

## \* Activists flay exemption to disability quota rule

— Section 34 of the Rights of Persons with Disabilities Act, 2016

- Provides for 4% reservation in jobs for PwD in government establishments

— Notification of Social Justice Ministry

- Section 34 would not apply to all categories of posts of IPS, RPF and the police forces of Delhi, Andaman and Nicobar Islands, Lakshadweep, Daman and Diu & Dadra and Nagar Haveli.
- Distinction made between combat and non-combat roles in the security forces.
- The Ministry exempted all combat posts in the BSF, CRPF, CISF, ITBP, SSB and the Assam Rifles from the non-discrimination and reservation provisions of the RPD Act.

## \* Govt officials to be trained in handling disability issues

- Training by Deptt. of Empowerment of Persons with Disabilities under Social Justice Ministry
  - ↳ to Govt functionaries - officials, MPs, etc, ASHA & Anganwadi workers.
  - ↳ sensitization w.r.t Central sector schemes & facilities.
- Rehabilitation Council of India
  - ↳ Nodal agency to coordinate the training

For disabled citizens to have the police they deserve

The Supreme Court remarked in Patan Jamal Wali vs State of Andhra Pradesh that women with disabilities are frequently considered as "soft targets" and "easy victims" for sexual violence.

- Against this backdrop, (MHA) has announced Draft Accessibility Standards/Guidelines for facilities created under its control (police stations, prisons, and disaster response centres).
- This understanding is inaccurate since access is a legal right that is granted to disabled people as empowered citizens.

Arguments in favour of the Standards:

1. The Standards provide accessibility standards for services related to police stations and prisons.
2. The Standards guarantee that people with disabilities who are suspected of committing crimes receive proper treatment, including having disabled-friendly access to police stations and disabled-friendly restrooms.

3. The Standards give guidance on how to include people with disabilities in disaster mitigation, readiness, response, and recovery operations.
4. The federal govt has effectively eliminated the prospect of handicapped people joining the police service by issuing these guidelines.
5. The Standards include methods for constructing new police stations as well as upgrading existing police stations and prisons to make them more contemporary, gender-sensitive, and accessible.
6. They also emphasize disability-inclusive training for disaster relief personnel, data collection, and the use of ICT.
7. Following the universal design concept, these guidelines impose accessible infrastructure models for schools, hospitals, and shelters.

### Arguments against the Standards:

1. When the Standards claim that accessibility is society's "social responsibility" to the "differently-abled," they contradict a rights-based concept of disability.

2. Several reasonable accommodations for the disabled are described as only recommended in the Standards.

3. The Standards do not require directional signage to be accessible to the visually impaired, such as by auditory methods.

## Disability and the barriers to feminine hygiene

The Govt and the non-Govt organisation have put enormous efforts to improve menstrual health and hygiene management in the country

Despite several initiatives for the betterment of sanitation facilities for women, certain groups like those women with disabilities have been overlooked and faced hurdles in accessing proper sanitation facilities and menstrual products.

According to Census 2011, nearly 27 million persons are disabled and are unable to fully participate in many areas of daily life.

### Emerging concerns:

- Despite the provisions of the **Rights of Persons with Disabilities Act 2016**, the realisation of the rights of disabled persons is poor
- The girls and women from the poor and marginalised groups with disabilities in India have poor access to proper sanitation services to maintain their menstrual hygiene.

- This makes them vulnerable to many infectious diseases such as urinary tract infection, candidiasis and other infections in the vaginal region.
- Due to the social and physical barriers, access to sexual and reproductive health information and services is suppressed.
- These issues have impacted the active participation of women in the labour force and kept away many girls from school.

### Ways Ahead:

- Every menstruating person has the right to menstrual health, irrespective of their gender identity, ability, disability or socioeconomic status.
- Destroy stigmas surrounding menstrual health and expanding access to hygiene products.
- Awareness programmes and initiatives to promote the significance of menstrual health.
- collaboration of society, Govt, and non-Govt organizations

## Accessible India Campaign (AIC)

With its deadline of June 2022 almost up, the status of targets under the AIC is likely to be discussed during a meeting of the Central Advisory Board on Disability.

