

Legal Protection to the Disabled in India

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Abstract

There are certain minimal rights, which have come to be recognized as basic requirements for a civilized living and for the full development of a human being. Law for specific groups is deemed to be a recent development. The human rights are more effective only when they are internalized rather than implemented. The position of persons with disability is a matter of concern, as they form the largest minority group as far as India is concerned. The disability jurisprudence in the form of statutory law came into India only after 1995. Until then the persons with disability were protected under the umbrella of the Constitution of India. This paper mainly deals with the study of Indian legal system in the light of rights of persons with disability. The paper also disseminates knowledge about the role of Constitution of India in protecting the rights of persons with disability. Therefore, the researcher has given emphasis on the various legal provisions and laws available in India and made a systematic study on how these laws have contributed towards the development of legal status of the disabled persons in India.

KEYWORDS: Disability, Legal Provisions, Constitution, Articles, Acts

INTRODUCTION

The Rights and Laws of disabled persons need to be understood and studied from various perspectives including human rights and various other laws in India which will ultimately fill up the differences or mitigate the gap between the abled and the differently abled persons in their attainment of dignity in true sense of the terms. The study of the Constitutional framework is necessary as it is the root from which all the statutes draw their existence. The disability jurisprudence in the form of statutory law came into India only after 1995. Until then the persons with disability were protected under the umbrella of the Constitution of India.

The Constitution of India as well as the judiciary has been making constant efforts to protect the rights of the persons with disability. However, 'such attempts achieved limited success, as the Constitution contains broad guidelines, and the judiciary was struggling to recognize the rights in absence of legislations. The last decade of 20th century and first decade of 21st century saw surge in enactments recognizing and elevating the position of rights of the persons with disability.

Legal Provisions under Constitution

The Constitution of India applies uniformly to every legal citizen of India, whether they are healthy or disabled in any way (physically or mentally) and guarantees a right of justice, liberty of thought, expression, belief, faith and worship and equality of status and of opportunity and for the promotion of fraternity. To safeguard the interests of the disadvantaged sections of the Society, the Constitution of India guarantees that no person will be denied 'equality' before the law (Article 14

of the Indian Constitution). Relevant Articles in Indian Constitution providing constitutional guarantees to all including disabled are:¹

Article 14 of Indian Constitution

Equality before law The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.²

Article 15 of Indian Constitution

The Constitution secures to the citizens including the disabled, a right of justice, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and for the promotion of fraternity.

Article 15(1) enjoins on the Government not to discriminate against any citizen of India (including disabled) on the ground of religion, race, caste, sex or place of birth.

Article 15 (2) States that no citizen (including the disabled) shall be subjected to any disability, liability, restriction or condition on any of the above grounds in the matter of their access to shops, public restaurants, hotels and places of public entertainment or in the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of government funds or dedicated to the use of the general public. Women and children and those belonging to any socially and educationally backward classes or the Scheduled Castes & Tribes can be given the benefit of special laws or special provisions made by the State. There shall be equality of opportunity for all citizens (including the disabled) in matters relating to employment or appointment to any office under the State.³

*In Mr. Jagdish Saran & Others v. UOI*⁴ Justice Krishna Iyer classified that even apart from Art. 15(3) and (4), equality is not degenerated or neglected where Special Provisions are geared to the laws or goal of the disabled getting over their disablement consistently with the general good and individual merit. This case directly dealt with the provision of basic laws which is available to the entire person before any Court of law.

*Indra Sawhney v. UOI & Others*⁵ It was held by majority of judgment that even though “backward class of citizens” as used in clause (4) of Article 15 & 16 did not cover persons with disability, the constitutions scheme and spirit of Article 14 and clauses (1) of Article 15 & 16 allowed for reservations and other kinds of affirmative action, in favour of persons with disabilities.

Article 21 of Indian Constitution

Every person including the disabled has his life and liberty guaranteed under Article 21 of the Constitution.⁶

In *Chameli Singh v. State of UP*⁷, the Court held that the right to life guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter..... all civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights or under the Constitution of India cannot be exercised without these basic human rights.

¹ Constitution of India

² Article 14 of Constitution of India.

³ Article 15 of Constitution of India.

⁴ AIR 820, 1980 SCR (2) 831

⁵ AIR 1993 SC 477

⁶ Article 21 of Constitution of India.

⁷ (1996) 2 SCC 549

Article 23 of Indian Constitution

There can be no traffic in human beings (including the disabled), and beggar and other forms of forced labour is prohibited and the same is made punishable in accordance with law⁸.

