

Empowerment through Policy Framework: An Analysis of the Draft National Policy for Persons with Disabilities

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Abstract: *The National Sample Survey report (2018) in India describes that the prevalence of disability is 2.2 %, which is similar to the figures from the 2011 census i.e. In India of the 2011 census, there were 2.68 crores of persons living with disabilities. In 2006, the Indian Government framed a national policy for differently-abled persons covering the prevention and rehabilitation of disabilities. It also focuses on the rehabilitation of women and children with disabilities, facilitating a barrier-free environment, improving social security, initiating research, and formulating guidelines, among others. Later after 15 years, in 2021, the Ministry of Social Justice and Empowerment released a draft National Policy for Persons with Disabilities (Dinnyangan). The scenario in 2021 has faced many changes compared to that of 2006. One important legislative development was the implementation of the Rights of Persons with Disabilities Act in 2016, followed by the adoption of the National Education Policy in 2020. In better alignment with global initiatives, India ratified UNCRPD and acceded to various international resolutions directly or indirectly related to PwDs. The paper illustrates India's National policy for persons with disabilities. Generally, governments' policies are a means and mechanism for addressing the needs of citizens. Even in terms of disability, this existing policy and the new draft is a vehicle of sought-after change, which is the empowerment and inclusion of PwDs. Hence, the policy should consider the needs of the recipients and that it can meet those needs. The purpose of the current paper is to analyse the current policy as well as the recent draft policy, its strengths and weaknesses, and to identify areas that need attention.*

Keywords: Disability, Empowerment, Inclusion, National Policy, Policy for Persons with Disabilities

INTRODUCTION

Based on the UN population estimates, India is the world's largest democracy and now also the world's most populous nation, and home to a large population of persons with disabilities (PwDs). This category of population includes a wide range, such as physical, sensory, or intellectual disabilities. The types of challenges and obstacles they experience in their life are entirely different from those without disability. Specifically, they struggle with and experience barriers in many spheres like as education, health services, employment, social inclusion, transportation, and so on (Limaye, 2016; Singh, 2023; Jindal & Chari, 2015; Jahan & Holloway, 2020). These challenges are primarily the result of societal attitudes, a lack of accessibility, and insufficient support and resources for them.

The Government of India (GoI) formulated a National Policy for PwDs in February 2006. In the years following, there were many changes happened in India which is directly or indirectly related to disability and PwDs. The change is apparent not just across the country but also beyond it, in international commitments. In 2007, India ratified the United Nations Conventions on the Rights of Persons with Disabilities (UNCRPD), committing the State to protect the rights of PwDs. RPwD Act, 2016 which was passed to harmonize with UNCRPD provides a wide range of enabling provisions for protecting their rights. Further, India has implemented several policies aiming at their inclusion in education, such as the National Education Policy (NEP), 2020. The country also committed to global pacts like the UN Sustainable Development Goals and The Incheon Strategy for the Asia Pacific Decade for Persons with Disabilities.

Over time, the needs of PwDs keep changing and the policies and programmes can never be static and should always be up to speed and adapt to changing needs. PwDs are a dynamic, diverse, and inhomogeneous category; a wide-ranging group with different types of impairments, conditions, and experiences that can vary widely from person to person, therefore, a nuanced and holistic understanding of the diversity of disability is crucial to the development of effective policies and programmes.

NATIONAL POLICY FOR PWDS, 2006

It is a significant intervention, which aims with the broad goal of full participation and empowerment of PwDs in every context of their lives. It recognizes their diverse needs and capabilities. It aims to empower them to live with dignity, active participation, and meaningful contribution to the country's development. The rights-based approach is a

central focus of the policy and entails acknowledging the human liberties of PwDs and their dignity, preventing discrimination, mandating equal opportunities, and facilitating participation in all areas of life. The importance of collaboration and partnerships between the Government, civil society, and the private sector in reaching the policy's aims are also pointed out in this policy.

A major focus of the policy is disability prevention through awareness and disease prevention programmes, rehabilitation measures that include physical, educational, and economic rehabilitation, facilitating early diagnosis and counselling and medical management, and assistive devices. Moreover, the right to education, a basic human right, is emphasized, along with the importance of inclusive education, which is fulfilled through various programmes. Employment in the Government and private sectors, as well as self-employment and vocational training, is a part of economic rehabilitation strategies. Specific focus on children, women, and the barrier-free environment. The policy also includes the issuance of disability certificates, social security, the role of non-governmental organisations, collection of disability data, research, and amendments to existing legislation.

Overall, the policy is intended to improve the quality of life of the PwDs. While this policy has existed for many years, a lot of concerns need to be addressed regarding many suggestions proposed in the policy, including a lack of awareness in vulnerable groups, mainly in rural areas (Lekha, 2020). In 2021, the Social Justice and Empowerment Ministry came out with a draft of a new policy for the PwDs after fifteen long years of policy implementation, with a focus on new developments and changing scenes of the country to uplift the PwDs.

