



Role of stakeholders in realizing rights of persons with disabilities act, 2016

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Abstract

Around 2% of India's population suffers from one or other kind of disability. RPWD Act, 2016 is deemed to be an improvement over 1995 legislation, which treated disability in only medical parlance and more in line with UNCRPD. Rights of Person with Disability Act, 2016 was a much waited step which actually shows India's commitment towards an inclusive society and also in line with the humanity. Stakeholder-engagement strategies are widely considered central to the success of RPWD Act, 2016 This paper is an effort to know how far the stakeholders play an important role in realizing the Rights of Persons with Disabilities Act, 2016. The data has been collected from secondary sources. The conclusion lies in the theme that various stakeholders in the field of education like teachers, students, parents, teacher educators, administrators, media persons as well as many businessmen working in the field of education can highly contribute in realizing the goals of Rights of Persons with Disabilities Act, 2016.

Keywords: disability, stakeholders, rights of persons with disabilities act, 2016, stakeholders role

Introduction

The Rights of Persons with Disabilities Act, 2016 ^[4] is the disability legislation passed by the Indian Parliament to fulfill its obligation to the United Nations Convention on the Rights of Persons with Disabilities, which India ratified in 2007. The Act replaces the existing Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995. After India signed and ratified the UNCRPD in 2007, the process of enacting a new legislation in place of the Persons with Disabilities Act, 1995 (PWD Act, 1995) began in 2010 to make it compliant with the UNCRPD. After series of consultation meetings and drafting process, the Rights of PWD Act, 2016 ^[4] (RPWD Act, 2016) ^[4] was passed by both the houses of the Parliament. It was notified on December 28, 2016 after receiving the presidential assent. The Act became operational on 19 April 2017. Principles stated to be implemented for empowerment of persons with disabilities (PWD) are *respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons*. The Act lays stress on *nondiscrimination, full and effective participation and inclusion in society, respect for difference and acceptance of disabilities as part of human diversity and humanity, equality of opportunity, accessibility, equality between men and women, respect for the evolving capacities of children with disabilities, and respect for the right of children with disabilities to preserve their identities*. The principle reflects a paradigm shift in thinking about disability from a social welfare concern to a human rights issue.

Historical background lies in the past when Uttar Pradesh cabinet minister was the first one to be booked under this new legislation when disability activist Satendra Singh (doctor) filed case against him on publicly humiliating a disabled employee. The addition of thalassemia as a new disability under this new law allowed a Chhattisgarh girl with this

disorder to get medical admission after Supreme Court's intervention.

Salient features of the Rights of Persons with Disabilities Act, 2016 ^[4]

The salient features of the Rights of Persons with Disabilities Act, 2016 are as follows in brief:

- Disability has been defined based on an evolving and dynamic concept.
- The types of disabilities have been increased from existing 7 to 21 and the Central Government will have the power to add more types of disabilities. The 21 disabilities are Blindness, Low-vision, Leprosy Cured persons, Hearing Impairment (deaf and hard of hearing), Locomotor Disability, Dwarfism, Intellectual Disability, Mental Illness, Autism Spectrum Disorder, Cerebral Palsy, Muscular Dystrophy, Chronic Neurological conditions, Specific Learning Disabilities, Multiple Sclerosis, Speech and Language disability, Thalassemia, Hemophilia, Sickle Cell disease, Multiple Disabilities including deaf, Acid Attack victim, Parkinson's disease
- Persons with "benchmark disabilities" are defined as those certified to have at least 40 per cent of the disabilities specified above.
- Responsibility has been cast upon the appropriate governments to take effective measures to ensure that the persons with disabilities enjoy their rights equally with others. Additional benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4 %), reservation in allocation of land, poverty alleviation schemes (5% allotment) etc. have been provided for persons with benchmark disabilities and those with high support needs.
- Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free

education. Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education to the children with disabilities.

