

## Disability rights over time

In 1992, the United Nations announced that December 3 would be observed every year as International Day of Persons with Disabilities. While disabled persons continue to struggle to secure employment and navigate their way around with poor infrastructure, and are still treated as “others”, it is worth recalling the advances in legislation on disability over the years.

The disability rights movement gained momentum in the 1970s when disability was started to be seen as a human rights issue. This is when the UN General Assembly proclaimed in 1976 that 1981 would be the International Year of Disabled Persons. Later, 1983-1992 was marked as the United Nations Decade of Disabled Persons. The UN Convention on the Rights of Persons with Disabilities (UNCRPD), 2006 was a big step towards viewing persons as “subjects with rights” and not “objects of charity”. (India is a signatory to the UNCRPD and ratified it in 2007.) Further, the 2030 Agenda for Sustainable Development pledges to “leave no one behind”. It states that persons with disabilities must be both “beneficiaries and agents of change”. However, attitudinal, institutional, and infrastructural barriers remain, with the World Bank stating that 15% of the world’s population experience some form of disability and that they “on average, as a group, are more likely to experience adverse socioeconomic outcomes than persons without disabilities”.

In 2011, the World Health Organisation came up with a world report on disability for the first time. Its introduction showed how disabled persons aren’t “other people”, but that all of us at some point will be “temporarily or permanently impaired” and those “who survive to old age will experience increasing difficulties in functioning.”

In India, according to the 2011 Census, 2.21% of the population has one or multiple types of disabilities, making the country home to one of the largest disabled populations in the world. World Bank data suggest that the numbers are nearly four-five times higher. Legislation moved forward last year in India when the Rights of Persons with Disabilities Act was passed, replacing the Persons with Disabilities Act, 1995. The 2016 Act recognises 21 kinds of disabilities compared to the previous seven, including dwarfism, speech and language disability, and three blood disorders.

The new Act also increased the quota for disability reservation in higher educational institutions from 3% to 5% and in government jobs from 3% to 4%, for a more inclusive society. However, legislation alone is not enough; implementation remains abysmal. For instance, data from the National Centre for Promotion of Employment for Disabled People show that 84% of seats for persons with disabilities lie vacant in top universities. While we have a long way to go in implementing these laws, we must also keep in mind that a one-size-fits-all approach is unhelpful for disabled persons. Levels and types of disabilities differ and so do needs.

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The definition of harassment needs to be constantly updated, and the process for justice made more robust

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