion Committees. It also requires the annual review of 3% reservation in the Government Sector. It also suggests the taking up of suo moto cases by the
Commissioner covering all the applicable sections of Persons with Disabilities (Equal Opportunity, Protection of Rights and Full Participation) Act, 1995, Government orders, rules, regulations, etc. made for the benefit of differently abled persons.

Social Security: As a part of economic strengthening of the person with disability, the Policy provides for social security along with the right to employment. The differently abled persons and their families incur substantial additional expenditure for facilitating activities of daily living, medical care, transportation assistive devices, etc. Therefore, there is a need to provide them social security. The State Government has extended the operation of Dayanand Social Security Scheme to person with disability also. Under the scheme ‘disability pension’ is given to the needy persons with disability. To encourage marriage between a disabled and a non-disabled, the State is providing award to the persons who select differently abled as his/ her life partner.

The State Government also reserves flats constructed by the Goa Housing Board for the differently abled persons. It also notifies landless differently abled persons as one of the category for the purpose of the Article 334-A of the Legislative Diploma No.2070 (Code of Communidade).

Implementation: The Department of Social Welfare is the nodal department to coordinate with all other departments regarding the matters relating to the implementation of the Policy. In addition to implementing its own programme
and schemes the Department plays a pro-active role in pursuing issues with the concerned authorities.

In addition, an Inter Departmental Body is required to be constituted to coordinate all matters relating to implementation of State Policy. The State Commissioner plays a key role in the implementation of State Policy apart from their statutory responsibilities.

The Policy also provides for review every five years. It includes the study of implementation of the State Policy. It treats the review as a public document to be discussed in a State Convention for disabled.

Under the Policy, the Panchayati Raj institutions are required to be encouraged to participate in the implementation of the State Policy to address local level issues and draw up suitable program which will be integrated with the Village and District plans. To achieve this as well as to achieve the general awareness, a campaign about the schemes of differently abled is required to be organized at the Village Panchayat level.

5.2.4. The Role of the Government Departments

The need of the persons with disability varies. As a result the different Departments have formulated different schemes to address their needs. It has therefore become necessary to study the contributions from different departments.
i. **Department of Social Welfare**

The Department of Social Welfare has been constituted to specifically address the needs of the socially and economically backward communities. In association with other Departments it makes an attempt to address the needs of children with disability.

As a part of the task the Department is expected to prepare and implement the Schemes for the benefits of such children. As a part of the task, a number of schemes have been framed and implemented by the Department.

**Social Welfare Schemes for disabled:** The Social Welfare Department has implemented many schemes including the scheme of issuance of identity cards to the disabled persons\(^{34}\). This identity card enables the holder to receive all the benefits under the different schemes.

The special schemes for the children with disability have been developed to provide better educational facilities. The Department has developed schemes where stipend has to be paid to the disabled students. It gives financial support to the students with disability. Along with the stipend, other forms of financial support are given in the form of scholarships to disabled students from Std. IX onwards\(^{35}\). There is even a provision for supplying books, uniforms, and stationery to the disabled who are studying in special schools.

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\(^{34}\) The Identity Card Scheme was initiated to minimize the difficulties of disabled on availing the benefits admissible to them. It commenced from 01.04.2004.

\(^{35}\) The scholarship is provided to assist the disabled students to secure educational/technical/professional training to enable them to earn a living. The amount of scholarship varies according to the course undertaken, from Rs.150/- to Rs. 300/- p.m. The scheme commenced from 01.04.2004 and
Along with the students with disability, the persons with disability have also been provided with other schemes. To avoid inconvenience in movement, the State transport provides free transport buses and ferries in Goa. Another scheme has been developed to provide financial assistance for self employment to the disabled persons\(^{36}\). This scheme helps in independent living and makes the person with disability, a positive contributor to the society.

Dayanand Social Security Scheme has been designed to provide monthly stipend to the needy persons to lead a life of comfort, little above poverty line. The Department supplies petrol/diesel on subsidy to run motorized vehicles for the benefit of the disabled\(^ {37}\). The RTO has also slashed the registration fee for the disabled. In addition, conveyance allowance is provided by the Department of Social Welfare in the form of subsidy on petrol. Assistance is provided to the disabled to purchase aids/appliances and make him/her a capable of independent living. A person suffering from severe disabilities is provided with additional financial assistance\(^ {38}\).