- For strengthening the Prime Minister's Accessible India Campaign, stress has been given to ensure accessibility in public buildings (both Government and private) in a prescribed time-frame.
- The Act provides for grant of guardianship by District Court under which there will be joint decision – making between the guardian and the persons with disabilities.
- Broad based Central & State Advisory Boards on Disability are to be set up to serve as apex policy making bodies at the Central and State level. Office of Chief Commissioner of Persons with Disabilities has been strengthened who will now be assisted by two Commissioners and an Advisory Committee comprising of not more than 11 members drawn from experts in various disabilities. Similarly, the office of State Commissioners of Disabilities has been strengthened who will be assisted by an Advisory Committee comprising of not more than 5 members drawn from experts in various disabilities. The Chief Commissioner for Persons with Disabilities and the State Commissioners will act as regulatory bodies and Grievance Redressal agencies and also monitor implementation of the Act. District level committees will be constituted by the State Governments to address local concerns of PwDs. Details of their constitution and the functions of such committees would be prescribed by the State Governments in the rules. Creation of National and State Fund will be created to provide financial support to the persons with disabilities. The existing National Fund for Persons with Disabilities and the Trust Fund for Empowerment of Persons with Disabilities will be subsumed with the National Fund.
- The Act provides for penalties for offences committed against persons with disabilities and also violation of the provisions of the new law. Any person, who violates provisions of the Act, or any rule or regulation made under it, shall be punishable with imprisonment up to six months and/ or a fine of Rs 10,000, or both. For any subsequent violation, imprisonment of up to two years and/or a fine of Rs 50,000 to Rs five lakh can be awarded. Whoever intentionally insults or intimidates a person with disability, or sexually exploits a woman or child with disability, shall be punishable with imprisonment between six months to five years and fine. Special Courts will be designated in each district to handle cases concerning violation of rights of PwDs.

Roles of Stakeholders

In education, the term stakeholder typically refers to anyone who is invested in the welfare and success of a school and its students, including administrators, teachers, staff members, students, parents, families, community members, local business leaders, and elected officials such as school board members, city councilors, and state representatives. Stakeholders may also be collective entities, such as local businesses, organizations, advocacy groups, committees, media outlets, and cultural institutions, in addition to

organizations that represent specific groups, such as teachers unions, parent-teacher organizations, and associations representing superintendents, principals, school boards, or teachers in specific academic disciplines.

The Government has played its part of establishing new rules of PWD Act, 2016^[4] and implementing various strategies for the welfare of the person with disability. But there is a need for the strategies and opportunities for involving parents and communities in support of inclusive education. These can be identified locally and developed within existing programmes so that the existing capacities assets can be advantageous to the person with disability. But before that, being aware of the most effective entry points and successful experiences worldwide can help build a suitable foundation for effective partnerships with families, communities and social organizations and networks.

These Stakeholder-engagement strategies are widely considered central to the success of RPWD Act, 2016^[4]. Various stakeholders in the field of education like teachers, students, parents, teacher educators, administrators, media persons as well as many businessmen working in the field of education can highly contribute in realizing the goals of Rights of Persons with Disabilities Act, 2016^[4].

- **Role of Parents:** Parents play the primary role in educating their children about disability. Parents can support their children in by initiating discussions on the disability the child is having; emphasizing the importance of responsible behaviour; being open to discuss their own beliefs and values; and being available to give advice and guidance to their children. Parents should not separate their disabled child from their other children on the basis of disability. They should respect the decisions made by their disabled child. They should be involved in all matters related to family life, relationships, bearing and raising their children and should not be discouraged by absurd comments like ‘Ye tumhare matlab ka nahi hai’ ‘Tum kuchh nahi kar sakte’ and many more. Moreover parents should involve themselves in the delivery of disability related education to communicate a clear and consistent message to the children. They should sit in during disability education programmes in schools, and provide feedback to schools on their programmes. Interested parents should be in contact to their children’s schools to make the necessary arrangements. Parents who wish to opt their children out of the school’s disability education programmes, talks or workshops may have an open discussion with the school authorities even.
- **Role of Students:** The students are the centre of learning, improving the curriculum and making changes in teaching methods of learning. The student is placed at the center the curriculum. For curriculum design of PWD, the students are the very reason a curriculum is developed. They are the ones who are directly influenced by it. The students may be encouraged to ask questions and seek their teacher’s or school counselor’s help if they need to clarify issues or know where to get assistance for disabled students in the class. They should also be given their parents’ guidance. The students themselves may observe which student is disabled in the school campus or in their class and may help him as and when required. The

students in all levels make or unmake the curriculum by their active and direct involvement. They should not bully or make fun of disabled children by thinking of him/her as weak creature. But, how each individual student contributes to the realization of RPWD Act, 2016 ^[4] would depend on the interactions and internalization of the different learning experiences provided to the students about disability by their teachers and teacher educators.

- **Role of School & Other Educational Institutions:** The Principal plays a pivotal role in school, providing structured time for the Disability Education Programme and ensuring that it is delivered in keeping with the morale of disabled children. Each school should have a team of teachers, specially chosen by the principal, and trained in special education, to give a positive vibe to the disabled children and teachers in the school. School counselors should also be available to advise and counsel students on disability matters.

The school should not deny the admission of disabled children. They should be admitted without any discrimination and should be providing the same educational, sports and recreational activities equally. Moreover, the institutional campus should be such that it facilitates accessibility of every room to disabled students. The school should ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication; detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them; monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability; provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

As families and schools become more connected, schools can create a school website or a blog and provide regular information on activities and news. It is very important that school websites comply with accessibility standards. The schools can collect suggestions by inviting families to send their comments and feedback. They can create forums and discussion groups for parents to exchange ideas with others and circulate a newsletter about disability periodically.

