

Critical Appraisal of the Disability Programs in Jammu and Kashmir with Special Reference to Children”

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Abstract: *Disability is usually referred to as an individual's disadvantage. Helping a person with disability is perceived as an act of distribution of benefits and sharing of burdens. Persons with disabilities make up a significant part of the world's population an estimated 1 in every 10 people, amounting to 650 million people (UNFA REPORT 2009). This includes persons who are blind, deaf, or have other physical impairments, intellectual impairments, or disabilities related to mental health. In India serious efforts have been taken to improve the health and status of persons with disabilities in family and society. India is still lacking to provide qualitative rehabilitation services to persons with disabilities because most of the population is living in rural areas of India where Health Care Services and Nutritional Diets are not available for children and pregnant women. Currently India is progressing to spread rehabilitation services to all parts of the country with the help of Rehabilitation Council of India (RCI). Rehabilitation Council of India (RCI) is a statutory body under the Ministry of Social Justice and Empowerment established in the year 1986. The RCI has taken up the responsibility for improving the quality of life of persons with disabilities through various programs covering all aspects of disability and extending the coverage of these programs to all states in a phased manner. Rehabilitation Council of India Act, 1992 deals with the development of manpower for provision of rehabilitation services for persons with disabilities. At present in the state of J&K, Programs and Policies for persons with disabilities are limited. Proper planning is lacking in Jammu and Kashmir towards the upliftment and rehabilitation of persons with disabilities. Little awareness and sensitization is among the general population regarding the rehabilitation services of persons with disabilities in Jammu and Kashmir. Vulnerable groups of society living in areas where proper facilities are not available undergo suffering at many levels. This paper will critically analyze the Disability Programs in the State of Jammu and Kashmir with special reference to children.*

Keywords: Disability, impairments, empowerment, programs.

1. Introduction

Disability is a complex term and it has been defined as a restriction or inability to perform an activity in the manner or within the range considered normal for a human being, mostly resulting from impairment (ICIDH 1980). Different professionals have understood it differently, defined it differently, interpreted it differently as per their purpose to use this term. In almost all societies, individuals with physical or intellectual abnormalities have been assumed to be, by the very nature of their condition inferior. As the term disability carries with it the connotation of a lack or deficiency, whether mental, physical or sensory, it has been defined primarily in terms of medical deficit. However, it has to be acknowledged that the word disability is itself not a homogeneous category, subsuming under it different kinds of bodily variations, physical impairments, sensory deficits and mental or learning inadequacies, which may be either congenital or acquired. Disability has been recognized as a Human Rights Issue in the International arena, with the United Nations Declaration on the Rights of the Persons with disabilities focusing attention on the needs of persons with disabilities globally. Disability is any physical or mental condition that limits a person's movements, senses or activities. The term disability is conventionally used to refer to attributes that are severe enough to interfere with, or prevent, normal day-to-day activities. According to the UN Convention on the Rights of Persons with Disabilities, "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 others." Disabilities can be permanent, temporary, or episodic. They can affect people from birth, or be acquired later in life through injury or illness. The World Bank estimates that approximately 600 million people, or 10% of the world's population, have a disability and that 80% of these people live in developing nations.

The Constitution of India has guaranteed through the Directive Principles of State Policy and Fundamental Rights, equality before the law and equal protection of law for all its citizens, and prohibited discrimination on the grounds of 'religion, race, caste, sex, place of birth'. However the orientation towards people with disabilities has been that of welfare, as is evident from Article 41 which stipulates, 'The state shall, within the limits of its economic capacity and development make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement'(Advani 1997).

Census 2001 has revealed that over 21 million people in India as suffering from one or the other kind of disability. This is equivalent to 2.1% of the population. Among the total persons with disabilities in the country, 12.6 million are males and 9.3 million are females although the numbers of persons with disabilities are more in rural and urban areas. Among the five types of disabilities on which data has been

collected, disability of seeing 48.5% emerges as the top category and others are; movement (27.9%), Mental (10.3%), speech (7.5%), and hearing (5.8%). The persons with disabilities by sex follow a similar pattern except for that the proportion of persons with disabilities females is higher in the category of seeing and hearing.

