

Special Policies for Special Children: A Policy Review

Aafreen Naz*¹ and Prof. S.M. Jawed Akhtar²

Abstract: The children born with special status are the indispensable part of our nation. They are the citizen of the country just like others although they need certain special treatment because of their special needs. The government of India tries to fulfill their requirements. It plays the role of guardian to secure their rights and ensure safety and security. The efforts of GOI are to make the Children With Special Needs (CWSN) the asset for the country. The major schemes, policies and laws are being reviewed in order to analyze the progress and ways to face the challenges.

Keywords: Disability, Security

1. Introduction:

Disability is no longer an issue that cannot be brushed up intensively. The disabled persons have to prove that they are equally capable and efficient individuals at one step or the other. It is the duty of the government to provide a sound and positive support system. The international Human Right Commission gave two broad principles one is equality and the other one is diversity for Persons with Disability (PWD). The United Nations Charter affirms the essentiality of “a universal respect for, and observance of human rights and fundamental freedoms for all without distinction”. It propagates that the PWD individuals sanction to exercise their civil, political, social, economic and cultural rights on an equal basis with others under all the international treaties. The Constitution of India equally applies to every legal citizen of India, whether they are healthy or disabled in any way such as physically or mentally. The Physical Disability is of different kinds like Blindness, Leprosy cured persons, Hearing impairment, Loco motor Disability, Mental Illness and Mental Retardation, Autism, Cerebral Palsy, Learning Disabilities (Dyslexia), Writing Disabilities (Dysgraphia) etc. The mental disorder is the inability which arises due to psychiatric disorder in an individual. India has worked a lot to provide safe guard and equivalent rights to these people from time to time. The Indian Constitution guarantees the following rights to differently abled persons:

1. The Constitution secures to the citizens including the disabled, a right of justice, liberty of thought expression, belief, faith and worship, equality of status and of opportunity and for the promotion of fraternity.
2. Article 15 (1) enjoins on the Government not to discriminate against any citizen of India (including disabled) on the ground of religion, race, caste, sex or place birth.
3. Article 15 (2) States that no citizen (including the disabled) shall be subjected to any disability, liability, restriction or condition on any of the above grounds in the matter of their access to shops, public restaurants, hotels and places of public entertainment or in the use wells, tanks bathing ghats, roads and places of public resort maintained wholly or partly out of government funds or dedicated to the use of the general public. Women and children and those belonging to any socially and educationally backward classes or the Scheduled Castes & Tribes can be given the benefit of special laws or special provisions made by the State.
4. There shall be the equality of opportunity for all citizens (including the disabled) in matters relating to employment or appointment to any office under the State.
5. No person including the disabled irrespective of his belonging can be treated as an untouchable. It would be an offence punishable in accordance with law as provided by Article 17 of the constitution.
6. Every person including the disabled has his life and liberty guaranteed under Article 21 of the constitution.
7. There can be no traffic in human beings (including the disabled), beggar and other forms of forced labor is prohibited and the same is made punishable in accordance with law (Article 23).
8. Article 24 prohibits employment of children (including the disabled) below the age of 14 years to work in any factory, mine or engaged in any other hazardous employment. Even a private contractor acting for the Government cannot engage children below 14 years of age in such employment.
9. Article 25 guarantees to every citizen (including the disabled) the right to freedom of religion. Every disabled person (such as non-disabled) has the freedom of conscience to practice and propagate his religion subject to proper order, morality and health.
10. No disabled persons can be compelled to pay any taxes for the promotion and maintenance of any particular religion or religious group.

¹ Research Scholar, Department of Economics, Aligarh Muslim University, Aligarh

² Professor, Department of Economics, Aligarh Muslim University, Aligarh

11.No disabled persons will be deprived of the right to the language, script or culture which he has or to which he belongs

12.Every disabled person can move to the Supreme Court of India to enforce his fundamental rights and the rights to move the Supreme Court is itself guaranteed by Article 32.

13.No disabled person owning property (like the non-disabled) can be deprived of his property except by authority of law though right to property is not a fundamental right. Any unauthorized deprivation of property can be challenged by suit and for relief by way of damages.

14.Every disabled person (like the non-disabled) on attainment of 18 years of age becomes eligible for inclusion of his name in the general electoral roll for the territorial constituency to which he belongs.

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Thus,these persons enjoy the special status in India. In spite of this authentic and constitutional guarantees India has formulated certain laws such as the Persons With Disabilities Act 1995 (it deals with the issues like equal opportunities , Protection of Rights and Full Participation), Mental Health Act 1987, Rehabilitation Council of India Act 1992, National Trust for Welfare of persons with Autism, Cerebral palsy,Mental Retardation and Multiple Disabilities Act 1999, Education Laws, Health laws , Family Laws, Succession Laws, Labor Laws, Judicial procedure and National Policy for Persons with Disabilities.

2. Review of Literature

Sightsavers (2011) in his book analyzes all the relevant laws and Act related to persons with disabilities. They generalized the progress of each state of India in grants and scholarship and rehabilitation issues etc.It conclude by highlighting the major drawbacks of major schemes like the national schemes are not in accordance with the national laws, scheme variation from state to state, lack of awareness, high unemployment,exclusion of many mental diseases, lack of recognition to women with disabilities, galloping of funds etc.

Jiloha (2007) in his work describes the foundation of mental retardedness and the development of mental hospitals in the country. It discusses the Indian Lunacy Act 1920 and highlights the main lacunas in it.He outlined that this Act does not keep a pace with the changing scenario of psychiatry and regard it as outdated. He also analyzed the drawbacks of the Mental Health Act 1987. He pointed out that this Act is also not covering the relevant mental diseases and not providing relevant provisions regarding the care and treatment.