- **Role of Teacher and Teacher Educators:** The role of teacher and teacher educators is of prime importance for the realization of RPWD Act, 2016 ^[4]. The teachers and teacher educators are the role model of the students and influence their family life as well as their social life. What the teacher teaches in the class and how he behaves in the society are very minutely observed by his students. If the teacher himself is affectionate to the disabled children, helps them as and whenever he finds opportunity and keeps his moral values high for disabled children, then only his students are going to follow him. This is only then the students are helpful to disabled students of their class or in the school.
- **Role of the Community:** Very often we see that despite the inclusion of children with disabilities in regular classes and the adaptations and efforts made by schools,

teachers and children to facilitate inclusion, children with disabilities are still not included in leisure activities, are not invited to their non-disabled peers' birthday parties or do not participate in out-of-school play dates. This social stigma can be eliminated with the help of involvement of the people of the community. They must provide social security to the disabled people. They should not make fun of disabled people. Because it is from the elders that the young people of a community learn their future behaviour for a particular person.

The community people may arrange a panel of external providers who can provide professional advice and additional resources about the disability to the people of that community. Schools may engage these providers to conduct programmes to supplement the schools' disability education programme.

- **Role of Policy Makers:** Policy makers should identify the schools that are willing to move forward and are interested in staff development. Moreover, the makers may help in establishing links and partnership with ministries of education and local authorities. They may organize information seminars and training workshops to introduce new thinking and practices. Policies can be facilitated for school-based staff development, monitoring, support, evaluation and dissemination. Policy makers may engage themselves with educational authorities on policy development in support of disabled children.
- **The Role of Extended Families:** The disabled children from the families of low socio-economic status might lack knowledge of community resources that would make the children more successful in school. In such contexts, the extended family is often responsible for child-raising. Grandparents, for instance, are frequently better advocates for their grandchildren with disabilities than biological parents because they are likely to be responsible for raising the children at the rural homestead while the parents may be working in the cities in order to support the family. Through ongoing collaboration with the school, the extended family member will achieve a greater appreciation of their child's disability and future potential and of alternative interventions.
- **Role of Curriculum Developers:** Curriculum developers may suggest curriculum adaptations and teaching methods according to disabled students in the class. A chapter of moral values in the curriculum may help other students to know the disabled students as their friend and not as fun making object. Families of children with disabilities can often provide useful advice for curriculum adaptations and teaching methods, as they often know best what the functional limitations as well as strengths of their children are. This practice is not uncommon in early childhood education, when family involvement tends to be greater. By giving parents a say in this and taking into account their priorities for instruction, it is more likely that skills learned at school are also applied in the home. When activities that are specifically designed for a child with special needs are based on the family's concerns and priorities, they are more likely to be appropriate within the cultural context of each family. At the same time,

some curriculum adaptations will be beneficial to children who, despite not having a disability, might have some special education needs. This is why it is always better for parent aides in the classrooms to be considered as available teacher support rather than assigned to individual students.

- **Role of NGO and other Government Organizations:** NGOs and government organization working in the field of inclusive education may strengthen and improve the viewpoint of people about disabled people. These organizations can play a key role in creating greater demand and capacity for inclusive education. Families of children with disabilities need training, support and empowerment to overcome the 'special education paradigm' and play an active role in promoting their children's right to education. These organizations can play an important part in achieving this goal and developing a critical mass that creates awareness and advocates for inclusion. By organizing seminars, *nukaar natak*, trainings and disseminating information, NGOs can support parents and children with information on their legal rights and the commitments governments have made under international law, as well as national legislation and regulations. These organizations may provide information on what services are available and how to access them and information on where and how decisions affecting their education are made, and how to advocate, influence local and national political agendas. They may support disabled people to report and respond to violations of their rights using social media to challenge prejudice and discrimination. NGOs and GOs may create online resource centers making research and evidence available to support advocacy initiatives.

Conclusion

No doubt, RPWD Act, 2016 ^[4] has brought many positive changes for the disabled people. But mere implementation of them will not work. Rather it is the duty of every person linked to the society whether he is a teacher or teacher educator, a student, a community, a businessman or any other person of society. This is because the society is not made up of abled people but disabled too. Disabled people may be weak in one aspect of physical or mental illness but they are good in other aspects of life. They are not the object of mockery. They do not need our pity. They need our affection and support. They also are human being and therefore, they have the right to live at their fullest in the society. Therefore, it is the important duty of all the stakeholders of the society to care for the rights of disabled people.

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