As a part of the incentive, other persons are provided with awards for working for empowerment of persons with disability. As a part of the scheme, the

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the amount allotted for the same is 2,00,000/-. This is one scholarship where all the money is utilized and maximum benefits are taken by the students.

\(^{36}\) As a part of gainful self employment a scheme has been framed to provide financial support from Rs.5,000 to Rs.15,000 (25% subsidy 75% loan interest free) repayable within ten years. It was initiated from 01.04.2004. The amount allotted to the scheme is 2,80,000/-. 

\(^{37}\) To assist the disabled to use the vehicle to go to the place of work and back, 50% subsidy on 15 ltrs of petrol/diesel per month is given for vehicle up to 2 H.P. and 25 ltrs. petrol/diesel per month for vehicle above 2 H.P. The scheme commenced from 29.09.2005.

\(^{38}\) The scheme is to provide the financial support to severely disabled. Quarterly interest on the fixed deposits of Rs.20,000/- for a term of 10 years and thereafter Rs.20,000/- are transferred to the beneficiary. The scheme commenced from 01.04.2004 and budget allotted is 6,00,000/-
private entrepreneur for employing disabled are given recognition in the form of awards. In addition, awards are instituted to felicitate the best NGO in the area of disability rights. Special award is provided for the best disabled employees. Award is also instituted for marrying a person with disability\textsuperscript{39}.

Last of the schemes speak of an award for marrying a disabled person. This even though seems degrading, has yielded result as all the finances kept for the scheme are exhausted. It is not correct to say that, marriage is performed due to the scheme only. However, it is important to note that this token help is being exhausted as it proves that the persons with disability too, can lead a dignified life.

The overview of the study suggests that the schemes have been framed with different objectives. Some are framed to ensure education for the children with disability, others are to provide access to the person with disability, some are with the object to create atmosphere to develop independent living, etc.

\textit{ii. Department of Education}

The Department directly deals with maintaining quality education. It has developed a few schemes for the benefit of students which seem to be individual oriented and mainly deal with financial support.

There are schemes which provide for grant of Rs. 500/- per annum on books and other stationeries and a fixed amount of Rs. 800/- per annum for uniform.

\textsuperscript{39}The award consists of 15,000/- (now increased to 25,000/- from 2009-10 financial year). It commenced from 29.09.2005 amount allotted for the scheme is 1,50,000/- (it is also increased).
Along with these financial supports, once in three years finance is given for the purchase of the equipment required for facilitating the child's education up to a maximum of Rs. 5,000/-. 

Along with the financial support for the studies, the Department has developed a few schemes as a part of access, which include travelling allowance of Rs 200/- per month, and escort allowance of Rs. 200/- per month, subject to attendance of 60% in the month.

In addition to these individual schemes, the Department has attempted to make all the school buildings accessible, and special support system has been developed to meet the needs of children with disability.

**iii. District Disability Rehabilitation Centre**

The District Disability Rehabilitation Centre is established under Social Welfare Department presently functioning from GMC Building, Bambolim, Goa. It has not developed any specific schemes for the benefits of the persons with disability. However, it offers various services for the disabled. It has developed different kinds of aids and appliances which are available for the benefit of the persons with disability.

As a part of prevention strategy, it has come up with the process of assessment and detection of disability. This early detection can prevent the onset of the disability or at least minimize the impact of such ailments. After detection, the Centre offers counseling to parents and teachers to deal with children with
disability. The training focuses on the need to understand the children with disability so that the potential of the child could be utilized to the maximum.

The Centre is also involved with the awareness programmes which help the public to understand the needs of the persons with disability and an attempt is made to break the age old obstacle present in the minds of the public as to ability of the person with disability.

iv. National Handicapped Finance Corporation

The Corporation provides financial assistance in the form of loan at concessional rate of interest. The loans may be extended for different purposes like setting up of small business in service/trading sector, agricultural activities, purchase of vehicle, self employment amongst persons with mental retardation, cerebral palsy and autism, setting up small industrial unit, education/training and for skills and entrepreneurial development.

5.3. The Field Study: Result and Analyses

The study relating to the rights of persons with disability was initiated with certain objectives and hypothesis. Some of those are answered by this field study. As a part of the field study, a Questionnaire was framed and information

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40The National Handicapped Finance and Development Corporation (NHFDC) has been set up by the Ministry of Social Justice & Empowerment, Government of India on 24th January 1997. The company is registered under Section 25 of the Companies Act, 1956 as a Company not for profit. It is wholly owned by Government of India and has an authorized share capital of Rs. 400 crores (Rupees Four Hundred Crore only). The company is managed by Board of Directors nominated by the Government of India.

