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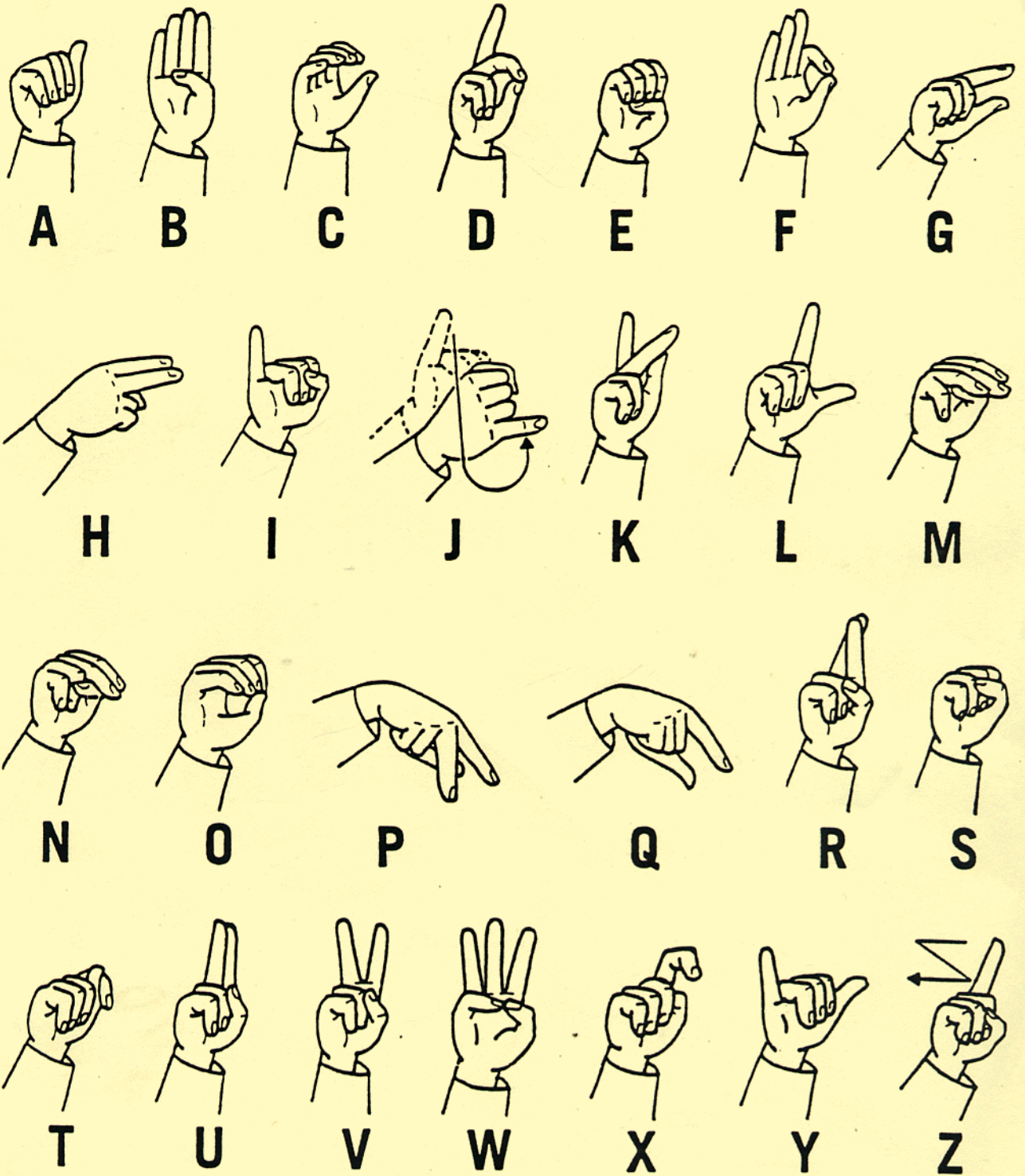


