

The Role of State Government in the Empowerment of Persons with Disabilities in Kerala – Challenges and Prospects

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Abstract

There are only two areas where the question of the term disability or disablement appears in Indian constitution. The first one is with respect to the directive principles of state policy where the constitution instructed the ruling government to implement different conditions for the wellbeing of the under privileged like the disabled. The second is the category of the state government where the central government rules by which the state governments have to brought out rules and regulations in respect to the central legislation. So, irrespective of any welfare measures legislations, schemes and programs implemented by the central government for the wellbeing of disabled. It is ultimately, the state governments play a significant role empowering or enabling a very positive ambiance for the disabled to survive. Even if it is the central law which is mandatory for the success, it depends on how the state implements the same. As a result of different NGOs who are worked in the field of disability welfare, the Kerala government is not that far in implementing scheme for the disabled people including the visually challenged. There are many challenges and there are many positive outcomes that the welfare approach of the Kerala state towards the differently abled community is raised. This paper aims at analysing what is the perspective of the Kerala government and what has been the perspective of the Kerala government with respect to the welfare of the disabled and what are its main challenges and issues.

KEYWORDS: State reorganization Act, International year for disabled, UNCRPD, The State Commissionerate for persons with disabilities Kerala, Social Security Mission, Kerala State Policy for Persons with Disabilities.

Introduction

On the 1st of November 1956, the state of Kerala was formed by the States Reorganizations Act. Kerala is a state in the south-western part of India. It is inhabited by 33.3 million people as per the 2011 census. Kerala has the highest literacy rate in India of 93.91% (2011) (SINGH 2016). Like any other state in India Kerala has also formulated and implemented programmes and policies for the entire population including the backward sections of the society which consists of the disabled population as well. According to the 2011 census (2014-15 n.d.) In Kerala there are about 7, 61843 disabled persons and the male population is 51.81% and female population is 48. 19%. The persons with disabilities deserve proper care, protection, training, employment and rehabilitation.

Policies and programmes for the empowerment of persons with disabilities in Kerala

A number of international, national and regional policies and programmes have been formulated and implemented during the last three decades with reference to the welfare, rehabilitation, development, protection of rights, equal opportunity, full participation, barrier free environment, universal socio-economic equality and cultural inclusion of persons belonging to different categories of disabilities (kerala.gov.in/documents/10180/46696 n.d.). For this purpose the UN started the global campaign in favor of persons with disabilities with the observance of the International year for the disabled (IYDP) in 1981. Since then India also started to formulate suitable policies and programmes for the welfare of the persons with disabilities. The Indian parliament passed legislation for persons with disabilities in 1995 which is a full-fledged legislation. A subsequent modification to this act was introduced in 2016 to give effective emphasis to the conditions in the United Nation's Convention on the Rights of Persons with Disabilities, to which India was a signatory (disabilityaffairs.gov.in n.d.). It was mandatory for each state including the state of Kerala to implement this act in health and spirit. It was in such a context that the Government of Kerala started formulation and application of certain schemes, programmes and policies for the upliftment of the disabled. Though slowly and steadily implemented, now the state of Kerala is also in a considerably high position in adapting and manifesting a barrier free environment to the PWDs by providing reasonable accommodation and accessibility in all walks of their life by all possible means.

The State Commissionerate for Persons with Disabilities (Kerala.gov.in n.d.) is a statutory body constituted under the central Act of Persons with Disabilities act 1995 and RPD act 2016. The main function of the Commissionerate is monitoring the implementation of The Rights of Persons with Disabilities Act in the state. The Commissionerate is a Semi Judicial body that can exercise the power of a Civil Court under Section 63 of the Act for the redressal of the grievances of the Persons with Disabilities. The Commissionerate for Persons with Disabilities functions with a single tier mode, i.e. only at the State level. The area of operation is extended to the whole State of Kerala. No Sub Offices are in the District/Regional level in the State. The Commissionerate undertakes to convene medical camps for issuing disability certificates to persons with disabilities. Seminars, workshops etc. are convened to make awareness on the rights and privileges of the persons with disabilities to the public as well as elected members of the Local Self Government Bodies. Video clippings are also telecasted through television channels.

The Welfare of Persons with Disabilities (PwDs)

In Kerala, a state wide survey of Persons with Disabilities (PwDs) was undertaken by the Kerala Social Security Mission in 2015, the first of its kind in India, covering 22 types of disabilities (Kerala.gov.in 2018). As per the survey, 7.94 lakh people equivalent to 2.32 percent of the total population of the State are disabled, of whom, females constitute 44.57 percent, SC 10.93 percent and ST 2.15 percent. The highest number of disabled persons is in Malappuram district (12.5 per cent) followed by Thiruvananthapuram (9.72 per cent) and the lowest is in Wayanad district (2.91 per cent). Regarding the type of

disabilities, locomotor disability stands top with 32.89 percent and multiple disabilities stand second 17.31 percent. The PwDs often lack access to basic and higher education with good quality.

