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Human Rights Concerns of the Differently Abled: A Brief Study

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Abstract:

This paper's central contention is to show the plethora of difficulties and challenges faced by the differently abled. A detailed account is provided about their problems, various stereotypes and perceptual issues they have been facing from time to time. Also an attempt has been made to understand the human rights concerns of the differently abled and formulating various statutory measures that shall provide them with an environment which fulfills their material/ emotional/ financial and psychological needs and integrate them better into the mainstream society.

Keywords: Disability, differently abled, marginalized, dependency, barriers, government, policy instruments, non government organizations, strategies.

1. Introduction: Disability- A Conceptual Framework

This paper aims to develop contextual specifications of difficulties faced by differently abled people residing at Khanpur village, Punjab, their human rights concerns and the role of Government and local Non Government Organizations in resolving their concerns and issues. World Health Organization defines disability as an umbrella term, covering impairment, body limitation and participation restriction. There are numerous causes of disability such as malnutrition and poverty leading to increase in susceptibility to disabling conditions, occupational hazards, wars and crimes, traffic hazards accounting to disability. The work draws on segregation and discrimination of differently abled, which is a worldwide phenomenon. It's of paramount importance to get over the stereotypes and help protect their rights and give them a stable environment to prosper. This paper also puts forth various recommendations and proposals for the government, society, non government organizations and the media so that the differently abled can cope better with various hindrances and challenges in their lives and live with dignity.

1.1. Problems and Challenges: An Overview

In village Khanpur, Punjab, the settlement of differently abled is due to the existence of Resource Centre in Khanpur, which is funded by Central Government and caters to educational and vocational requirements of differently abled and because of close proximity of hospitals. A detailed study into their lives indicates manifold increase of difficulties in their lives. There are number of obstacles that limit the potential of differently abled. The challenges and problems create roadblock for differently abled and do not let them progress at a speed which normal human beings are able to do. Primarily suffering from bodily hindrances (hearing handicap, blindness, locomotor disability, and leprosy cured person), mental illness and mental retardation, sexual problems and hormonal imbalances. They are subjected to number of social problems such as indifference, ridicule and exclusionary attitude of the society. With number of environmental barriers (inaccessibility of public and private buildings, colleges and communication system), institutional barriers (includes expulsion, exclusion and segregation from key social institutions), attitudinal barriers (treating disabled with prejudice and regard them as incapable, they are a marginalized group. They also face psychological problems such as neglect, segregation and regard them as incapable, inadequate, tragic, pathetic and dependent on charity) negative perceptions and marital problems, howsoever competent a person is, they tend to find a perfect match with great difficulty. With perceived incompetency in a job, dependency on the family and other such economic problems they are further differentiated. The mesh of problems is caused by innumerable biological and environmental factors. Some of them are:

- a) Heredity: Disability can be biological, when a person is born, he might suffer from a disability already. It can be related to physical features of the body or sensory features. Many studies indicate that the mother's health during pregnancy can be one of the reasons. The mother during pregnancy must avoid smoking, substance abuse and drinking.
- b) Poverty: Poverty and disability influence each other and create new forms of barriers. People with disabilities are estimated to make to 15 to 20 percent of poor in developing countries. Inequitable economic conditions, lack of sanitation lead to disability. Poverty also leads to malnutrition which in turn increases the susceptibility to disabling conditions and lead to deficiencies such as Vitamin A (causing blindness), Vitamin D (causing soft and deformed bones) and Iron deficiency.
- c) Occupational hazards: Low standards of safety and hazardous working conditions often results in high rates of accidents, poisoning from toxins, health deterioration, all of which contributes to short and long term disability.

- d) Wars and disability: The disasters caused by armed conflicts are immeasurable. War has been a large fact responsible for causing permanent disablement. Physical and psychiatric disabilities in war torn countries occur not just due to war injuries but are caused by diminishing returns.
- e) Crimes and disability: Crimes not only leave people with a sense of insecurity and fear but also deprive them of life and liberty. There are cases of many children and women who are abducted and disabled custodial crimes have gained attention.
- f) Traffic hazards: Rapid growth in number of vehicles and reckless driving has been responsible for increasing number of road accidents which lead to number of disabilities. The passersby are hit by rash drivers and are left disabled.