रामभद्राचार्य



डॉ० अम्बेडकर अंतर्राष्ट्रीय केन्द्र

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निदेशक

डॉ० अम्बेडकर अंतर्राष्ट्रीय केंद्र,
(सामाजिक न्याय और अधिकारिता
विभाग) के लिए मुद्रित।

अस्वीकरण

“सामाजिक न्याय सन्देश” में
प्रकाशित सामग्री में शोध पत्र,
अभिमत, विचार, दृष्टि आदि
लेखकों के हैं। डीएआईसी अथवा
संपादक की सहमति अनिवार्य नहीं
है। समस्त कानूनी मामलों का
निपटारा केवल दिल्ली/नई दिल्ली
के क्षेत्र एवं न्यायालयों के अधीन
होगा।

सरंक्षक

श्री वीरेन्द्र कुमार

सामाजिक न्याय और अधिकारिता मंत्री

कार्यकारी मंडल

श्रीमती अंजली भवरा, सचिव

श्रीमती उपमा श्रीवास्तव, सदस्य सचिव,
डॉ० अम्बेडकर प्रतिष्ठान एवं अपर सचिव,
सामाजिक न्याय और अधिकारिता विभाग

श्री विकास त्रिवेदी

निदेशक, डॉ० अम्बेडकर अंतर्राष्ट्रीय केंद्र

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दिल्ली विश्वविद्यालय, दिल्ली

प्रो० संजय द्विवेदी: महानिदेशक, आई.आई.एम.सी, नई दिल्ली

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श्री हितेश शंकर: संपादक, पाञ्चजन्य, नई दिल्ली

श्री रणबीर सिंह: निर्माता, अ०ज०क० मास कम्युनिकेशन रिसर्च
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पी० डी० एफ०, डॉ० अम्बेडकर अन्तर्राष्ट्रीय केंद्र

सम्पादकीय मंडल

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डॉ० बिजेन्द्र कुमार: सह-आचार्य, डॉ० भीमराव अम्बेडकर कालेज,
दिल्ली विश्वविद्यालय

डॉ० ओम प्रकाश: सहायक आचार्य, काशी हिन्दू विश्वविद्यालय

डॉ० प्रशांत कुमार: सहायक आचार्य, दिल्ली विश्वविद्यालय

डॉ० अभिषेक प्रताप सिंह: सहायक प्राध्यापक, दिल्ली विश्वविद्यालय

डॉ० नीतूमोनी काकाती: सहायक प्राध्यापक, दिल्ली विश्वविद्यालय



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Ground Realities of Right to Person with Disabilities Act-2016 with special reference to District Meerut

Afreen Almas¹

Prof. (Dr.) Vaibhav Goel Bhartiya²

Perfection leads to satisfaction and satisfaction leads to a happy life. Life, per se human life is a life of men and women who are living in the society with one explicit biological structure. But at times such explicit biological structures have few deformities by birth or by accident which is known as disability. Disability in general not found acceptable in the society and acts like curse to any human being. With the passage of time human being with disability, have been termed as differently abled or specially abled person_ A differently abled person faces a stigma of being unproductive elements of the society. Differently able use to face gross human rights abuses, due to various reasons. These issue may effects their right to life which include right to choice and right to marry, self-employment, accessible infrastructure, violation of sexual and reproductive rights , low Wry rates, easily targeted for rapes and sexual abuse etc

It was 2007 when India signed and ratified the UN Convention on the Rights of Persons with Disabilities', Indian legislature started the process of the replacement of the 'Persons with Disabilities Act, 1995. Finally in 2016 the Rights of Persons with Disability Act, 2016 was passed by both the houses of the Parliament. Despite the foundation of disability jurisprudence in India there is gross violation of human rights of differently abled persons that needs to be addressed. Hence the present study is to highlight the gaps and to suggest a mechanism to resolve such gaps.

INTRODUCTION

would my advice to other disabled people would be, concentrate on things you can do. Your disability doesn't

prevent you from doing well, and don't regret the things it interferes with. Don't be disabled in spirit as well as physically."