2. Objectives

1. To Assess the various programs for the persons with disabilities in Jammu and Kashmir
2. To critically analyze the disability programs in Jammu and Kashmir
3. To suggest measures and recommendations for the welfare of persons with disabilities

2.1 Scenario of Disability Programs in Jammu and Kashmir

According to Census 2001, the total population of differently-abled individuals in J&K State is 3.067 Lakhs. Out of total persons with disabilities, 2.8 lakh individuals are visually impaired, 0.38 Lakhs are physically handicapped, 0.17 Lakhs are with speech disability and 0.13 Lakhs have hearing disability, but in the state of J&K no statistics or data are available regarding number of persons with disabilities.

A welfare state has a commitment to promote overall development of its citizens including those with disabilities so that they will be enabled to lead lives of equality, freedom, and justice and dignified as mandated the Constitution of India. With today's changed perception of society towards persons with disabilities, they can lead a better life, if they have equal opportunities and effective access to rehabilitation measures. Several schemes and Programs are being implemented in the State in order to facilitate the persons with disabilities to reap benefit from growing socio-economic environment. Pension scheme for the persons with disabilities, special school for education of the persons with disabilities, scholarship & stipend to continue with higher studies, self employment Programs, reservation in jobs and educational institutions and reservation in poverty alleviation Programs are some of the measures, implemented for the welfare of the persons with disabilities. However much more remains to be attended to in this area. It is imperative to create environment for persons with disabilities to live with dignity and self esteem.

2.2 Policies and Programs in Jammu and Kashmir

Jammu and Kashmir State has always assumed responsibility for providing the welfare of persons with disabilities and the apathy of the State to develop a comprehensive policy for persons with disabilities becomes apparent from its sporadic efforts. Initially in 1974 the Government of India launched the Integrated Child Development Scheme (ICDS), the scheme was adopted by the Jammu & Kashmir State as well. However, the scheme has no provision for the persons with disabilities. In 1975, Project Integrated Education for the persons with disabilities was started but again the government did not put any efforts for the smooth functioning of the scheme. The Mental Health Act (1987) of

the Government of India clearly excluded persons with mental retardation from the definition of those with mental illness. National Policy on Education (1986) and Plan of Action (1992) advocated the policy of integrating the physically and mentally handicapped with the general community as equal partners with the objective that the persons with disabilities should have access to quality education comparable to normal children. In response to international developments and increasing pressure from disability activists in India, the Government of India enacted the Persons into force only in February 1996 (Mohit 2000).

The government of India has enacted 3 legislations for persons with Disabilities in India and these are as under:

1) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which provides for education, employment, creation of a barrier free environment, social security, etc. Now the PwD Act has been amended in 2011. Several changes have been done during amendment.

- a) Prevention and early detection of disabilities can be carried out by promoting various measures to conduct surveys, research studies and investigations in order to ascertain the cause of occurrence of disabilities and therefore various measures should be taken to prevent disabilities and pre-natal, peri-natal and post natal care at the Primary Health Centers, as well as mass awareness campaigns should be launched and sponsored to disseminate information.
- b) Education of disabled people makes it mandatory that every child with disability shall have the rights to free education till the age of 18 yrs in integrated schools or special schools. There should be 3% reservation of seats in all government educational institutions as well as those receiving support from the government for persons with disabilities. The state also has the responsibility for providing adequate transport facilities to students with disabilities and accessible physical environments, as well as restructuring the curriculum, modifying the examination system, and providing scholarships for disabled students.
- c) Employment of disabled people makes it obligatory for the government and local authorities to identify posts in different departments which can be reserved for persons with disabilities. The government is instructed to formulate schemes for ensuring employment of persons with disabilities including the training and welfare of persons with disabilities, the relaxation of upper age limit, health and safety measures and creating a non handicapping environment in places where persons with disabilities are employed and constituting the authority responsible for the administration of the scheme
- d) Management of disability by providing aids and appliances to people with different disabilities.
- e) Promotion of non-discriminative attitudes by modifying physical environments for people with different disabilities, forbidding the denial or termination of service to persons with disabilities on the grounds of disability etc.
- f) Strengthening of institutions for disabled people and provision for social security. Makes it mandatory on the part of Government to provide needed educational

facilities for the disabled and to ensure equal opportunity for improving their capabilities.