2. Literature Review

Disability and the concept is in vogue since times immemorial but earlier it was a naïve concept which expressed disability as sickness or inability to do anything. But with the passage of time, the term “Differently Abled” was coined by US Democratic National Committee in the early 1980’s as a more acceptable term that handicapped or disabled. These words were taken as dehumanizing as they treated them as an undifferentiated group. Different models of disability emerged from time to time. The charity model depicts disabled as victims of circumstances, biocentric model defines disabled people by their illness or medical condition, functional model defines disability as a role failure and human rights model positions disability as an important dimension of human culture and emphasize that they are entitled to human rights. Various critical thinkers have gone into depth and reflected on the challenges faced by differently abled, delved deeper into their lives, reviewed changes in perception of people and society towards them from time to time and have put up remedial proposals. The following are some of the important scholarly works on the differently abled:

- a. Nidhi Singal’s *Disability, Poverty and Education* provides review of various causes that mostly lead to disability and puts them in a vicious circle of further problems.ⁱ Poverty and lack of education, which leads to lack of awareness and other interrelated causes are discussed in detail.
- b. Renu Addalakha’s *Contemporary Perspective on Disability in India* synthesis the fact that disabled people suffer from political exclusion and lack of access of basic services. There is a social and cultural marginalization and devaluation of oppressed group within in-group and out-group.ⁱⁱ This demoralizes them and does not let them feel like part of the contemporary society.
- c. Ali Bacquer’s and Anjali Sharma’s *Disability Challenges Vs Responses* addresses innumerable challenges persisting in the lives of differently able that hamper their progress and also their day to day life, affecting severely the quality of their lives.ⁱⁱⁱ Some of the responses are discussed in whereby few recommendations are given, which can be of some help in attacking prevalent barriers.
- d. Mohit Chaudhary’s *Disability Manual* points to the fact that disability is a pervasive dimension of human culture and redefines norms of social justice and human rights.^{iv} Differently abled are entitled to different human rights and these human rights are granted by international and national instruments.
- e. Rob Imrie’s *Disability and the City International Perspective* mirrors people with disabilities as one of the poorest groups in Western societies. In particular they lack power, education and opportunities. The dominant societal stereotype of disability as ‘pitiful’ state reinforces the view that people with disabilities are less than human.^v
- f. Ali Bacquer’s *Disabled, disablement, Disablism* reflects on innumerable physical, psychological and social challenges that the disabled face in their lives. Innumerable barriers that hinder their progress and number of responses to counter attack them are explained in detail.^{vi} There is a need for the disabled people to be aware of their rights and speak up in case of violation.

3. Response at National and International Level

National and International Instruments such as Conventions and Declarations grant Civil, political, social, economic and cultural rights, security rights to differently abled. Throughout 1990’s, United Nations conferences dealt with disability rights and addressed the needs for protective instruments. Various international instruments such as Universal Declaration Of Human Rights (UDHR) 1948- Article 7 (guarantees equality before law and equal protection by law for all people) and Article 25(1) (mentions about disability saying Right to an adequate standard of living including food, clothing, housing, medical care and the right to security in event of unemployment, sickness, disability, old age) ; International Covenant on Civil and Political Rights (ICCPR) 1966- Article 7(provides right of freedom from torture and other cruel, inhuman treatment), 9 (involuntary or forced institutionalization of a person with mental or psychiatric disability proper safeguards), 26 (guarantees equality before law); International Covenant on Economic, Social and Cultural Rights 1966- Article 2 (states that the state parties are required to take appropriate measures, to maximum extent of their available resources, to enable persons to overcome any disadvantages, in terms of employment of rights specified in covenant, flowing from disability) , 6(guarantees proper workplace accessibility to disabled person with disabilities with adequate technical and vocational guidance to improve the capabilities),12 (Right to health) ,13 (Right to education) ; Declaration on Rights of Disabled persons 1975; Beijing Declaration on Rights of people with Disabilities 2000 work towards the betterment and protection of rights of differently abled.

Even there are number of policy instruments at national level in India that benefit differently abled. Various constitutional provisions such as Preamble, Articles 14(Equality before law), 15 and 16 (prohibits discrimination in matter of employment and access to public facilities on grounds of religion, race, sex, caste and sex),21(guarantees right to life and personal liberty), 41 (declares that 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), 46(obligation of state to promote with special care the educational and economic interests of weaker sections of the people) along with various national disability acts such as Equal opportunities, Protection of rights, Equal opportunities Act 1995; National Trust for welfare of persons with autism, Cerebral Palsy,

Mental retardation, Multiple disabilities act 1999; Mental Health Act 1987 and Rehabilitation Council of India Act 1992 which fully protect their rights and concerns.

Even number of policies have been initiated by Punjab Government such as promoting education of differently abled under 'Sarv Shiksha Abhiyan' and providing scholarships to differently abled, more opportunities for employment and establishment of Vocational rehabilitation centre, Introduction of disability pension has further given them a boost for sustenance.