-Stephen Hawking In an era where 'inclusive development' is essential element for the holistic development of the life, inclusive policy is essential. Here an inclusive policy means the policy which may address

the welfare of all the segments of the society. The society, which consist of all the human

being like child, adults, men, women, abled, differently abled and so on. Therefore, it is expected that law making agencies should develop the policy for all and special policies for the marginalized groups on the basis of the personal attributes or bodily requirements. In this category differently abled should be on the top priority to have inclusive policies with equal opportunity to all along with one specific body for the proper monitoring of the human rights of differently -abled in the country. Though there are numerous documents on the subject still the problem persists unchanged. In 2015 world community come up with one document named as 'Sustainable Development Goals-2015' to address the issues of every individual with no exclusion. In the document Human Dignity was considered as paramount to meet out the development goal for the entire world community including all segments of the society.

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Meaning Disability

The special ability, previously known as disability has remained a debatable concept. Its meaning keeps on changing under different circumstances and by the different communities.

i.- According to oxford dictionary - mobility means a physical or mental condition that limits a person's movements, senses, or activities.

P. The CRPD5 explains that: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with

According to The Rights of Persons with Disabilities Act, 2016- "person with disability"

describes it as a person with long term physical, mental, intellectual or sensory impairment United Nations Convention on the Rights of Persons with Disabilities Convention on the Rights of Persons with Disabilities, Art. 1

Rich, in interaction with barriers, hinders his full and effective participation in society equally with others

Rights of Persons with Disabilities Act, 2016

Under Article 15 of Re Indian Constitution is a manifestation of "Right to Equality" under article 14, as it enshrines a specific dimension of the principles of equality relating to discrimination by state or various grounds. The Rights of Persons with Disabilities Act, 2016 along with the Rights of Persons with Disabilities Rules, 2017 were enacted by the Indian parliament. These two new enactments reflect that present legal regime is in consonance with the United Nations Convention on the Rights of Persons with Disabilities. As per the requirement any person with disability may get protection against various forms of discrimination. There are process through which one has been given increased measures for effective participation with inclusive approach

to ensure equal opportunity with sufficient accessibility.

Disability Statistics

According to census 2011, the State of Uttar Pradesh has the highest number of disabled persons (16% of the total disabled in the Country). There are 66225 disabled people in Meerut district. So another area that needs to be seen is whether provision of the Act fulfills the right based requirement of the differently – abled person in Meerut district which constitute of about 1.59 % of disabled population of the state.

AREA OF STUDY

It will include problems of differently abled in general but geographically it is restricted to Meerut District particularly (3 tehsit and 12 blocks) in the State of Uttar Pradesh. This will also include perspective of disabled pre-2016 and post 2016 enactment. The problem of divyangjan is global issue by and large with identical issues and challenges before divyangjan across the world. But there may substantial regional variations in some area and specific issues due to law, executive agency, and acceptance in the society per se maturity of society.

So far as discipline wise area is concern it will be purely a socio-legal study and which will touch a corner of financial aspects.

Section 2 (s) of Rights of Persons with Disabilities Act, 2016. This Act replaced The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

RESEARCH METHODOLOGY

The present research will undertake current situation of differently-abled with analytical global overview of the problem with a empirical pilot study on District Meerut (Uttar Pradesh) i.e. of atrocities, discrimination and other inhuman

treatment/ mistreatments inflicted on them due to disability. Since the nature of research is directly associated with the social welfare nevertheless then legal autonomy for which at one place non-doctrinal tools and for another place doctrinal tools will be applicable in course of research. Pandemic and paucity of time has cause certain limitations in research.

Data was collected through close ended questionnaire. Questionnaire was made for two categories of respondents

Respondent's Category (Meerut District)

Category 1 & Category II

Government department/ academic institutions

Adult Divyangian Questionnaire was send to almost 22 government department/ academic institutions in Meerut District and received only 7 responses whereas questionnaire send to divyangian was 31 but responses received was 20 . Study sample was extracted randomly from adult divyangian.