### What is AIC?

- AIC or Sugamya Bharat Abhiyan is a program launched to serve the differently-able community of the country.
- It was launched in 2015, the International Day of People with Disabilities.
- The program comes with an index to measure the design of disabled-friendly buildings and human resource policies.
- The initiative also in line with Article 9 of the (UN Convention on the Rights of Persons with Disabilities) which India is a signatory since 2007.
- The scheme also comes under the Persons with Disabilities Act, 1995 for equal Opportunities and protection of rights which provides non-



discrimination in Transport to Persons with Disabilities.

### Recent developments

- The (CPWD) released the Harmonised Guidelines and Standards for Universal Accessibility in India 2021.
- IIT-Roorkee and the National Institute of Urban Affairs of the MoHUA, revised guidelines aim to give a holistic approach.
- Earlier, the guidelines were for creating a barrier-free environment, but now they are focusing on universal accessibility.

### Policy measures for PwDs

- The Union Minister for Social Justice and Empowerment has also launched the "Sugamya Bharat App" to complain for ease accessibility for PwDs.
- India's Rights of Persons with Disabilities Act, 2016, which is the principal and comprehensive legislation concerning persons with disabilities.

# The great omission in the draft disability policy

## Context

The Department of Empowerment of Person with Disabilities (DoEPwD) recently released the draft of the national policy for persons with disabilities.

## Need for a new policy?

- **UN convention:** The necessity for a new policy which replaces the 2006 policy was felt because of multiple factors such as
  - India's signing of the UN's Convention on Rights of Persons with Disabilities.
- **New legislation:** Enactment of Rights of Persons with Disabilities Act 2016
  - Which increased the number of disabilities from seven conditions to 21 necessitated the change.
- **Incheon commitment:** Being a party to the Incheon Strategy for Asian and Pacific Decade of Persons with Disabilities, 2013-2022
- **Changed discourse:** These commitments have changed the discourse around disability by shifting the focus from the individual to society, i.e.
  - From a medical model of disability to a social or human rights model of disability.
- The principle of the draft policy is to showcase the Govt's commitment to the inclusion and empowerment of persons with disabilities

- By providing a mechanism that ensures their full participation in society.

### Absence of commitment to political uplift

- Article 29 of the Convention on Rights of Persons with Disabilities mandates that
  - State parties should "ensure that persons with disabilities can effectively and fully participate in political and public life
    - On an equal basis with others, directly or through freely chosen representatives..."
- Rights of Persons with Disabilities Act 2016 and Incheon goals also promote participation in political processes and in decision making.
- India does not have any policy commitment that is aimed at enhancing the political participation of disabled people.
- Section 11 of the Rights of Persons with Disabilities Act prescribes that
  - "The ECI and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities.
  - And all materials related to the electoral process are easily understandable by and accessible to them".
- Although this mandate has been in existence for a few years, the disabled people still report accessibility issues before and on election day.

- There is often a lack of accessible polling booths in many locations.
- The lack of live aggregate data on the exact number of the disabled people in every constituency only furthers their marginalisation.

### Lack of representation

- Disabled people are not represented enough at all three levels of governance.
- But few states have begun the initiative at local levels to increase participation.
- For Eg. Chhattisgarh started the initiative of nominating at least one disabled person in each panchayat.
  - If a disabled person is not elected then they are nominated as a panchayat member as per changes in the law concerned.

### Recommendation:

- The policy can follow a four-pronged approach:
  - 1] Capacity building: Increasing the capacity and 'empowering members of disabled people's organisation through
    - Training in the electoral system, Govt structure, and basic organisational and advocacy skills'.
  - 2] Legal and regulatory framework: The creation, amendment or removal of legal and regulatory frameworks by lawmakers and election bodies.

- To encourage the political participation of the disabled.

3] Participation of civil society: Inclusion of civil societies to 'conduct domestic election observation or voter education campaigns'.

4] Framework for outreach by political parties: A framework for political parties to 'conduct a meaningful outreach to persons with disabilities,

- When creating election campaign strategies and developing policy positions'

### Conclusion

- The document emphasizes the point that central and state Govts must work together with other stakeholders to "make the right real".
- This right can be made real only when it includes political rights/political participation.