

ENFORCING RIGHTS OF THE DISABLED

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The benefits and rights envisaged in the Persons with Disabilities Bill, 2016, must trickle down to the beneficiaries. The physically-challenged have waited and been discriminated against for long. The Government must not let them down

Sminu Jindal, managing director, Jindal SAW Ltd, and founder of the NGO, Svayam, which works to promote dignity of people with reduced mobility, writes in one of her blogs: "If you've ever accompanied an elderly person to a public building without a ramp, or given a hand to a pregnant lady who may need to hop off a bus, you'll know what I am talking about. This is something I've been all too familiar with since the time I became a wheelchair-user at age 11. My father got a ramp built in my school so that I could attend my school like anybody else."

Sminu was lucky to have such resources at her disposal. But all are not as fortunate. Deprived of accessible and discriminated environment, a majority of physically-challenged people in India have no option but to be confined in the four walls of their house, denied opportunities at work and experiencing widespread discrimination.

The passage of the much-awaited and much-needed Rights of Persons with Disabilities Bill, 2016, in Parliament late this year has, however, brought a ray of hope. The new law will help break many more glass ceilings, says disability activist Javed Abidi.

Some of the most significant highlights of the Bill are the addition of penalty for violating the rules of the Act up to two-year jail term and a maximum fine of five lakh rupees for discriminating against differently-abled persons, and covering 19 conditions instead of the seven disabilities specified in the Act. While the 1995 Act recognised seven disabilities — blindness, low vision, leprosy-cured, hearing impairment, locomotor disability, mental retardation and mental illness, the 2014 Bill covers 19 conditions including cerebral palsy, haemophilia, multiple sclerosis, autism and thalassaemia among others. The amended version also recognises two other disabilities — resulting from acid attacks and Parkinson's Disease.

Several rights and entitlements, including disabled friendly access to all public buildings, are conferred on the disabled individuals. The amendments include private firms in the definition of 'establishments', which previously referred to only Government bodies. All such establishments have to ensure that persons with disabilities are provided with barrier-free access in buildings, transport systems and all kinds of public infrastructure.

In this context, among many other things, the activists also feel that the Government will put its efforts on achieving the targets it has set under its much-hyped but poorly performed 'Accessible India' Campaign, launched two years ago on the International Day of Persons with Disabilities.

The Department of Empowerment of Persons with Disabilities (Divyangjan) under the Social Justice and Welfare Ministry is running the campaign for creating universal accessibility in built environment, public transportation and Information and Communication Technology (ICT) eco-system. If this campaign is implemented, at least 50 per cent of all the Government buildings of the national capital and all the State capitals will become fully accessible structures by July 2018. At least 10 per cent of Government-owned public transport carriers in the country will be converted into fully accessible carriers by March 2018. At least 50 per cent of all public documents issued by the Union and the State Governments will meet accessibility standards.

All the international airports had been converted into fully accessible international airports by July 2016. A1, A & B categories of railway stations in the country would have become fully accessible railway stations by July 2016.

However, the campaign is moving at a snail's pace, as was observed by the Supreme Court during the hearing of a public interest litigation a few months ago. It slammed the Centre for not doing enough to make Government buildings disabled-friendly in the national and State capitals as it noted that the ministry concerned had not taken any step in the past couple of years. 'Is this the way Government functions?' a Bench headed by Chief Justice TS Thakur commented. The Bench, also comprising justices D Y Chandrachud

and L Nageswara Rao, said it was not acceptable that for the last four years, no meeting of the Central Coordination Committee, which plays an important role in advising the Centre on the formulation of policies, programmes, legislation and projects with respect to disability, had taken place. It was after the dressing down that the ministry held a meeting recently.

This is a matter of concern and speaks volumes on the Government's apathy. Even though India was the first major nation to ratify the magna carta on disability rights — the United Nations Convention on the Rights of Persons with Disabilities — too many workplaces continue to lack a barrier-free environment.

To quote Sminu again: "Despite India having won its freedom in 1947, many Indians, sadly, continue to be denied the dignity and freedom of mobility. In America, it took a Vietnam War for the entire country to be made disabled friendly. Our brave soldiers who fought several wars and terror attacks and lost their limbs in the process, are still waiting to be mainstreamed due to lack of accessible infrastructure."

The benefits and rights envisaged in the Bill must trickle down to the beneficiaries. The Modi Government must not let the disabled down.

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