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## GOVERNMENT EFFORTS FOR EQUAL OPPORTUNITY OF DISABLED PERSONS : A RAYS OF HOPE

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**RESEARCH ARTICLE**



### ABSTRACT

A disability is a condition in which the function of a certain part of the body is quite impaired compared to that of other people. Impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations.

The Persons with Disabilities Act 1995 provides for both preventive and promotional aspects of rehabilitation like education employment and vocational training, job reservation, research and manpower development, creation of barrier-free environment, rehabilitation of person with disability, unemployment allowance for the disabled, special insurance scheme for the disabled employees and establishment of homes for persons with severe disability etc. Govt. doing efforts for guarantee of maintenance of minimum standards of education required for recognition of rehabilitation qualification by universities or institutions in India. It aims to build an environment that offers those equal opportunities, protection of their rights and full participation in society.

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### INTRODUCTION

A disability is a condition in which the function of a certain part of the body is quite impaired compared to that of other people. A person may suffer from physical, cognitive, mental, sensory, emotional, developmental, or some combination of these. A disability may be present from birth or occur during a person's lifetime.

'Disabilities' is an umbrella term, covering impairments, activity limitations, and participation restrictions. Impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. Thus, disability is a complex phenomenon, reflecting an interaction between features of a person's body and features of the society in which he or she lives.

The government and Organizations of disabled people have a very useful role to play. Advocacy of the rights and responsibilities and promotion of equal opportunities is the very purpose of their existence. The government enacted the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (External website that opens in a new window), to ensure equal opportunities for people with disabilities.

### JUSTIFICATION

The Persons with Disabilities Act 1995 is an important landmark and is a significant step in the direction of ensuring equal opportunities for persons with disabilities and their full participation in the nation building. The Act provides for both preventive and promotional aspects of rehabilitation like education employment and vocational training, job reservation, research and manpower development, creation of barrier-free environment, rehabilitation of person with disability, unemployment allowance for the disabled, special insurance scheme for the disabled employees and establishment of homes for persons with severe disability etc. govt. doing efforts for guarantee of maintenance of minimum standards of education required for recognition of rehabilitation qualification by

universities or institutions in India. Govt. taking a step for new avenues and new horizons for the able-bodied, the disabled are still being trained in traditional crafts and for simple repetitive jobs like basketry, chair-caning, handloom weaving, packing assembly, light engineering etc. The Equality Act covers the all factors like- Age, Disability, Gender reassignment, Race, Religion or belief, Sex, Sexual orientation, Marriage and civil partnership, Pregnancy and maternity.

For the first time in the history of the country a National Policy for Persons with Disabilities was tabled in Parliament on September 26, 2000. This policy recognizes that people with disabilities are valuable human resources of the country. It aims to build an environment that offers them equal opportunities, protection of their rights and full participation in society. The policy also identifies non-governmental organizations (NGO's) as vital institutions, developing and implementing a vocational training programme, that provide affordable services to the disabled, to produce confident and competent individuals at the work place and in society at large.

Article 41 of the constitution of India 1950 provides 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, and in other cases of undeserved want." Article 38 states that the state shall strive to promote the welfare of the people and article 43 states it shall endeavor to secure a living wage and a decent standard of life to all workers.

The Allahabad High Court recognized the statutory duty of the State to "provide all necessary help and assistance to physically disabled students." In case of U.P. Vishesh Shikshak Association v. State of U.P.- court No. – 27, Case :- MISC. BENCH No. - 5622 of 2010

High court said that, orthopedically handicapped children do not require specialized teachers, it held, "We are of the view that now, the right to education and right to livelihood being the fundamental rights enshrined under Articles 21 and 21-A of the Constitution, the State Government has to make all efforts to provide necessary assistance to all disabled persons.

"The right to work is a fundamental human right that is inseparable from human dignity" Article 27 of the CRPD requires States parties to take adequate measures to safeguard and promote the realization of the right to work of persons with disabilities, including by ensuring equal opportunities of recruitment and career advancement, equal remuneration for work of equal value, reasonable accommodation to persons with disabilities in the workplace, and protection from harassment. -

#### **SCOPE OF THE RESEARCH**

The broad objective of the research is that a tremendous change may be brought in governance provided that person's are aware of their right to know and they use it properly in them interest.

The granting of undue concessions and privileges has inherent in it the granting of second class citizenship. Advocacy of the rights and responsibilities and promotion of equal opportunities is the very purpose of their existence. The Act must be implemented in schools and colleges, in factories and workplaces, in transport and shopping centers. People with disabilities, and those who care for them, must ensure that discrimination is outlawed and barriers are removed as much from the physical environment as from the attitudes of ordinary people. The efforts should pursue a social community based on diversity, a society designed in a way that allows people with disabilities of all ages, full participation in the life of the community and equal living conditions for girls and boys, women and men with disabilities. Law should create an accessible society through not just the buildings and footpaths and railway platforms but the hearts and minds of Indian people will become more receptive, more open, more unbiased. The law could not have been enacted if lawmakers and those who formulate policies did not really care for disabled people with the enactment of the Law more and more people will pay attention to the real problems of disabled people because the law asks something from each and every Indian, whether disabled or not. This law, and its effective enforcement, will benefit the entire society and therefore it is imperative that all of us do our best to make it work. The law talks of independence, dignity and security. Disabled people have always experienced exclusion and segregation. They have been prevented from using opportunities to make contribution to society with their fullest capacity. The law offers them equal opportunities. Now that the law has been enacted, the issues before the advocacy groups are different and the government agencies and NGOs must find new ways of serving disabled people. Measures to prevent and diagnose disabilities must be re-strengthened. There are a large number of children with disabilities who are unable to attend schools or are actually barred from classes.

Unemployment of people with disabilities shall remain a mighty challenge for quite some time. The responsibility for improving job outlook for these people rests with society. Economic independence is essential for people with disabilities to become active and useful members of our society.

#### **METHODOLOGY**

The research methods and methodologies proposed to be used for the present research work would be of comprehensive and composite in nature. The research methodology will be a harmonious combination of fundamental, empirical and action research. In this context, this study will be broadly based on library research and empirical field investigation. These research endeavors will focus their attention on the aims and objectives of the research project and will also test the hypotheses, examine key questions and would present the data and the research facts to prepare models for advanced research. While preparing the research methodology and during the development of research tools and techniques, proper and timely assistance, guidance and cooperation of my guide will always be solicited.

Primary data will be collected from the available literature on disabled persons related website, govt. and private organization and the concerned sections of the disabled field. Sample survey and field studies will be conducted for obtaining empirical and scientific data for analysis and examination of various hypotheses and key questions. Secondary information will be gathered from the libraries, reports of commission and committees, share market, capital market and govt. affiliated organizations. The departmental of the circulars, standing orders and other instructions pertaining to the subject will also be studied and scrutinized with relation to the basic purpose, aims and objectives of the present research project. The internet will be used for obtaining critical information pertaining to the subject of the project.

Authenticate reliable and relevant data available on the internet; its various sites will be suitably utilized for the purpose of this research study. Opinion polls will be held for elaborating the theme of key questions and testing the hypothesis of the study at macro and micro levels. Relevant journals, Magazines and reports will also be studied to understand various facts of the problem pertaining to the subject of the research in question.

#### **LIMITATION OF THE STUDY**

Researcher will face various limitations related to time and agencies analysis. It can affect the research outcomes significantly. It is because due to these constrains, researcher will not be able to include more participants and literature to present more reliable and valid research outcomes.

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