NHFDC functions as an apex institution for channelizing the funds to persons with disabilities through the State Channelizing Agencies (SCAs) nominated by the State Government(s).
was collected. The information collected has been put to study by converting the responses into data and later analyzing them through cross-tabulation. The study in form of a combination of questions and the cross-tabulation has helped the researcher to understand and interpret the objectives and hypothesis in a better manner.

The field study has been restricted to the territorial area of Goa. In this study, a sincere attempt has been made to take sample from the cross section of the society. It includes all the stake holders as well as the general public. The stake holders included in the field research are the persons with disability as well as his/her close relatives. In addition, the study has considered the special educators as well as the regular teachers in special schools and in regular schools, the NGO’s working in the area of disability as well in other fields. The general public who have been included in the study have been classified as professionals, non professionals and employers.

5.3.1. Approach towards Disability

In the initial part of the Questionnaire the information sought is of a general nature. It has been asked with an object to obtain information as to the approach of the respondents towards disability.

Q. 1 has been drafted on the basis of different approaches the society has towards disability. Option one speaks about disability as an individual’s difficulty in adjusting with the normal/day to day life. This basically speaks about functional limitation imposed on a person due to physical disability. This
is referred to as the Social Approach. The second option is where the disability is considered as a disease which needs medical treatment. This is the Medical Approach. The third option speaks about disability as not a physical limitation but a problem created due to social non-acceptance. This is the Human Rights Approach (In all the figures it is mentioned as Human Approach)

The responses to the above question have been given below in the form of a figure.

Figure 1 Models of Approach towards Disability

The figure reveals an entirely different attitude of the respondents. The society seems to be divided in its opinion about the concept of disability. Therefore, there is no clear opinion as to what disability is?

However, if the result is put to a deeper study it reveals that Human Rights Approach of viewing disability is followed by majority of the respondents. However, the percentage of respondents subscribing to such approach is dissatisfactory. The International Law as well as International Community has considered the other two approaches as old fashioned and has already discarded
them. But sadly the study reveals that still a substantial number (58%) of the respondents subscribe to these approaches.

These approaches have been further analyzed against Q. 2. Q. 2 speaks about the kinds of disability. The options have been designed in such a way that the answer to Q. 1 can be studied in the light of answers given to Q. 2. The options include temporary disability like pregnancy and fractured leg, as well as disabilities related to seeing, hearing and movement. Along with the above, old age has also been included as a part of disability. Here the object was to study the response in order to understand the approach of respondents towards the kinds of disability. The following is the study based on the response.
Table 2  Cross tabulation of Kinds of Disability with Models of Approaches (Q. 1 & 2)

<table>
<thead>
<tr>
<th>Kinds of Disability</th>
<th>Q. 2</th>
<th>Q. 1 ‘Disability’ according to you is (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>An individual’s difficulty in adjusting with the normal/day to day life.</td>
</tr>
<tr>
<td>Old age</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Strongly disagree</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>10</td>
</tr>
<tr>
<td>Pregnancy</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Strongly disagree</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>2</td>
</tr>
<tr>
<td>Partial disability</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Strongly disagree</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>8</td>
</tr>
<tr>
<td>Blindness</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Strongly disagree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>13</td>
</tr>
<tr>
<td>Deafness</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Strongly disagree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>13</td>
</tr>
<tr>
<td>Being confined to wheelchair</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Strongly disagree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>10</td>
</tr>
<tr>
<td>Dwarfness (being short)</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Strongly disagree</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>6</td>
</tr>
<tr>
<td>Fractured leg</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Strongly disagree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Disagree</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Neutral</td>
<td>13</td>
</tr>
<tr>
<td></td>
<td>Agree</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Strongly Agree</td>
<td>6</td>
</tr>
</tbody>
</table>
However, the same table is studied in depth by considering one variable at a time. On analyzing Q. 1 and 2 it is found that the respondents have shown consistency and largely it is in the line of the earlier approach under Q. 1.

i. *Old Age as Disability [Q. 2, option (a)]*

The response to old age as a disability has been considered for study against the total number of respondents. The result is given below.