The State Policy for Persons with Disabilities

To enhance the standard of living of PwDs with the help of time-bound programmes and action plans of the State, the Government of Kerala enacted the State Policy for Persons with Disabilities. The Government of Kerala enacted a policy for PwDs in the year 2015 recognizing the necessity and inevitability of including disability dimensions in the development agenda, programmes and action plans of the State. Participation of PwDs in the developmental process, viewing disability as a human rights issue, protection from abuse and creating a positive environment and attitude for inclusive development and empowerment of PwDs were the key strategic focal dimensions of the policy. From being passive beneficiaries, the disabled have to be considered as equal partners and contributors to development. Most of the schemes and programmes to enhance the standard of living of PwDs are implemented through the State government departments and agencies like Directorate of Social Justice, Social Security Mission, Kerala State Handicapped Persons Welfare Corporation etc (socialsecuritymission.gov.in n.d.).

DISABILITY: ISSUES AND CHALLENGES

Introduction

Visual impairment as such is always a very difficult prospect to go through especially when the society is mainly constructed for the sighted people. Hence, the issues of the visually challenged in a society constructed for the sighted people is that of a minority group that is it is equal to the issues faced by any minority group in a society which is specifically structured for a majority fraction. Visual impairment creates many challenges in the individual's and there has been many studies on this. Father Reverend Thomas J. Carroll in his book "blindness what it is, what it does" enlists 20 challenges created by visual impairment in an individual. But birth hold loyal field comparatively a recent scholar reduced these 20 challenge in to three main categories (Carroll 1961). They are reduction in the range an variety of experiences, lack of control over the environment and its relation to the personality and lack of ability to move around freely. Broadly speaking all the other wider ranges of challenges can be easily encompassed or converged in to this three areas and if this three areas are not properly identified and solved through adequate intervention by the trained personnels, A visually challenged person will find it very challenging to survive in his or her life.

Throughout centuries, the disabled have been oppressed marginalized and stigmatized in almost all societies. They constitute a section of the population, which is most backward least served and grossly neglected. The Persons with disabilities are the poorest of the poor and weakest of the weak, who have been socially, educationally and economically disadvantaged; thus having customarily denied their right to self-assertion, identity and development. It is more severe in education, employment and physical access.

The topic of our discussion is the main challenges to the empowering of the visually impaired in Kerala. There are a number of points to be included.

1. Lack of a proper platform or a public arrangement for researching, studying analyzing and solving the issues of visually challenged. That means the govt. has no such arrangements bearing the issues of the visually challenged. The issues of visually challenged are to be properly studied or analyzed or understood.
2. The second issue is the lack of inclusion of the visually challenged in such policy matters. One of the areas were in such issues are properly discussed is the policy statement with respect to such communities were in visually challenged are seldom incorporated. Irrespective of the fact that there are many studied well qualified people among them they are not properly included in any such group though the slogan is “nothing about as without as” (www.futurelearn.com n.d.). There is no proper arrangement for incorporating them in such bodies.
3. Another issue is lack of participation for the visually challenged in all main stream bodies. For example bodies like Kerala PSC. Public Service Commission. The Policies and Practices of bodies like the PSC do conceive or do reflect many limitation for a visually challenged candidate. The main reason is that there is no representatives from among the visually challenged in the commission to represent their feelings or to raise such issues that challenge their full and equal participation in the appointment procedures. Hence, this is one way like all major areas whether it is in the board of studies or university syndicates, senate and other respective bodies where in the visually challenged need to be properly raised. They are seldom represented and what is done today is mainly owing to the wrong understanding of those members that often culminated in such wrong policies.
4. The basic outlook is a problem. Lack of clarity in the perspective of outlook with respect to the empowerment is a major hurdle. Today people fail to understand what is the difference between empowerment and rehabilitation. What is done as rehabilitation as often done as a charity. There should be a proper strategy of empowerment. There as a strategy of empowerment of something quite different. Empower means powering someone who is already their or who needs to give additional boosting but that meaning is not understood. Again, what is done as a requirement for the visually challenged or any other disabled is often done as the charity by the main stream. But any such preparations or preparatory moves has to be done has a pre-requisite for the well being of the entire society since any able body person can become disabled at the course of his life and he or she has to be main streamed. In such a situation they should not be left alone in to the corners of the houses where they live. So the society has to have such preparations and such infrastructure through which such people can easily be accommodated in to the so called opportunity and avenues of the main stream.