The Constitution of India(1951) provides the basic fundamental rights to allits citizen irrespective of caste, creed, race, color religion and place of birth. The same applies for the disabled person although they enjoy special status guaranteed constitutionally. It provides ample authenticity to disabled persons to live their life with dignity and equality.

3. Objectives

There are following objectives:

1. To analyze the present status of persons with disability in India.
2. To examine the existing laws and Acts those are being enacted by the government
3. To provide suggestions after analyzing the state of affair.

According to Census 2011, in India, out of the 121cr population about 2.68 Cr persons are disabled which is 2.21% of the total population. The currently much debated and heating issue that is inclusive development must include the welfare and development of disable individuals. The sustainable development goals aims to eliminate poverty and hunger to tackle inequalities within and among countries, to build peaceful, just and inclusive societies, to protect human rights and promote gender equality and the empowerment of women and girls. The following table table provides the account of the disable person to total population.

Table: 1 Disabled population on the basis of Sex and Residence India, 2011

Residence	Persons	Males	Females
Total	26,810,557	14,986,202	11,824,355
Rural	18,631,921	10,408,168	8,223,753
Urban	8,178,636	4,578,034	3,600,602

Source: Ministry of Human Resource Development Report 2011

Table 2: Decadal change in Disabled population on the basis of sex and residence , India (2001-2011)

Residents				Percentage Decadal Growth		
	Persons	Male	Female	Persons	Male	Female
Total	49,03,788	23,80,567	25,23,221	22.4	18.9	27.1
Urban	22,43,539	9,97,983	12,45,556	13.7	10.6	17.8
Rural	26,60,249	13,82,584	12,77,665	48.2	43.3	55.0

Source: MHRD

Table 3: Proportion of Disabled Population in the Respective Age Groups India, 2011

Age-Group	Persons	Males	Females
All Ages	2.21	2.41	2.01
0-4	1.14	1.18	1.11
5-9	1.54	1.63	1.44
10-19	1.82	1.96	1.67
20-29	1.97	2.22	1.70
30-39	2.09	2.41	1.77
40-49	2.31	2.66	1.94
50-59	2.83	3.16	2.47
60-69	4.15	4.41	3.89
70-79	6.22	6.26	6.19
80-89	8.41	8.33	8.48
90+	8.40	7.88	8.85
Age not stated	3.07	3.21	2.91

Source: MHRD

4. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995

This Act was enacted to give effect to the Proclamation on the Full Participation and Equality of the People with Disability in the Asian & Pacific Region. The aims and objectives of the Act are:

- To spell out the responsibility of the state towards the prevention of disabilities, protection of rights, provision of medical care, education, training, employment and rehabilitation of persons with disabilities;
 - To create a barrier free environment for person with disabilities in the sharing of social benefits.
 - To counteract any situation of abuse and exploitation of persons with disabilities; and
- The main drawbacks of the persons with disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act (PWD act) 1995.

1. It is not recognizing that disability is not just about impairment but about the manner in which the social environment disables individual.
2. It is not possible to ascertain the 40 percent Disability for intellectual and psycho-social disabilities.
3. It leaves people with disabilities at the mercy of the state because they have to obtain a disability certificate verifying that they are more than 40 per cent disabled.

5. The Mental Health Act 1987

This Act to consolidate and amend the law relating to the treatment and care of mentally ill persons, to make better provision with respect to their property and affairs and for matters connected therewith or incidental thereto. The major problems with this act are as follows:

- The definition of mental disability does not include the mental retardation without providing any option for the provision of proper care and treatment.
- No penalty for patients detained under the dargahs, shrines and other places of faith.
- The mental health Act in its present form has raised many controversies due to lack of proper understanding of the Act on the part of the Government and absence of organized Mental Health authority in many states.

6. Certificate of Disability

The certificate of disability is the official document of the person to recognize themselves as disabled in the eye of government in order to avail many of the benefits and concessions. Despite this noble effort there are certain hurdles in its success. The main problems of certificates are as follows:

- The process of obtaining the certificate of disability is a lengthy and cumbersome for the people.
- The privacy of the individual is distorted in the process.
- Lack of digitized method in obtaining the certificate.

7. Disability under Sarva Shiksha Abhiyan Programme

Sarva Shiksha Abhiyan is the much ambitious umbrella scheme of the central government which provides the primary education to all the children in India. An amendment to Article 21 of the Constitution and provide constitutional guarantee of primary education for all, the first assessment of the Sarva Shiksha Abhiyan (SSA) by the Comptroller and Auditor (CAG) warns that the nation may be quite at a distance from that goal even with the revised deadline of 2007. But there are misallocation and misuse of funding. There is also lack of monitoring for normal what to say about disabled children.

8. Conclusion

The government of India is providing a considerable number of services and benefits to all disabled citizens of India. The main welfare schemes are central to the theme of imparting scholarship for higher education, aid to purchase instruments, free distribution of tools, easy loan policies for entrepreneurship are provided. The recent suggestion of our PM Mr. Narendra Modi such as entitling differently abled as 'divyang' in place of viklang is a good initiative to reshape the mindset of the masses. India is a very big country and also the developing one which is facing many ills such as corruption, poverty along with other developmental approaches. Hence it is obvious to encounter the problem like misallocation of resources, galloping in funding, lack of monitoring etc. the government must frame its laws in a just way. It should take some steps to change the perspective of its employees instead of changing the employees. It must transform its basic content of the existing schemes in order to curb out the fallacies. The structural change with a vision to provide the social security to all its citizens is directly needed by the country. A comprehensive policy with the right based approach can be initiated in order to provide equality to the disabled citizens. It must build laws against the discrimination of these individuals.

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