Figure 2  Responses to old age as a disability [Q. 2, option (a)]

If all the variables of Q. 1 are considered, the majority of the responses fall under the category of 'strongly agree' and 'agree' along with 'neutral'. Therefore, it is concluded that the majority of the respondents consider old age as a major disability. However, the present definition is not wide enough to include the same.

This response regarding old age as disability shows a major deviation from the legislative approach. To analyze the reason behind such deviation, old age has been considered against all the variables of Q. 1 separately.
Figure 3 Models of Approach towards old age as a disability [Q. 1 & Q. 2 option (a)]

Among all the approaches the respondents subscribing to the Social Approach are found in all options generated by the questionnaire. Their response could be seen under ‘strongly disagree’ and ‘strongly agree’ option as well as in responses under ‘disagree’ and ‘agree’.

The ‘Medical Approach’ is also divided under ‘agree’ and ‘disagree’ category. However, the majority of respondents under the Medical Approach strongly agree that old age is a disability. Along with the Medical Approach, the Human Rights Approach is another major contributor for considering old age as a disability.

**ii. Pregnancy as a disability [Q 2, option (b)]**

Similar study was conducted to ascertain the opinion of respondents regarding the other kinds of disability. As a part of the study, pregnancy is considered as a variable for the study.
When the responses regarding pregnancy as a disability were considered as a whole, the answer was in negative. 56% of the respondents rejected the idea of considering them as persons with disability. Additional 21% refused to express their opinion and remained neutral. The respondents are overwhelmingly against the idea that pregnancy can be a form of disability. The following is the cross tabulation of Q. 1 and Q. 2, option b.

When the responses regarding pregnancy as a disability were considered as a whole, the answer was in negative. 56% of the respondents rejected the idea of considering them as persons with disability. Additional 21% refused to express their opinion and remained neutral. The respondents are overwhelmingly against the idea that pregnancy can be a form of disability. The following is the cross tabulation of Q. 1 and Q. 2, option b.

Figure 4 Responses to pregnancy as a disability [Q. 2, option (b)]

Figure 5 Models of Approach towards pregnancy as a disability [Q.1 & Q.2, option (a)]
From the above cross tabulation it can be seen that pregnancy is accepted as a form of disability under the Medical Approach. However, the strongest opposition to the idea comes from the respondents under Human Rights Approach.

The researcher submits that most of the responses are not in conformity with the spirit of the different approaches. Only the Medical Approach has shown conformity with its objectives. Whereas the respondents under Human Rights Approach have completely failed to live up to the spirit. The reason for such overwhelming rejection may be the stigma attached to the term 'disability'. Disability is looked upon as a 'curse' whereas pregnancy is considered a 'blessing'. Therefore, this attitude seems to have influenced the respondents and therefore pregnancy has been rejected as a form of disability.

The study was then extended to the more traditional kinds of disabilities.

iii. Partial blindness/deafness/inability of movement as a disability [Q. 2, option (c)]

As a part of the study, whether partial blindness/deafness/inability of movement is a disability, has also been considered. The findings are depicted in the form of following figure.
Regarding the partial disability the respondents were of the opinion that it is in fact a disability. The majority of respondents (51%) agree to consider the above category as a disability and 21% of the respondents strongly agree.

This variable has been further studied in the form of cross-tabulation along with Q. 1. The result is depicted in the form of a graph.
From the above reading it can be said that the respondents under the Human Rights Approach are the main cause for considering partial disability as a disability.

iv. Blindness as a Disability \([Q. 2, \text{ option (d)}]\)

The study of whether blindness is a disability did not yield any surprise result. The response was on the expected lines as many of the respondents considered it as a disability. The information collected is put in the form of the following figure.

Figure 8 Responses to blindness as a disability \([Q. 2, \text{ option (d)}]\)

Regarding blindness the respondents are having a confirmed view. As seen from the figure, 40% strongly agree and 49% agree that blindness is a disability.

This variable has been further studied in the form of cross-tabulation along with Q. 1. The result is depicted in the form of a graph.
The respondents subscribing to the Medical and Human Rights Approach have mostly ticked for 'agree' and 'strongly agree' with a few exceptions. However, amongst all the approaches, Social Approach has shown some negative response.

v. *Deafness as a Disability* [Q 2, option (e)]

The study also considered the question whether deafness is a disability. The report is given in the form of a figure.
The graph depicts that deafness also has been considered a disability. The response seems to be on the most expected lines with 38% of the respondents strongly agreeing and 47% agreeing to it.

