

## Disability day celebrated

**Persons with disabilities of J&K celebrate it as black day and they have a reason to do so, writes *Javed Ahmad Tak.***



Disability is a serious issue. Its scale has been increasing since 1989 due to illegal weapon use, bomb blasts and mines. Only a generous few offer charities to help disabled and seek satisfaction. There are policies for the persons with disabilities but no implementation, because we are not a vote bank for politicians. Years back JK disabilities act was passed. This act couldn't empower us after a decade. When shall it empower us is a serious question? Why our country still remembers and refers people like Helen Keller and Stephen Hawking as disabled. Why we couldn't produce our success stories in disability? In other parts of globe world disability day is celebrated to review the developments and already existing policies regarding disability. But in our state persons with disabilities are lamenting on this day to seek rights. We are denied of fundamental rights of life. It is the 11th year of the J&K persons with disabilities act. But differently able people for whose dignity and honor the Act exists are still handicapped. It is all because policy makers, planners, politicians, leaders and bureaucrats have neglected the issue of disability. All these responsible people have less motivation towards the real empowerment of persons with disabilities. A decade back in 1998 JK disabilities Act was passed by the Government of J&K to provide equal opportunities, ensure protection of Rights and allow full participation for the persons with disabilities of the state. Although the J&K Acts are carbon copies of the Indian Acts the Disabilities Act is also the same. But the guarantees and relaxations are not being imposed or implemented. There are flaws in the Act that were assured to be removed by the new draft policy after the court intervention but it was all in vain. The original act and the draft policy are both gathering dust in secretariat shelves. It is a hectic job from the last ten years for the Social Welfare Department to move the files from Jammu to Srinagar and back during darbar move drives but the ill-fated files cry when they are packed and pressed in jute bags after every six months. Instead of Rights based approach the state has adopted pension grant and sympathetic approach as the substitute treatment. Education, Employment and Accessibility are the main aims and objectives of the Act but none of the things are present in state for disable people.

There is no curriculum with the education department for the community of physically challenged. Rallies are organized, days are celebrated to gain 100% literacy count in the state but how it possible that without disabled children that

total literacy rate will be sought. Only one option is there that J&K should pass an Act clarifying that Disable people are not humans. Throughout the country 3% reservation is provided to the persons with disabilities in both Academic and professional educational institutions but in our state reservation of seats in professional colleges exits nowhere. Chief commissioner for disabilities in India clarifies in writing through his letter No 10-26(J&K) CCD/2006 dated 9 July 2008. "It is felt that provisions for reservation in admission in all courses including professional courses for persons with disabilities should be made in J&k persons with disabilities Act 1998 as otherwise the persons with disabilities belonging to J&K shall be at a great disadvantage as compared to those in rest of the country".

As per section 39 of the Indian disabilities act 1995 all govt. institutions and other educational institutions receiving govt. Aid shall reserve 3% seats for the persons with disabilities and the sec 28 in JK persons with disabilities Act 1998 clarifies that discrimination against disabled persons shall not be done in matter of admissions. Countless letters, memoranda, representations to concern officers, nodal departments and Agencies like Social Welfare department and general Administration Department were also ignored. But Empowerment without education is impossible. Census 2001 shows out of 3 lac. Disabled people in J&K 1-84 lac are visually impaired. There is no Braille technique available in schools. Lack of expert teachers for educating visually impaired has also prohibited blind children from education. That is why less than 1% of people with disabilities are educated in JK.

Employment for physically challenged is a myth. When a question was raised in the legislative assembly of J&K in 2003 regarding employment of physically challenged in the state since 1998 when the Act was passed, the answer was disappointing. 60 persons with disabilities have been given jobs in different departments. These include Riyaz Baig a KAS officer [presently working as CDPO Budgam]. Riyaz competed in the open merit and applied for no reservations. Presently SSRB and PSC are providing 3% horizontal reservations in employment for disabled people but the actual number of posts are not given. Most of the times fake disability certificates are sought by physically fit with the help of corrupt officials and accepted by non serious interviewers. Thus providing job to non deserving and ignoring the deserving educated disabled youth. Physically challenged have specific posts for which they can apply. The identified jobs are not sufficient to cover the whole community. Still these identified posts are not filled with honesty and dedication thereby forcing the educated persons with disabilities in miseries and odd conditions. Limited opportunities for persons with disabilities need to be ended by extending the Job guarantees in private sector as declared in 11th five year plan and circular passed by ministry of finance.

1. Recently a notification was released by the department of Social welfare under Ref No: Srinagar, the 28th May, 2008. SRO: 144 in exercise of the powers conferred by section 23 of J&K Reservation Act, 2004, and other relevant provisions of the law. [No; SWE/RES/RULES/31/2004, DATED: 28/5/2008.]

1. The amendments show that there has been no concern related to persons with disabilities. The persons with disabilities have got 1, 34 and 67 places in the roster

as per following  
 2. Circular No: 26-GAD Of 1998, dated 29/9/1998., circulated under No: GAD/MIG/sts/48/94 - II dated 29/8/98  
 3. Govt. order No: 62-SWof 2001, dated 13/03/2001  
 4. Cabinet decision reference No: 37/2 dated 9/02/2001 and  
 5. Circular No: 13-GAD OF 2007. Dated 9/4/2007. Circulated under No: GAD [Mtg]/sts/48/94, dated 9/4/2007  
 But under the said Amendment notification we have been ignored even when above quoted circulars favor us.

In addition we face problems of accessibility. We the physically challenged people are not in a position to visit everywhere with dignity. Even courts, where we expect justice are inaccessible for us. The Government offices of our concern like social welfare are situated on top floors and have no availability of ramps and lifts. We have to face humiliation while approaching to hospitals, schools, Govt. offices, universities, courts, railway stations and civil secretariat. Our problem is going to multiply day by day, as new buildings under construction like hospitals in Jammu and Srinagar, Hajj house, court buildings, heritage buildings, shrines like Dargah Hazratbal and Mata kherbhawani, university campuses, museums, college buildings, railway stations and proposed international cricket stadium at Sidra Jammu are having non - disabled friendly architectural designs. How can we expect empowerment? I have written countless times to the authorities in that matter but nothing happened.

In other states the disability pension is 800 - 1000 rupees but here in our state the pension amount is RS 400/= which too is erratically released after months. All this violates the Right to Equality. The right to equality is one of the six rights that have been granted to us. In the Indian Constitution these rights have been described as:

The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment; or the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. Nothing in this article shall prevent the State from making any special provision for physically challenged.

Politicians ignore our community because we are the marginalized one and not united like SC, ST etc. that is why SC, ST were given separate directorate by the previous government, taking them as important vote bank and big factor for the formation of the government, therefore it is right time when common people can help us by raising voice to get one seat reservation in legislative council through nominations made by the Governor of the J&K. Governor can give a special gift to the disability sector during his Tenure in J&K. one seat nomination for physically challenged in upper house can make us dignified and can enable us to fight for our Rights alongside the physically normal people in the JK Assembly. Hope he sees

some reason in this and does the needful.

(Javed Ahmad Tak is a Social activist).