

## **NOTE ON INDIAN EFFORTS ON DISABILITY**

1. As per the Constitution of India, all subjects are divided in three lists: Union list (which contains subjects that are to be dealt by the Union or Central Government), State list (which contains subjects that are to be dealt by the State Governments) and Concurrent list (which include subjects that can be dealt both by Central & State Governments). Persons with disabilities and their issues fall under the State list, which means that the Indian States need to evolve their own policies, laws, schemes and programmes aimed at persons with disabilities. In the Indian Constitution persons with disabilities find their place also in Article 41, which talks about the welfare of unemployable categories such as elderly, sick and disabled. This indicates that at that time, the disabled were perceived as unproductive and unemployable. Free India gradually realized that its disabled citizens too have the potential of nation building process. Therefore, a need for creating an environment for full participation of persons with disabilities gave way to formation of policies and programmes that were vital to persons with disabilities' participation in the mainstream of economic, political and caste obligations on Central, State and local Governments for creation of a barrier free environment, little evidence of compliance is visible.
2. There are other efforts from as well. The Ministry of Urban Affairs and Employment, Govt. of India, has developed a set of Model Building By-Laws. These By-Laws have been circulated to State Governments for adoption. However, barring the States of Rajasthan, Gujarat and Delhi, others are yet to adopt Model Building Bye Laws.
3. To ensure that rural infrastructure too becomes disabled friendly, 3% budget under Rural Development schemes has been earmarked by Govt. of India. But the fact remains that most of the States have failed to extract any benefit out of the allocated budget for this purpose leaving Indian villages in a state they were before introduction of schemes.
4. Ministry of Human Resource Development, Govt. of India has incorporated a budget head in its scheme of Integrated Education of the disabled children, for creation of accessible school environment. The results of this scheme are quite satisfactory, as over 100, 000 children with disabilities have been able to study in the mainstream schools. Separate schemes have been launched for inclusion of children with disabilities in Primary schools resulting in Integration of another 150, 000 children. Recently the Ministry of Human Resource Development set aside Rupees 360 million for making 50 technical institutions barrier free.
5. University Grants Commission is an apex organisation, which regulates and finances universities. This Commission has also implemented a scheme providing limited grants to Universities for making their infrastructure barrier free and for setting up accessible resource centres, at least one in each of the University.
6. Ministry of Railways in the year 2001 drew up a plan with specific budget allocation for making railway stations barrier free. As per this scheme short, medium and long-term targets have been fixed. The short-term target aims at creating A-class railway stations barrier free. The mid term target will take care of B & C class stations and long term would cover D and E class railway stations. The gradation criterion for Railway Stations is based on the number of passengers using a particular railway station. For example, the A-class stations are used by an average of 100, 000 passengers every day. Therefore, it was felt appropriate to first make those railway stations barrier-free that are used most. Ministry

of Railways has completed the design of an accessible Rail Coach. Twenty prototype Rail Coaches would start plying in the near future. Based on the experience, alterations, if required, will be carried out in the coach design. The Metro facility which was inaugurated recently in Delhi has made special provisions for PwD.

7. In order to develop the cost effective but accessible design of a bus, the Science and Technology Mission Mode has commissioned a research project that would provide multi-optional solutions to the Surface Transport Ministry, who in turn would select the most appropriate design for an accessible bus. Subsequent to the adoption of accessible bus design the government plans to amend Motor Vehicle Act of India. This would ensure fabrication of public buses on accessible norms and standards.
8. Persons with disabilities and their issues fall under the state list in the Constitution, which means that the States need to evolve their own policies, laws, schemes, and programmes aimed at PWD. The Ministry of Social Welfare (Social Justice & Empowerment) is the nodal Ministry in the govt. of India for matters of the disabled. While this has on the one hand, served the need for focused policies and initiatives to promote the interests of this highly marginalized social group, it has on the other hand also reinforced a conventional tendency for other ministries to view disability related issues as mere welfare matters, which have no bearing with their respective mandates and schemes. Consequently people with disabilities have largely been bypassed.
9. The various Acts available in India in this regard are listed below: Mental Health Act, 1947; The Rehabilitation Council of India Act, 1992; Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999. The most important act mentioned above is ‘The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation)’ which was passed by the Lok Sabha on 22<sup>nd</sup> December 1995 and was made a law in January 1996. This Act guarantees equality and protection from all forms of discrimination. In order to remove physical barriers, this Act contains several provisions that can be seen under various heads such as education, Employment, Manpower development, Non-discrimination etc. The Bill is an effort to integrate the disabled into the mainstream society. The Act is now under revision and the public are requested to give suggestions for amendments/ modifications. On behalf of the museum community, the author has earlier submitted suggestions for incorporation.
10. Ministry of Urban Affairs & Employment: This Ministry has developed a set of Model Building By-Laws. In addition, the CPWD under the same Ministry has produced guidelines for built environment (CPWD, 1998. Guidelines and space standards for barrier free built environment for disabled and elderly persons).