This variable has been further studied in the form of cross-tabulation along with Q. 1. The result is depicted in the form of the following graph.

Figure 11 Models of Approach towards deafness as a disability (Q. 1 & Q. 2, option (e))

As per the graph, the fluctuation between the respondents for blindness and deafness as a disability, is minimal. All approaches have considered deafness as a disability to a greater extent. The Human Rights Approach has shown maximum inclination, followed by the Medical Approach.

vi. Confinement to Wheel Chair as a Disability [Q. 2, Option (f)]

The response relating to being confined to wheel chair as a disability is considered below.
Being confined to wheelchair is considered as a disability by most of the respondents. The polarization is not as acute as in case of deafness or blindness. 45% of the respondents have strongly agreed, whereas 23% have agreed that confinement to wheelchair is a disability.

This variable has been further studied in the form of cross-tabulation along with Q. 1. The result is depicted in the form of a graph.

Figure 13 Models of Approach towards being confined to wheelchair as a disability

[Q. 1 & Q. 2, option (f)]
When, ‘being confined to wheelchair’ was considered as a form of disability, the response by all the respondents remained the same. A minor shift could be seen as far as respondents under Human Rights Approach are concerned and a polarization towards the option ‘strongly agree’ could also be seen. This shift again clarifies that there is no unanimity as to the form of disability. Every respondents view differs.

**vii. Dwarfness as a disability [Q. 1, option (g)]**

The response relating to whether dwarfness is a disability has been considered below.

Figure 14 Responses to dwarfness as a disability [Q. 2, option (g)]

When it was considered whether dwarfness is a disability, the field research revealed mixed responses. There is equal division between ‘strongly disagree’ and ‘strongly agree’. Even though dwarfness causes major physical limitation, respondents have shown a fair degree of reluctance to consider it as a form of disability. Strong presence of responses can be felt in the area of ‘strongly disagree’ and ‘disagree’. Major chunk of the respondents have preferred to
remain neutral in this regard. Therefore, the study reveals that dwarfness cannot be termed as a disability in totality.

This variable was further studied in the form of cross-tabulation along with Q. 1. The result is depicted in the form of a graph.

Figure 15 Models of Approach towards dwarfness as a disability [Q. 1 & Q. 2, option (g)]

However, when the responses were studied under different approaches, the main cause for the equi-division seemed to be because of the strong presence of Human Rights Approach under the response of 'strongly agree'. In the present study, even though dwarfness cannot be considered as a disability, it has developed a strong case due to the minority adopting the Human Rights Approach. It is a proof showing the change in the thinking and understanding. It may be considered as a transition stage, but the society has in fact reached an advanced stage.
viii. *Fractured Leg as a Disability [Q. 2, option (h)]*

The study was extended to understand the response to 'fracture leg' as a disability. This option is very peculiar as each one of the respondents can relate himself/herself with such a disability. The study has revealed the following findings, which are depicted in the form of a chart.

Figure 16  Responses to fractured leg as a disability [Q. 2, option (h)]

- Strongly Disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

Compared to dwarfness, fractured leg has received more favorable response to be considered as a disability. Similar to the earlier study (dwarfness), 'disagree' and 'agree' have equi-representation (21% each). However, 'strongly agree' has shown its presence to tilt the opinion in favour of considering fractured leg as a disability. It is pertinent to note that the majority of respondents (34%) preferred to remain neutral.

This variable was further studied in the form of cross-tabulation along with Q. 1. The result is depicted in the form of a graph.
The respondents under the Medical Approach were the main reason for such an outcome. They exhibited a strong presence in the options of 'agree' and 'strongly agree'. Majority of the respondents under the Social and Human Rights Approach are found in the 'neutral' category.

It is important to note that fractured leg has more positive response compared to dwarfness. The respondents are showing willingness to meet the needs of the temporarily disabled person whereas they seem to be reluctant to meet the needs of permanently disabled persons. The level of acceptance of person with fractured leg seems to be much higher as compared to others.

Therefore, it is concluded that the different approaches have lead to different conclusions. Some of the variables which were considered as disability under the Human Rights Approach were rejected under the other two approaches. Therefore, it is suggested that Human Rights Approach be developed comprehensively to deal with disability.
Finally the variation in responses reveals that the society is not matured enough to appreciate the enlarged definition of disability. This creates a real doubt over the acceptance of disability as a problem to be tackled. There are two ways to look at the study. One, it is the respondents who need to be educated to understand the real nature of disability. The other, that the respondents want to give a restricted meaning to the word disability so that any beneficial legislations and the social welfare schemes will be applicable only to most needy persons.