- 2) National Trust for Welfare of Persons with Autism, Cerebral palsy, Mental Retardation and Multiple Disability Act, 1999 has provisions for legal guardianship and creation of an enabling environment that will allow as much independent living as is possible.
- 3) Rehabilitation Council of India (RCI) Act, 1992 deals with the development of manpower for provision of rehabilitation services.
- 4) The Government of Jammu and Kashmir has established a separated Act for persons with disabilities and it is known as Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act. 1998, which provides free education, employment, creation of barrier free environment, social security scheme, non-discrimination, to set up separate cells in state and district institutes of education, development of new teaching aids, research and manpower development, recognition of institutes for children and persons with disabilities, allotment of govt. land on concessional rates for persons with disabilities, low interest loans, affirmative action and nobody can establish any institution (rehabilitation, vocational and special school) for children and persons with disabilities without getting proper certificate of registration from state government.

3. Critical Appraisal

The Government initiatives cover a wide range of policy formulations, programs plans, execution of schemes and legal enactments related to persons with disabilities in country. While the zeal is appreciable and welcome for a long neglected section of society, but the implementation of the policy programs and various schemes for the persons with disabilities both before and after the Persons with Disabilities Act 1995 have been characterized by ad hoc and sporadic efforts on part of the state. The persons with disabilities has usually been treated as a compartmentalized being, with different aspects of his/her existence coming under the purview of different wings of the State apparatus, with little or no coordination among themselves.

The primary focus of rehabilitation services continues to stress the medical aspects of disability: prevention and early detection of disabilities as well as the management of disabilities through corrective surgery, supply and fitment of aids and appliances and assistive devices etc. The Government of India is running a specialized scheme (ADIP) for persons with disabilities to purchase Aids and Appliances and improve quality life. The main objective of the Scheme is to assist the needy disabled persons in procuring durable, sophisticated and scientifically manufactured, modern, standard aids and appliances that can promote their physical, social and psychological rehabilitation, by reducing the effects of disabilities and enhance their economic potential. In Jammu and Kashmir, the Government constantly makes efforts in order to start new programs for the persons with disabilities which include various types of aids/appliances at minimum costs. The requirements for providing of aids/appliances, which are essential for the social, economic and vocational rehabilitation of persons with disabilities are inadequate. The

persons with disabilities in Jammu and Kashmir are not fully getting benefit of these schemes to purchase aids/appliances because of lack of awareness, extra formalities and lack of professionals to train persons with disabilities on mobility aids.

State approach towards implementation of programs has varied from being neglect to complete dependence on non-government organizations for delivering different services in remote parts of the state, which has reached only 2% of the persons with disabilities. Programs advocating education of persons with disabilities like the Integrated Education of Persons with disabilities Scheme (IEDC) in 1974 and the Project Integrated Education for the Persons with disabilities (PIED) in 1987 met with limited success as exclusionary policies and practices prevalent all over India still deny admission to persons with disabilities in regular schools. The lack of comprehensive planning and political will to achieve integration resulted in the poor implementation of the program provisions like orientation and training of school teachers etc. Thus education of people with disabilities has remained confined mostly to special schools in urban areas. The Universal Primary Education (1997) program that sought to integrate into general schools, children with visual, hearing, orthopedic and learning disabilities at the primary school level, has met with partial success. In recent years the District Primary Education Program (DPEP) has had a powerful impact on integrating persons with disabilities as it addressed core issues related to curriculum. However, the provision of only three resource teachers per block under the DPEP pattern has proved inadequate, as schools are spread over vast geographical stretches, limiting interactions between the teachers and students. Most schools have not been able to remove architectural barriers and hence still refuse admission to persons with disabilities (Zachariah 2001).

The reservation of jobs in identified government departments also has not been implemented properly and the posts filled are mostly in the lowest ranks. The concept of identified jobs is itself questionable as it may not take into account the actual capacities of people with disabilities (Rajalakshmi 2002). The National Handicapped Finance and Development Corporation (NHFDC), which finances a wide range of activities like self-employment ventures and loans for education to persons with disabilities, have also met with limited success because of the lengthy and cumbersome procedures for accessing its services.

A serious lacuna in the Persons with Disabilities Act is that there are very few penal provisions for non-implementation of its measures. The Act stipulates that in most cases programs would be initiated and implemented subject to the economic capacity and development of the state. There are no time bound programs of action or obligations by the state for the initiation and implementation of the provisions of the Act. The enforcement of its provisions has been left to courts of law without specifying procedures to be followed in case of violations of the recommendations. This makes the enforcement of the provisions of the law very debatable and totally dependent on the magnanimity of the State (Advani 1997, Mohit 2000). Consequently, many state governments and local authorities have cited lack of funds as a reason for

non-implementation of the provisions, especially those concerning access to public buildings and utilities. Campaigns for providing access to public buildings by disability organizations have been sporadic and limited to urban areas, yielding very little results. Although air travel has been made more accessible for persons with disabilities following a Supreme Court directive, the more commonly used modes of public transport such as buses and trains; continue to be inaccessible to the persons with disabilities (Rajalakshmi 2002).

