

THE PERSONS WITH DISABILITIES (EQUAL OPPORTUNITY, PROTECTION OF RIGHTS AND FULL PARTICIPATION) ACT, 1995

The person with Disabilities Act, was passed in the winter session of the parliament in 1995 and has come into enforcement on 7th February 1996. The Act gives fundamental rights to all disabled people in the country for the equal opportunity. The Act provides for both preventive and promotive aspect of rehabilitation like education, employment and vocational training, research, manpower development, creation of barrier free environment, reservation, rehabilitation of persons with disability, unemployment allowance for the disabled, special insurance scheme for the disabled employees and establishment of homes etc.

The Act contains 14 chapters and 74 clauses. In Chapter 1, Blindness, low vision, leprosy, hearing impairment locomotor disability, mental retardation and mental illness are defined. Disabled person is one who is suffering from not less than 40% of any of the disability as certified by a medical authority.

There is a provision in the Act to create a central level and state level coordination committees and the Executive Committee. The main functions of these committees are to review and coordinate the activities of government and NGOs to develop policies and monitor and evaluate the programmes and policies for person with disabilities. The Act provides direction to the government and local bodies for following activities:

1. Prevention and early detection of disabilities

All children shall be screened once a year for identifying "at risk" case

Staff of primary health centres shall be trained to assist in this work

Measures shall be taken for pre-natal, perinatal, and postnatal care of mother and child Awareness campaigns.

2. Education

Every child with disability shall have the right to free education till the age of 18 years with free books, uniforms and scholarships/appropriate transportation and barrier-free environment.

Teacher's training institutions shall be established to develop requisite manpower

Non-formal education

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3. Employment

3% vacancies in Government shall be reserved for blindness/low vision, hearing impairment, locomotor disability and cerebral palsy.

Government educational institutions including those receiving grant from the government shall reserve at least 3 % of seats.

No employee can be sacked/demoted if they become disabled during service.

4. Non-discrimination

All the places of public utilities public buildings, rail compartments, buses, ship and aircraft shall be made barrier-free to give easy access.

5. Research and development

Age relaxation and health and safety measures in workplace environment

Poverty alleviation schemes

Reservation at 3%

6. Affirmative Action

Aids and appliances shall be made available

Allotment of land shall be made at concessional rates for housing, business, special schools, etc.

7. Social Security

Financial assistance to NGOs,

Insurance coverage to employees with disability

8. Grievances Redressal

Any violation of rights people with disability may move to the Chief Commissioner for Person with Disability in Centre and Commissioner in State.

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9. Mass Awareness through TV/radio and other media

Encourage people on general health, hygiene and sanitation

For pre-natal, perinatal and post natal care

Causes and methods of prevention of disabilities

Comments

1. American Disability Act protects People Living with HIV/AIDS (PLWA) from discrimination in various sectors including employment and health care. However, the Indian Act addresses the needs of very few categories of disability.

2. It protects persons with disabilities against discrimination only in the public sector. Large private sector may not follow the provisions under this Act.

3. Facilities accorded to disabled under this Act, in term of education and employment are ruefully low.

4. Punishment of person who practice discrimination with disabled is not addressed.

5. Diseases caused by Heart diseases, cancer epilepsy, muscular dystrophy, communicable diseases like tuberculosis, hepatitis, HIV infection and AIDS, disabilities like autism, dyslexia, and hemophilia should be included in the list of disability benefit list.

6. Despite the fact that the physical or mental impairment of people living with HIV/AIDS is not apparent, they are not regarded as able bodied individuals. The stigma associated with their condition is so immense that, they are most often denied access to treatment and discriminated in the workplace, at time resulting in termination of employment and prevent from participating in mainstream society.

References

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