4. Facing the Reality

The fieldwork helped to collect hands on information and knowledge about their day to day life and how the differently abled tend to deal with them. Majority of them are uneducated and unemployed. Many of them are unmarried and dependent upon their families. The respondents expressed that they felt awkward in social circles as they were depressed, could not express themselves, felt neglected and irritable. Differently abled demanded of a life of respect and dignity. Analysis was also done if the differently abled of Khanpur village were satisfied with local Government support and majority replied in positive. The benefits of the National acts and schemes were trickling down to the local areas. While few lapses have been observed in the implementation and it has been taken care of at large. We may locate number of differently abled individuals have been left behind by their own families and are at mercy of the Government. The total number of disabled persons in India is 4,24,523 out of which 2,97,108 are from rural areas and 1,27,505 are from Urban areas (Source: Census of India, 2011)

Differently abled wanted more vocational rehabilitation centre's, special residential areas, allowance to be increased and a separate matrimonial bureau. On research, it came to light that the resource centre at Khanpur administered majority of their special needs. It was a painful experience to see the parents and the caretaker's perceived them as a burden and was least bothered about their welfare. While on my field work, I also interacted with the doctors in the local dispensary, synthesizing the fact that doctors gave special treatment to differently abled persons, separate queues were formed for them, availability of wheel chairs, pick and drop provision was availability. The doctors also counsel them to realize their special abilities and not be demoralized. Most of the scholarly work on disability deals with studying the theoretical framework, devising models of disability but less work is done whereby you delve deeper into their real lives, the real on ground challenges they are facing and coming down to strategies to overcome the challenges.

5. Strategies to Overcome the Challenges

Differently abled are marginalized group and after I analyzed the survey findings and observed the lives of differently abled, I reflected on the fact that there are certain loopholes in different areas of Government, media and society which need to be plugged out. Society as a whole, government, Non Government organization, media need to work collaboratively to provide them with an effective and a satisfying environment where differently abled can breathe freely, live independently as a normal able bodied person and live with dignity. Some of the strategies which can help us achieve this are:

- a) Priority should be given to make society environmentally barrier free. The public places, buildings, roads, footpaths, transport facilities should be designed in a way that they are disabled friendly.
- b) Awareness generating programmes for differently abled so that they are abreast with the benefits that they can avail. To cover issues related to disability, schemes and provisions for people with disability should be promoted in media and promote positive attitude towards differently abled. There is a need for differently abled to be fully aware of their rights, various acts so that nobody exploits them unnecessarily.
- c) More jobs to be created for them in formal and non formal sectors. Employment opportunities need to be recognized as per their competent skills they possess and given that particular job. This will free them from being dependent on their families and make them independent and help lead a secure life.
- d) Priority should be given to poor persons with disabilities in poverty alleviation programmes and also differently abled women need to be specially taken care of. Poverty is stated as one of the main causes of disability and needs to be dealt with.
- e) Media must play an important role to modify the negative perceptions against differently abled. Various programmes portraying differently abled as meek, obsolete and dependent people must be banned. Such programmes should be telecast which serve as an inspiration to these differently abled people to do better in their lives.
- f) Police needs to be extra careful in cases related to crimes against differently abled and need to take stringent action against the person committing the crime against differently abled. Various crimes such as exploitation, sexual crimes etc need to be dealt.
- g) Government must increase the disability allowance so that their caretakers do not feel them as a burden. The allowance should be at least this much that their basic needs are well satisfied. These strategic steps may help in bringing a radical positive change.
- h) Priority must be laid on proper implementation of legislative measures, constitutional provisions and periodic surveys and research work needs to be done to study the current situation of differently abled and remove any loopholes present in the legislation.
- i) Medical sector needs to be more concerned and efforts should be put to early diagnose, prevent and treat the disabled people and their family also needs to be careful and concerned about them. The family should not have an unbothered attitude towards them since this exclusionary attitude in life further lowers their morale.

6. Conclusion

This paper's central contention is to show how differently abled were have been oppressed and discriminated from times immemorial, when a differently abled was born in a family, it was considered a bad omen and with the changing times, the notions have changed a bit. There are numerous problems and challenges that differently abled individuals face, there problems should be no longer deliberately ignored. There are plenty of biological and environmental causes which further these problems. Though the emergence of

advocacy groups for the disabled, the creation of legislative frameworks to safeguard their interests in several countries. The chronic indifference must be replaced with collaborative understanding of families, society, Government and the Civil society organizations to create awareness, enlightenment and purposive action for good of disabled and non disabled people alike as there is a need for creation of egalitarian society. The statutory welfare measures and various acts of disability are comprehensive measures to mitigate the suffering of differently abled groups. The problems of these people should not be ignored deliberately or inadvertently and there is an utmost desire for creation of a society where everyone is treated equally without discrimination on any basis. They require a support system which would help them explore their potentials. Their human rights concerns are well analyzed so that any loopholes could be plucked and differently abled are not perceived as a liability anymore. There is an immense need for differently abled to be better integrated into the mainstream society.

7. References

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