DRAFT NATIONAL POLICY FOR PERSONS WITH DISABILITIES

The Draft was published by the Government of India in 2021 as an alternative to the Policy released in 2006. The draft focused primarily on twelve domains to address many of the challenges PwDs face; such as social security, employment, education, and accessibility. The draft policy puts a strong emphasis on ensuring lifelong inclusion for the PwDs.



Figure 1: The twelve domains proposed in the Draft National Policy for Persons with Disabilities

Prevention, Early Identification, and Intervention:

We all know the saying 'prevention is better than cure', which highlights the need to take steps to prevent problems from occurring, rather than addressing them once they have occurred. The draft places disability prevention by trying to avoid and minimise disability occurring as the first domain. It proposes a comprehensive nationwide programme for all categories of disability and medical conditions with disability potential. Through the expansion of preventive measures, this programme can effectively reduce rates of disability occurrence, improve well-being, and promote inclusiveness. The draft outlines that research-based surveys will help in the identification of root causes and factors of prevalence and risk for disability and these will help to develop preventive strategies. This further reinforces the commitment to evidence-based decision-making. Providing training and sensitisation for the frontline workers on the causes and preventive aspects of disabilities enables them to detect early signs, give support and actively participate in community prevention, the draft further mentioned. The draft advocates for the establishment of Cross Disability Early Intervention Centres in every district. This will be a good step for early identification and intervention of disabilities. These centres could offer integrated services of assessment, diagnosis, interventions, and support for infants and young children (0-6 years) at risk of disabilities or with disabilities. Early identification and prompt interventions increase general well-being, improve developmental deficits, and enhance functional capabilities.

Certification of Disability:

The disability certificate becoming compulsory for availing the benefits of various schemes run by the Government. The draft provides a detailed framework that aims at an easy certification process that involves issuing certificates in 30 days, providing requisite facilities at district hospitals, minimising the number of visits for assessment through mobile certification teams, and digitising the assessment process under the Unique Disability ID (UDID) initiative. This not only enhances the efficiency of the certification process but also helps in establishing a consolidated database which can further be connected with multiple service delivery schemes to enable proper implementation and for PwDs, further access to the eligible benefits and support system. Furthermore, this can help to avoid misuse or false claims and ensure that resources and support are provided to individuals when needed.

Education:

This draft aims to provide all children with a disability with an equal opportunity and this can be achieved by emphasizing a few key factors. The RPwD Act lists rules that educational institutions must follow, and the draft mandates that each district should have a designated officer to monitor and ensure the admission of students with disabilities in inclusive schools. For children who are not able to take part in inclusive education, there will be dedicated schools and home-based learning schemes available. Besides, the focus will also be on creating e-content, making campuses inclusive, and devising curriculum and evaluation methods catering to their requirements. The RPwD Act will be aligned with the Right to Education Act, and information technology utilization will be promoted to educate children with disabilities (CwDs). The focus would also be on teacher training, reservations in higher education, and finances for

aids and assistive devices. This will be achieved through the facilitation of effective partnerships with the Government, the private sector, and civil society to engender positive attitudes towards CwDs. The Ministry of Education will create a coordination mechanism to ensure that Indian Sign Language and closed captioning in educational videos are integrated.

Health:

PwDs are more vulnerable tend to face poorer health outcomes, and encounter greater constraints in daily functioning compared to the person without disability because of health inequities, as stated by the WHO. The draft policy advocates access to affordable healthcare for PwDs and also aims to ensure accessible health services, strengthen health infrastructure and sensitise mental health authorities. The recommendations focus on integrating traditional Indian healthcare (AYUSH), introducing disability modules in medical courses, aligning the program Ayushman Bharat Pradhan Mantri Jan Arogya Yojana (AB-PMJAY) with the RPwD Act, and disability-specific research and interventions. The draft policy asks to provide universal coverage and therapeutic services for them and link healthcare institutions to a common database under the UDID Project. Also, collaborating with institutions and including PwDs in the planning and monitoring of healthcare programmes.

Employment:

The employment domain of the draft policy intends to improve employment opportunities for PwDs in the Government and the private sector. Initiatives include

- an employment portal at the national level
- awareness campaigns
- reviewing the National Action Plan for Skill Development of PwDs
- strengthening of recruitment systems, and
- ensuring equal opportunity policies and accessible workplaces.

Financial assistance schemes would be implemented, vocational training centres integrated, a partnership with SIDBI Startup Mitra established, and success stories of differently-abled entrepreneurs would be shared to inspire others.

