

Securing Access to Rights of Persons with Intellectual and Developmental Disabilities in India

B. V. Ramkumar¹, Wasim Ahmad² & Sailaja Kuruvada³

¹Director, ²Faculty in Special Education (Intellectual Disability) National Institute for the Empowerment of Persons with Intellectual Disabilities (NIEPID), Secunderabad, India, ³Master of Sciences Neuroscience University College London (UK)

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INTRODUCTION

Persons with Disabilities (PwDs) do have the equal right to enjoy human rights to life, equality, security, and dignity like their counterparts without disabilities. Yet, owing to various attitudinal, structural, and systemic barriers, indifferent treatment by the society, and dearth of adequate data, PwDs continue to live as an invisible category in India (Bansal, nd). The census of India gives the statistics that around 1.5 million population lives Individuals with some form of intellectual disabilities Developmental Disabilities (IDDs) of whom 1.2 million are under major non-economic activities in our country. For centuries persons with disabilities have been facing discrimination and are denied to exercise their fundamental rights. Often, they are treated as the neglected part of the society resulting in denial of their rights related to education, employment, and political life (Janardhana et al., 2015).

Despite numerous disability laws in place, our country fails to ensure effective participation of IIDs society due to several hindering factors leaving them stigmatized as less deserved or marginalized. This issue has not gained the attention of the policy makers, educationists, rehabilitation workers, stake holders and politicians yet (Math et al., 2019).

In the legislative development pertaining to disability laws in India, the recent 'Rights of Persons with Disabilities (RPwD) Act (2016)' had gained a welcoming gesture. This act is entitled to implement the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and India being a signatory enforces the rights of people with disabilities to live a dignified life in the community (Narayan and John, 2017).

Corresponding Author- Dr Wasim Ahmad, Faculty in Special Education (Intellectual Disability).National Institute for the Empowerment of Persons with Intellectual Disabilities (NIEPID), Secunderabad, Telangana

Email id- wasimniepid@gmail.com

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The enactment of RPwD Act (2016) reveals a paradigm shift to view the disability as a human rights issue rather than considering it as a social welfare concern. The principles mentioned in this Act ensure the empowerment of individuals with disabilities with regard to dignity, autonomy and freedom to make choices, and their independence. According to the Act, the government will initiate appropriate plans and welfare programs within its economic capacity to enable them to live independent life in the society (Ahmad, 2017).

It was first time in the Indian history the RPwD Act (2016) ensures the right to free education for the persons with intellectual disability who are under 18 years of age. Also, the act provides 4% employment reservation for the persons with disabilities including those with intellectual disability. It has to be realised that if the of the law are not revitalized, persons with disabilities cannot completely enjoy their rights. The scope of the law

should be expanded to provide a barrier free and friendly environment for persons with disabilities to overcome the barriers that impede their progress (Laddha, 2016).

Persons with disabilities face specific challenges in higher education not only in terms of gaining physical access to buildings, but also in relation to broader access issues concerning the curriculum adaptation accommodation, teaching, learning and assessment. Based on the most conservative estimate for the disabled youth population in the country (NSSO, 2003), just 1.2% of the 3.6 lakh youth with disabilities are enrolled in the Universities and Colleges. It brings the stark reality into an established truth that India's higher educational system is not accessible to 98.8% of its disabled youth which includes persons with intellectual disabilities also (Ahmad, 2016).

Disability Rights India Foundation (DRIF), National Centre for Promotion of Employment for Disabled People (NCPEDP) and National Committee on the Rights of Persons with Disabilities (NCRPD) published its report on 'status of implementation in the States and UTs of India' in the year 2018 after two years of implementation of RPwD Act (2016). The report exposes that the status of implementation of Act, 2016, is discouraging even it has been enacted for two years. Many of the States have not even started the implementation of the Act. Moreover, the sixty percent of the States that responded to this survey did not seem to notify the State Rules. It was also noted that very less number of jobs were reserved for persons with mental illness, intellectual disability, autism spectrum disorder, specific learning disability and multiple disability. This scenario reveals that an assumption of incapability of the PwID (DRIF, NCPEDP and NCRPD, 2018).

Human Rights Watch report (2014) indicates that female with intellectual disabilities who also have psychosocial issues had to encounter abusive conditions such as overcrowding and poor hygiene, lack of access to general health and support services, and violence in terms of physical, verbal, and even sexual especially in residential institutions. India's Mental Healthcare Act (MHA) (2017) reports that persons with intellectual disabilities become abandoned and homeless because of the lack of availability of effective and affordable services that are meant for them and their families.

The Act also states that violation of their rights has become a common reality particularly among the vulnerable population such as persons with intellectual and developmental disabilities in residential institutions. Hence, it could be understood that the helping the persons with intellectual disabilities to secure their rights is substantial for them to live independently (Swaminath et al., 2019).

Recommendations

Policy makers and stakeholders should initiate monitoring mechanisms to access of basic right to IDD including education, employment and healthcare. IDDs should be encouraged to form self-advocacy groups so that they can give voice for their rights. Government and private sectors should create opportunities for the IDDs to enter open employment so that to utilize their full potential. As practiced in the developed countries, independent living homes are to be established by the government and non-government agencies to help them lead a dignified and meaningful lives. Collaborative approaches to bring changes in the societal attitudes which is the need of the hour would be a steppingstone in the reformation of their lost rights.

Conclusion

The IDD who are considered as underserved population of the society need the intense attention from all sectors to fulfil their basic rights and enjoy the freedom like any other individual. This article tries to shed limelight on the strong need of establishing comprehensive rehabilitation and support systems across the nation to address the challenges faced by IDDs in an organized manner. There should be a focussed effort to sensitize the policy makers and public to identify and patch up the loopholes in the implementation of the disability acts which hope to enhance the quality of life of IDDs. In last one decade India has come up with multiple acts and policies ensuring equal access to persons with disabilities. However, Public Private Partnerships (PPPs) is very much needed for equal participation.

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