The Government of India has also launched the Integrated Social Security Scheme (ISSS) and Indra Gandhi National Disability pension Scheme (IGNDPS) for the persons with Disabilities. Under these schemes the persons with disabilities are eligible for benefit of Rs 400/= per month. But due to the strict formalities, lengthy procedures and continuous follow ups most of the persons who are affected with severe disabilities are unable to get benefit from these scheme.

The convention (AIFAWH) adopted a unanimous resolution, which was moved by Hemalata, general secretary of the federation demanding that the Integrated Child Development Services (ICDS) Scheme, which was started around 30 years back be regularized as a regular part of the Women and Child Development department of the human resources development (HRD) ministry This Scheme aims at enhancing survival and development of children from vulnerable sections of Society. The Government of India has launched this scheme to reach maximum number of children and pregnant women in the country and provide nutritional support in order to minimize the occurrence of disability in society but due to lack of nutritional supplies, irregularities and less accommodation of the centre, maximum beneficiaries are not getting nutritional diets from ICDS centers which may be a cause of disability.

4. Conclusion

The Government covers a wide range of policy formulations, programs plans, execution of schemes and legal enactments related to persons with disabilities and impairments in the country. While the zeal is appreciable and welcome for a long neglected section of our society, there are several teething troubles which need to be addressed in the overall coordinated establishment of a social system for the protection of the persons with disabilities. In Jammu and Kashmir State, there is lack of professional research in the area of disability Rehabilitation. The overall benefits of specialized schemes for persons with disabilities in Jammu And Kashmir State are less because most of the schemes are under central Government which is not applicable in Jammu and Kashmir State because of separate constitution.

5. Recommendations

1. In Jammu and Kashmir State Professional Human Resource should be trained to provide rehabilitation services like assessments, interventions and follow up services to persons with disabilities and their families.

2. Separate surveys should be conducted regarding the total population of persons with disabilities in Jammu and Kashmir State by Government.
3. There is a dire need to conduct Research Studies aiming at the Exploration of Data Pertaining to Disability and the Empowerment of Persons with Disabilities.
4. There should be separate schemes and benefits under state Government for the persons with disabilities.
5. There should be a comprehensive reservation policy for the persons with disabilities in private educational institutions, training and professional colleges and other employment concerns to empower the persons with disabilities population in Jammu and Kashmir
6. There should be Proper implementation of the welfare Programs meant for the persons with disabilities.
7. There should be Proper evaluation, monitoring and follow up of the programs.
8. Equal opportunities require to be provided for persons with disabilities in employment and their rights and privileges protected so as to enable them to live with dignity and respect in their own community.
9. A Disability Commission should be established which will look after the needs of persons with disabilities holistically and formulate policy inputs for their welfare and development.
10. The government authorities should set up separate monitoring units in order to assess the proper functioning of schemes for the persons with disabilities.
11. Majority of Persons with disabilities are living with parents. Hence social security should be strengthened from Government and Community side to support persons with disabilities.
12. Community-based rehabilitation programs should be encouraged for the persons with disabilities. Some special homes should be set up to give shelter to the persons with disabilities who are homeless or have been abandoned.
13. The implementation should be at the grass root level i.e. the implementation programs should be supervised at the community level.
14. Disability should be a priority area for any policy that is being formulated for Concrete and time-bound plans must be made to address disability concerns in revival of livelihoods, achieving convergence among all on-going programs of sustainable development and reconstruction for persons with disabilities.
15. Government should take decision to construct and create barrier free environment for persons with disabilities.
16. Lacunae in the legal rights of persons with disabilities also need to be addressed urgently.
17. In order to more realistically harmonise the Convention with disability laws, existing socio-cultural institutions like family, religion, education etc. must be integrated into the rehabilitation process.
18. Steps should be taken to improve coordination between State Government, Department of Education, and Social Welfare, Health and Municipal agencies, Institutions and other Non- Government organizations. Valuable feedback from these agencies would help in generating greater awareness and cooperation which is largely lacking in J&K state at present with regards to the persons with disabilities.

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