Sports, Culture, and Recreation:

The draft policy aims to uphold the requirements outlined in the RPwD Act, 2016 as well as UNCRPD, through a various intervention. That includes setting up special disability sports centres in every zone where residential training and support will be given to PwDs. They will also get access to facilities for the mainstream sports, with allocated time slots to train. Encouraging and recognizing winners of Paralympic games. Sports equipment procurement will be encouraged for them along with their involvement in designing participation schemes. Public Sector Undertakings will support inclusive cultural programmes and accessibility will be enhanced in various venues.

Accessibility:

This domain aims to create an inclusive environment for PwDs through various measures. That includes incorporating accessibility standards in local building bylaws and accessibility provisions for new public buildings.

Accessibility and universal design will be part of the engineering curriculum. Accessibility features will also be incorporated into public passenger buses and cars and action plans will be prepared for making existing buildings accessible. Railway and metro systems, airports, ships, and websites will be made to be accessible. Sign language interpretation and closed captioning would be available for TV content and videos. Maintaining compliance with accessibility standards will be monitored by respective ministries and domain regulators which will issue such guidelines. It shall provide guidelines where necessary for modifications in personal vehicles and will make the use of sign language interpretation in the meeting will be made mandatory.

Disaster Management:

The draft policy emphasises preparedness and coordination for timely and effective disaster management on this part. Local-level authorities will be made aware to address the specific needs and requirements of the PwDs. State, district authorities and PwD associations will collect and manage data, establish protocols, and engage PwDs in all the stages of disaster risk reduction. Focal points for inclusive programs will work with regional organisations. Data will be collected that is segregated on sex, age, and disability and regular audits will ensure accessibility. Training in disability-inclusive disaster risk reduction will be provided and will be prioritised for evacuation of PwDs during emergencies. The disaster management fund will be used for relief measures.

Social Security:

The draft National Policy Statement aims to provide complete social security support for all PwDs. It urges the State Governments/UTs to formulate appropriate social security policies for them, including universal coverage of PwDs within the ambit of disability pension schemes and inclusion of PwDs in food security schemes. The draft policy states it intends to provide community centres to address the needs of homeless PwDs, ensure comprehensive insurance schemes for health and life, and sensitize insurance companies so it does not discriminate against PwDs. Other proposed measures are increased interest rates for savings, caretaker allowance schemes, streamlined guardianship processes, and expanded work opportunities for PwDs. The policy emphasizes the need for expansion of the coverage under the scheme - Assistance to Disabled Persons for Purchase/Fitting of Aids and Appliances (ADIP) and setting up local mechanisms for providing assistive device repairs.

Strengthening Institutional Mechanism and Capacity Development:

Several measures have been envisaged under the draft National Policy to strengthen the institutional mechanism for the empowerment of PwDs. Considering the appointment of nodal officers in each Central Ministry/Department to address matters pertaining to disability. The National Institutes and Composite Regional Centres (CRCs) should also be an important regional focal centre and should be integrated into the PMDAKSH and UDID portals. It recommends that at least one National Institute or CRC be opened in every State/UT with full rehabilitation services and vocational training facilities. Recommended for sub-divisional rehabilitation centres based on the local population of PwDs. Staff training and collaboration with various authorities and organisations are emphasised, including the

Rehabilitation Council of India, the National Commission for Allied Health Care Services, the National Medical Authority, and the Ministry of Education. Also, a University for Disability Studies and Rehabilitation Sciences, as a national resource centre for Human Resource Development, Universal Design and Assistive Technology will be established as envisaged in the policy.

Protection of Rights of Persons with Disabilities:

The draft National Policy aims to safeguard the rights of persons with disabilities. It calls for making a well-established and flexible grievance redressal mechanism as a first step. It emphasises the need for capturing data on the filing of cases and timely disposal of those cases. Prompt action on complaints, with replies from respondents within a month and personal hearings completed within three months, is emphasised. An online platform would also be made, where complaints can be registered and forwarded automatically to the relevant authority. Data on crime against PwDs will be maintained by the National Crime Record Bureau (NCRB), segregated by type of disability. Trial will be fast-tracked by forming district-level committees, and special courts with public prosecutors. For accessing of justice and preserving the rights of PwDs will be made through legal aid programming and sensitization training for executive magistrates and police officials on PwD rights.

Other Policy Initiatives:

First, the policy seeks to improve data management for PwDs. The ongoing UDID Card project will help to create the national database of PwDs and this will be integrated with the service delivery system. Educational institutions, medical service providers, rehabilitation services, and other departments are encouraged to capture UDID numbers for the disability data. The Socio-Economic Caste Census, Ministry of Youth Affairs and Sports, Department of Culture, and Department of Personnel and Training should maintain distinct databases of PwDs based on their disability.