5. That is also a major issue then again lack of a proper arrangement to resolve queries or issues or judicial lacuna that take place with respect to the implementation of laws policies and programmes related to the visually challenged and the other disabled is also a major challenge.
6. Lack of public fund is a major challenge because there are many NGO's like Kerala Federation of the Blind (KFB) who are interested to empower them. But there is no proper funding (kfbindia.org n.d.). Besides, there are many areas where the government is not aware of its role of intervention. Two area's for example with respect to the empowerment of the visually impaired are: There is no public sector undertaking in Kerala where in the equipments for the disabled are supplied qualitatively. Such good articles should be supplied in a subsidized rates. So they fail to receive adequate equipments for managing their requirements with which they can overcome their difficulties. Secondly for example there is no proper arrangement for giving counseling for adventitiously impaired blind candidates who loose their sight at a later stage of their life. They have to be given proper counseling. This is not the case of the visually impaired alone, but for any other disabled, there is no such arrangement. they have to be given proper counseling. We don't have any such arrangements, centers, or institutions where in such people's interest or issues are properly dealt with. Even institutions like Kerala Federation of the Blind who were giving such trainings in the past are slightly discouraged by the withdrawal of the Government from offering the fund for such projects. Likewise the rehabilitation centers like that of the Kerala Federation of the Blind which where smoothly run in the earlier days owing to public assistance are now very much considerably weekend by the stringent rules that are implemented by the government for their functioning. IN such circumstances they are converted merely into industrial productive ventures and very few organizations can legitimately and clearly satisfy all the criteria Set by the government for such senders today. If any organization is surviving and doing it effectively, they are mainly concocting facts to survive on such situations.
7. Lack of literature about the visually challenged that can give proper guidance to the public on how to empower them is again a very big challenge. We are living in the technological age where technology is offering unimaginable possibilities to the visually challenged. But many area's are yet under developed and the government on the public sector is contributing less towards this Endeavour. Many of the empowering strategies that are implemented are done only for the name sake. But they really fail in health and spirit to offer the proclaimed objectives. For example the disability coach is an exclusive privilege given to the disabled for travelling smoothly via trains but since the location of the disability coach is on the extreme ends of the train where even the platform is very much unattainable and the location of the coach is very rarely announced, it becomes a head over heel task for a disabled person to reach the spot. so he very often fails to use such facilities.

8. Lack of proper monitoring with respect to the implementation of schemes for the visually challenged and other disabled. There is no proper assessment mechanisms to examine and check the progress of such policies and programmes.
9. The ignorance and negligence for the part of officials is yet another enigma in such a situation. The officials either ignore or consciously neglect the beneficiaries with regard to whatever facilities that are granted. For example it is almost two decades since RBI issued proper directions on how the visually impaired should not be discriminated with respect to any facilities provided by the commercial banks to the customers. But even today there are blatant negation and obvious dehumanizations from the part of banks when they deny ATMs Check books or any other facilities and sometimes even single account opportunities to the visually challenged people across the country the visually challenged do have very limited opportunities to speak about their issues to the public. This makes most of the public unaware of what is the real state. Hence when the visually challenged do raise and challenge many of the existing practices, those who do it patronizingly get offended. That results in a sort of confrontation.
10. Lack of an inclusive understanding through educational curriculams is yet another issue. Though we argue for an inclusive educational platform those who train main stream people do lack proper awareness about the issues of the visually challenged or the other disabled. So all our mainstream education projects must give emphasis to such issues at least in a few parts of their curriculum. The kind of propaganda that the government and the public offers to the issues and possibilities of the visually challenged are either by the glorified state or from the nullified state merely done for the publicity sake but that has to be actually catering to the needs, demands, and rights of the visually challenged and the other disabled community.
11. The efforts made by many associations to rehabilitate the blind are praise worthy. But the extend of these efforts are not adequate enough to develop the potentialities of the blind and to make them economically and socially self-sufficient.
12. Lack of awareness about the necessity of educating their children to the parents and the poor financial background have been regarded as two of the fundamental reasons for the marginalization of many blinds from an economically secured life.
13. The irresponsibility of the government authority to maintain strict vigil upon training institutions for blinds and inadequate facilities reduces the quality of education. Thus the blinds become incompetent compared to other students.

14. The blind experiences several difficulties in their family life, as their family life gets complicated due to the emergence of many hostile factors. Similarly, the over protection as well as over negligence of blinds also make problems in their self-sufficient life. Because it creates an inferiority complex in their own mind that they cannot do anything individually, or without the help of others, and prevents their innovations to become self-sufficient.
15. In Kerala, a corporation for the disabled and the special employment exchange have been set up to resolve the problems of the unemployment of the handicapped. The lack of direct channel to give instruction to the government departments to report the vacancies to these employment office is regarded as a major obstacle to the appointment of the blind.
16. Medical facilities are also not enough to prevent blindness and to protect the blinds. Lack of treatment, non-availability of medical centers, and lack of awareness make the medical facilities unattainable for them.
17. In many economically backward families, blinds are treated as a source of income and are compelled to beg in order to meet their livelihood. The superstition that the blindness is the cause of sins, and lack of awareness of family members isolate the blinds from even the family members. They remain in the darkness literally by all means.

CONCLUSION

At this juncture, It is requires a concerted effort to tackle the issues and challenges of the differently abled in the State. Revised policies and programmes are expected in the light of RPD Act Passed by the Parliament in 2016. Policies and programmes which are expected to be implemented in the coming years are to look upon the challenges and issues of differently abled in an international perspective which should focused on a right based approach in view of the human rights perspective. Thus the Disability policy of 2014 by the Kerala must be revised in accordance with RPD Act 2016.

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