RESULTS

Category -1

Since the responsibility under Fights of Persons with Disabilities Act, 2016 is mandatorily put on appropriate government; researcher main effort was to get feedback from government departments and government educational institutions. But few responses were also taken from private sector. (Table 1)

Table 1

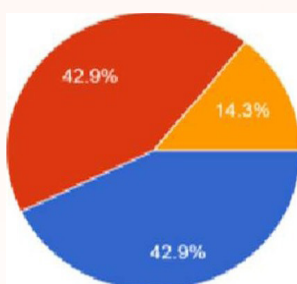
Category I (Respondents)	State / Central Government Department	State / Central Government Educational Institutions	Private Sector
Number of Responses	2	3	2

In the questionnaire for category I, eleven questions were asked in the light of responsibilities imposed on appropriate government to evaluate the implementation of those responsibilities. The results of responses are as follows-

Figure 1

1. Have your institution/authority{ board taken any steps to utilise the capacity of persons with disabilities by providing appropriate environment?

7 responses



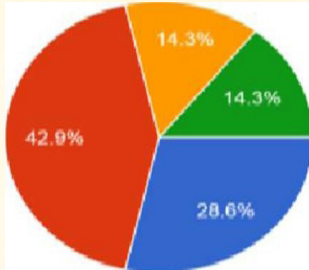
- e Strongly Agreed
- e Agreed
- e Agreed up to some extent
- e Not Agreed
- e Can't Say

When steps for utilizing the capabilities of divyangian was asked then 85.8% have consensus of taking such measures (either strongly or simply agreeing) and only 14.3 *1 have partially agreed of department/body d isagreed with it. (Figure 1)

Figure 2

2. Any special measures taken to ensure that the women and children with disabilities enjoy their rights equally with others?

7 responses



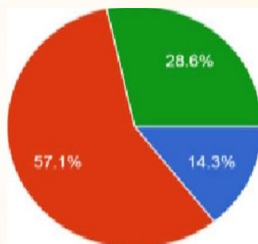
- e Strongly Agreed
- e Agreed
- e Agreed up to some extent
- e Not Agreed
- e Can't Say

When measures for enjoying equal rights of vulnerable group (women and children) were put than 71.5 % agreed (either strongly or simply agreeing) whereas 14.3 % partially agreed and only 14.3% did not agree. (Figure 2)

Figure 3

3. At least four percent of the total number of vacancies in the cadre strength in each group of posts with persons with benchmark disabilities?

7 responses



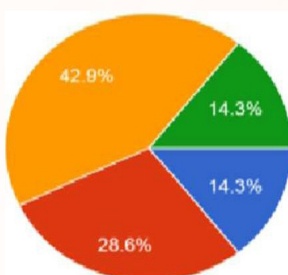
- e Strongly Agreed
- e Agreed
- e Agreed up to some extent
- e Not Agreed
- e Can't Say

When question for reservation in jobs for benchmark disabled (not less than forty percent) than the response 71.4 % agreed (either strongly or simply agreeing) but 28.8% did not agree with this. (Figure 3)

Figure 4

4. Reservation in promotion provided by your establishment to persons with benchmark disabilities?

7 responses



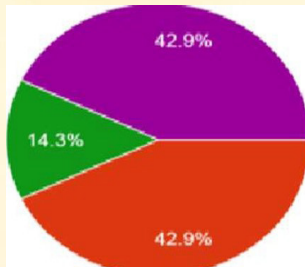
- e Strongly Agreed
- e Agreed
- e Agreed up to some extent
- e Not Agreed
- e Can't Say

When reservation in promotion for benchmark disabled person was asked 42.9% agreed (either strongly or simply agreeing) and 42.9 % partially agreed whereas 14.3% disagreed. (Figure 4)

Figure 5

5. Within the limit of your economic capacity and development, your establishment provide incentives to employer in private sector to ensure...is composed of persons with benchmark disability?