Second, the policy places stress on concentrated research on disability issues, especially on scientific data generation on disabilities, the creation of affordable indigenous aids and devices, development of mechanisms for accessible education, sports, culture, and health services. It also emphasizes the need to accredit indigenous research products and recommends a joint mechanism to review the research and development activities of government research agencies, premier research institutions and the Department of Science and Technology.

Thirdly, the policy will promote self-reliance in the country by fully indigenising high-end prostheses and modernising the Artificial Limbs Manufacturing Corporation of India (ALIMCO). ALIMCO aim to reduce imports, and costs and upgrade the quality of products that are aids and assistive devices. It could also create retailers and repair unit networks to augment market presence.

Fourthly, the policy mentions the Government's initiative to join hands with other countries for the benefit of PwDs in India. To promote a better quality of life for PwDs, the Government should engage in international cooperation activities. Furthermore, regional collaboration with SAARC countries to facilitate access to affordable rehabilitative services is encouraged. Collaboration with other countries at the institutional level through the MoUs would also be encouraged.

Finally, the draft includes strategies for mobilizing sufficient financial resources to support the empowerment of PwDs and the promotion of inclusivity. It is urging state governments and local authorities to set an annual appropriate amount of funding for the disability sector, which is their core responsibility. Awareness needs to be raised in the corporate circle and adequate funding should be channelled towards empowering persons with disabilities. Each State/UT should establish State Funds for them and also encourage public contributions to enhance schemes/programmes for PwDs. It's also recommended that public-private partnerships be explored to improve services for persons with disabilities.

DOES THE DRAFT MISS ANYTHING?

While the draft policy for disability in India makes its intent to address the needs and rights for the inclusion of PwDs, there are certain aspects the policy misses or unnoticed and require improvement. Among its various domains, first, the draft addresses the prevention of disability. When it comes to the prevention issue, the policy should realise the multidimensional aspects of the concept of disability prevention, and the interaction of all aspects like poverty and malnutrition needs to be addressed during its development. Poverty counts as a cause for disability and addressing poverty would reduce disability. Reducing malnutrition is also critically important as it can significantly impair physical and cognitive development, especially in early childhood. In its discourse on the education of the PwDs, schools must mention inclusive spaces making them accessible for play, so that CwDs can play alongside their peers. At the same time, parents must be given enough support and resources to be able to enable their kids to learn at home.

This policy document focuses entirely on the independent and individual experiences of PwDs. But the role of the family and their immediate society is paramount and needs to be recognised and reinforced. Fully ensure that the impact of disabilities is understood not just for individuals but also for families and caregivers alike. A growing body of knowledge acknowledges families as key to providing care, support and assistance to them. Caregivers, often family members, tend their time and attention to the integration and thriving of PwDs. The policy ought to have recognized and addressed the caregiver's contributions and challenges within its scope.

The draft document does not mention the informal sector, but it is necessary to fill this gap by working towards including PwDs in this sector. The informal sector is a big part of many economies, including India's, and accounts for a large part of the workforce. However, they frequently face barriers and are excluded from accessing this sector due to accessibility, discrimination and lack of awareness. Thus, it is possible to improve their job opportunities, money power and social politics by making them more part of the informal sector. The policy document also places an enormous load on Anganwadi and Asha workers. But they are already stretched too thin and often need more formal recognition and fair compensation. Across all areas of society, dependency solely on them for policy schemes and programmes implementation can be discriminatory and unfair. Also, seems to lack guidance on enforcing various laws related to PwDs in the country. Addressing this gap and providing clear strategies and mechanisms to strengthen the execution and enforcement of disability-related laws are

crucial. Furthermore, the activists and PwDs have also expressed their worry over the absence of regional language and accessible format versions of the Draft, highlighting that the draft policy document itself needs more inclusive and accessible for everyone.

CONCLUSION

The Government announces plans, policies and programmes for the welfare of its citizens. Among those citizens, PwDs are one such population of the country. In order to address the needs and for the welfare of the PwDs, the GoI has drafted a National Policy for Persons with Disabilities (Divyangjan) in 2021. Similarly, just like any policy, when preparing a maximum effort will be made to avoid shortcomings, the PwDs policy draft was also drafted with insights from various fronts and different sections of the differently-abled population. This article analyses the Draft National Policy through twelve domains and assesses the Draft's formulation. The policy exhibits laudable efforts to address the difficulties experienced by the PwD population and promote their rights and inclusion in the community. The policy includes a total of twelve domains covering broad fields. The framework sets forth distinct goals and approaches to ensure equal opportunities and holistic support for them across each of these domains. While the policy demonstrates a comprehensive approach, it is crucial to critically examine the missing aspects of the draft, like the multidimensional causes of disability, the inclusion of the challenges of the family and the immediate societies of PwDs, informal sectors, etc. It is only by constantly reviewing and improving the draft that we can ensure the upcoming policy will meet the needs and rights of PwDs for a more inclusive and equitable society.

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