The further study is aimed to understand the important drawbacks or challenges which a disabled person faces in day to day life due to his/her disability. The field study reveals how far disability can lead to a handicap.

5.3.2. Disability Leading to Handicap

It is often said that disability is not the lack of ability of a person, but it is the inability which is the result of artificially created barriers by the surroundings. The barriers are of different kinds leading to secondary disabilities. To understand the interlinking between whether the lack of ability is due to disability of a person or due to the disabling circumstances, the researcher posed a question to the respondents relating to different deficiencies which become a part of the life of persons with disability.

Q. 3.was aimed to find the consequences of physical disability. As an answer, the questionnaire provided four options. First three options were given with an understanding that they are interlinked. Therefore, the logic behind the options
were; disability often leads to social non-acceptance (option 1), this social non-acceptance leads to lack of education (option 2), which is the main cause for the lack of employment opportunity (option 3). The study was conducted with an understanding that, as all the three options are interlinked the response should be similar for all three.

The data obtained has been studied in the form of a figure. As a part of the study the first analysis done, is regarding the social non-acceptance and same has been put in the form of a figure.

Figure 18  Social non-acceptance as a consequence of disability [Q. 3, option (a)]

The response to the social non-acceptance is on an expected line. Majority of the respondents agreed that disability leads to social non-acceptance. However, 32% of the respondents ‘strongly agree’, less than 5% ‘strongly disagree’ and 9% ‘disagree’. The large numbers of respondents are found in the option of agree (53%). Therefore, the study reveals that the social non-acceptance has very strong presence. There is an urgent need to address the problem.
The second presumption was regarding disability leading to social non-acceptance which results in lack of education. The response has been put in form of a figure.

Figure 19  Lack of education as a consequence of disability [Q. 3, option (b)]

Even though the result does agree with the presumption, the rigor has whittled down. The ‘strongly agree’ category has scaled down to 13% and ‘agree’ category is down to 38%. Therefore, social non-acceptance does not always lead to lack of education.

The researcher humbly submits that social non-acceptance does not always lead to lack of education. The main reason for such a gulf between the two is the activity of the State. The State has performed a commendable job of insulating children with disability from social non-acceptance and has been successful considerably in providing education.

When the study moves to understanding the impact of disability on employment opportunity, it reveals another important aspect of persons with disability. Following is the finding.
Figure 20  Lack of employment opportunity as a consequence of disability [Q. 3, option (c)]

The figure reveals that above 70% of the respondents ‘strongly agree’ and ‘agree’ that the disability leads to lack of employment opportunity. Here the disparity can be seen between lack of education and employment. Only less that 15% of the respondents strongly agree that disability leads to lack of education whereas more than 40% strongly agree that it leads to the lack of employment opportunity.

This suggests that the State is successful to some extent in providing education to the persons with disability, where as it has failed miserably in providing employment. The failure of the State further suggests that to protect the rights of persons with disability a concerted action from both; the State and the society is required. State alone cannot ensure all the rights to persons with disability.

5.3.3. Correlated study of Q. 3 option c, Q. 12 and Q. 19

The question of right to employment was further studied through the responses to Q.3 option c, Q.12 and Q. 19. These questions are correlated and similar
information has been asked but from different points of view. Q. 3(c) speaks about the impact of disability on employment opportunity. Similarly Q. 12 speaks about disability affecting earning capacity. However, it is observed that the respondents have given identical response to both, which has made the researcher believe that the earning capacity and employment opportunity has been considered as synonym for this study. However, the respondents have come up with varied responses under Q. 19 which is about whether a disabled can positively contribute to the society.

The following figure shows the response to Q. 12, i.e. whether disability affects the earning capacity.

Figure 21 Disability affects earning capacity of a person (Q. 12)

The respondents have shown consistency with the earlier response to Q. 3 option c. The number of persons who agreed that disability leads to lack of employment opportunity also agreed that disability affects the earning capacity.
Later the study was extended to Q. 19 where the information sought was regarding the capability of the persons with disability to contribute positively to the society.