7 responses



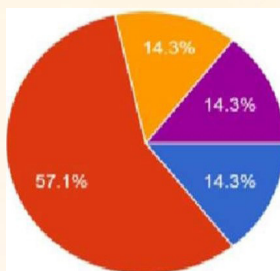
- e Strongly Agreed
- e Agreed
- e Agreed up to some extent
- e Not Agreed
- e Can't Say

When question for incentives by govt. establishment to private entity was asked then 42.9% agreed, 42.9% could not say anything about this and 14.3% did not agree to it. (Figure 5)

Figure 6

6. Your establishment made schemes in favour of persons with benchmark disabilities?

7 responses



- e Strongly Agreed
- e Agreed
- e Agreed up to some extent
- e Not Agreed
- e Can't Say

When question on scheme made for benchmark disabled was put then 71.4% agreed (either strongly or simply agreeing) 14.3% partially agreed and 14.3% could not say anything (Figure 6)

DISCUSSION

Present study was aimed to see that after coming of new law in the year 2016 for differently abled persons has it changed their position in society or they are still facing discrimination in different walks of life.

Results of the study reveals that when seen in the light of the responses received from Category I it seems that appropriate government has made good efforts in bringing equality, utilizing capabilities of differently abled persons, promoting & conducting awareness campaign, making buildings disabled friendly, provided incentives to private players, gave reservations but efforts in CCT are still required.

But this is only one side of the coin. When responses from category II are dissected, it reflects a different image. Most of differently abled persons do not feel themselves as equal with others but in terms of financial freedom the responses were better. There is lack of awareness among differently abled persons regarding their rights, punishment for atrocities with them, DM as limited guardian and established district level disability committee. Feedback also points that despite Accessible India Campaign (Sugamya Bharat Abhiyan) important verticals of implementation, namely the built environment and the transportation sector are not yet accessible much but JCT ecosystem is better managed (Majority of respondents were locomotor disabled).

There are certain benefits a I so received by some respondents like free school education , reservation i n higher education and in employment . Certain areas like encouraging sports talent, creative and artist ic ta lent , loans to disabled are to be worked properly.

CONCLUSION

Divyangjan are like dia monds in the mine which are yet u nexplred. We must analyse the impact of divyangja n as source of immense potential. here is very important question that we must ask that what is the impact of d isabled on economy of the country ? Have we developed

any mechanism to polish the special abilities of divyangjan? Cf yes , is it working and if no than what shou ld we do and find the gaps. Just pay ing attention to the statutory duties under the Act in a cursory fashion is not going to be fruitful. After doing this study it is realized that society has out rightly rejected differently abled. We all ha ve to come out of this mental d isabili ty drnt we as society have developed probab ly than we wi ll have more inclusive society.

Higher Education Policies in India for Persons with Disabilities: Building an Inclusive Ecosystem in Higher Education Institutions



सामाजिक न्याय संदेश सदस्यता कूपन

मैं, डॉ० अम्बेडकर अंतर्राष्ट्रीय केंद्र द्वारा प्रकाशित त्रैमासिक पत्रिका "सामाजिक न्याय संदेश" का ग्राहक बनना चाहता/चाहती हूँ/शुल्क; वार्षिक सदस्यता शुल्क ₹ 200/ डिमांड ड्राफ्ट

नम्बर दिनांक..... संलग्न है।

कृपया ध्यान रखें, आपका डिमांड ड्राफ्ट 'डॉ० अम्बेडकर अंतर्राष्ट्रीय केंद्र' के नाम नई दिल्ली के नाम पर हों

नाम (स्पष्ट अक्षरों में)

पता

..... पिन

फोन/मोबाईल न. ई. मेल :

इस कूपन को काटिए और डिमांड ड्राफ्ट सहित निम्न पते पर भेजिए:

डॉ० अम्बेडकर अंतर्राष्ट्रीय केंद्र:

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