Figure 22  Disabled person can contribute positively to the society (Q. 19)

The respondents have given an entirely different view. More than 80% of the respondents ‘strongly agree’ and ‘agree’ that persons with disability are capable of creating positive impact on the society.

This shows a stark difference from the earlier responses. Lack of employment opportunity has been seen as a major result of disability. Similarly, the respondents agreed that disability affects the earning capacity. However, when it comes to positive contribution of the disabled, an overwhelming 83% feel that the person with disability can contribute positively for the development of the society. The difference in answers is attributable to the nature of information sought for. The respondents showed consistency when the questions were related to employment opportunity, however the response changed when information was regarding positive contribution. Therefore, it is observed that majority of the respondents felt that positive contribution is
different from earning capacity. This also suggests that the society has full faith in the capacity of the persons with disability but at the same time the society is reluctant to provide them an opportunity. The limited earning opportunity which person with disability is enjoying is due to the efforts from the State. Therefore, there is an urgent need to put the attitude exhibited for positive contribution into action. It is concluded that the respondents are ready to give passive support to the cause of disabled but as far as positive action is concerned, there seems to be hesitation.

Figure 23  Disability affects earning capacity (Q. 12)

<table>
<thead>
<tr>
<th></th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly Disagree</td>
<td>14.90%</td>
</tr>
<tr>
<td>Disagree</td>
<td>40.40%</td>
</tr>
<tr>
<td>Neutral</td>
<td>12.80%</td>
</tr>
<tr>
<td>Agree</td>
<td>27.70%</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>4.30%</td>
</tr>
</tbody>
</table>

The shift in the response is further studied from cross tabulation. The table given below shows the cross verification between responses to whether ‘disability affects earning capacity’ and whether disabled can ‘positively contribute to the society’.
Table 3 Cross tabulation of responses between Q.s 12 and 19

<table>
<thead>
<tr>
<th>Q. 12</th>
<th></th>
<th>Q. 19</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Strongly disagree</td>
<td>Disagree</td>
</tr>
<tr>
<td>Disability affects earning capacity of a person</td>
<td>14.9%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>4.3%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Disagree</td>
<td>12.8%</td>
<td>8.5%</td>
</tr>
<tr>
<td>Neutral</td>
<td>27.7%</td>
<td>19.1%</td>
</tr>
<tr>
<td>Agree</td>
<td>40.4%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>4.3%</td>
<td>2.1%</td>
</tr>
<tr>
<td>Total</td>
<td>4.3%</td>
<td>2.1%</td>
</tr>
</tbody>
</table>

The different result for positive contribution is mainly due to the shift of 14.9% of the respondents from the option of ‘strongly disagree’ to ‘neutral’, ‘agree’ and ‘strongly agree’ and then the 50% shift of ‘disagree’ to ‘strongly agree’. This major shift has changed the respondents’ outlook. This suggests that the respondents believe in the capacity of the disabled to contribute positively. Still the only grey area which remains is the willingness of the society to provide an opportunity. The cross tabulation is also shown in the following chart.

Each variable in the cross tabulation is studied by using individual graphs. The same is depicted below.
In the earlier study the answers have revealed the reluctance of the society to provide employment opportunity to persons with disability. Therefore, if employment is not an option to ensure right to life, there has to be a different rehabilitation package which the society must agree in order to rehabilitate the persons with disability.
5.3.4. Disability and Rehabilitation

Q. 4 of the questionnaire deals with the mode of rehabilitation. The options generated represent the different schools of rehabilitation. The first option deals with rehabilitation by providing food, shelter and clothing. This is a simple 'charity approach' where the person with disability has a right to live but he does not have any claim on other important rights which an able bodied person enjoys, like education, employment, marriage and family.

Option two provides for rehabilitation by providing separate place for living at the government expense. This is an extreme case of charity, where the person with disability is declared as not fit to live in the society on his own. It is a very degrading treatment for the person with disability. In this approach, the entire burden is on the Government to ensure a dignified life. Another important observation is that this kind of rehabilitation acknowledges that the persons with disability are not welcome in the society.

The third option is rehabilitation by providing education and opportunity to earn and lead life like a normal person. This is the Human Rights Approach which prescribes for independent living and also an opportunity to create a positive impact on the society.

The response to Q. 4 is analyzed against response to Q. 1. In Q. 1, the respondents were asked to define disability and the options were given based on three approaches, i.e. Social, Medical and Human Rights Approaches. When