Article 24 of Indian Constitution

Article 24 prohibits employment of children (including the disabled) below the age of 14 years to work in any factory or mine or to be engaged in any other hazardous employment. Even a private contractor acting for the Government cannot engage children below 14 years of age in such employment.⁹

Article 25 of Indian Constitution

Article 25 guarantees to every citizen (including the disabled) the right to freedom of religion. Every disabled person (like the non-disabled) has the freedom of conscience to practice and propagate his religion subject to proper order, morality and health. No disabled person can be compelled to pay any taxes for the promotion and maintenance of any particular religion or religious group. No Disabled person will be deprived of the right to the language, script or culture which he has or to which he belongs.¹⁰

Article 26 of Indian Constitution

Habilitation and Rehabilitation, of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) calls for "... appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain their maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life".¹¹

Article 32 of Indian Constitution

Every disabled person can move the Supreme Court of India to enforce his fundamental rights and the rights to move the Supreme Court is itself guaranteed by Article 32. No disabled person owning property (like the non-disabled) can be deprived of his property except by authority of law though right to property is not a fundamental right. Any unauthorized deprivation of property can be challenged by suit and for relief by way of damages.

Every disabled person (like the non-disabled) on attainment of 18 years of age becomes eligible for inclusion of his name in the general electoral roll for the territorial constituency to which he belongs.¹²

Articles related to Education for the Disabled

Article 29(2) of Indian Constitution: The right to education is available to all citizens including the disabled. Article 29(2) of Indian Constitution provides that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on the ground of religion, race, caste or language.

Article 21A and the RTE Act guarantee free primary education to all children in this age group which would include children with disability as well

⁸ Article 23 of Constitution of India.

⁹ Article 24 of Constitution of India.

¹⁰ Article 25 of Constitution of India.

¹¹ Article 26 of Constitution of India.

¹² Article 32 of Constitution of India.

although the RTE Act states that children with disabilities shall have the right to pursue free and compulsory elementary education in accordance with the PWD Act.¹³

Article 45 of Indian Constitution: Article 45 of the Constitution directs the State to provide free and compulsory education for all children (including the disabled) until they attain the age of 14 years. No child can be denied admission into any education institution maintained by the State or receiving aid out of State funds on the ground of religion, race, caste or language.¹⁴

Article related to Health

Article 47 of Indian Constitution imposes on the Government a primary duty to raise the level of nutrition and standard of living of its people and make improvements in public health - particularly to bring about prohibition of the consumption of intoxicating drinks and drugs which are injurious to one's health except for medicinal purposes.¹⁵

The health laws of India have many provisions for the disabled. Some of the Acts which make provision for health of the citizens including the disabled may be seen in the **Mental Health Act, 1987**.

Succession Laws for the Disabled

Under the **Hindu Succession Act, 1956**, it has been specifically provided that physical disability or physical deformity would not disentitle a person from inheriting ancestral property. Similarly, in the **Indian Succession Act, 1925** which applies in the case of intestate and testamentary succession, there is no provision which deprives the disabled from inheriting an ancestral property. The position with regard to Parsis and the Muslims is the same. In fact a disabled person can also dispose his property by writing a 'will' provided he understands the import and consequence of writing a will at the time when a will is written. For example, a person of unsound mind can make a Will during periods of sanity. Even blind persons or those who are deaf and dumb can make their Wills if they understand the import and consequence of doing it. [1]

Acts under Labour Laws for the Disabled

The rights of the disabled have not been spelt out so well in the labour legislations but provisions which cater to the disabled in their relationship with the employer are contained in delegated legislations such as rules, regulations and standing orders.

The Industrial Disputes Act, 1947

The objective of the Industrial Disputes Act 1947 is to secure industrial peace and harmony by providing machinery and procedure for the investigation and settlement of industrial disputes by negotiations. This act deals with the retrenchment process of the employees, procedure for layoff, procedure and rules for strikes and lockouts of the company. [2]

Section 35 in The Industrial Disputes Act, 1947 for protection of persons states that, 'No person refusing to take part or to continue to take part in any strike or lock-out which is illegal under this Act shall, by reason of such refusal or by reason of any action taken by him under this section, be subject to expulsion from any trade union or society, or to any fine or penalty, or to deprivation of any right or benefit to which he or his legal representatives would otherwise be entitled, or be liable to be

¹³ The Right of Children to Free and Compulsory Education Act, 2009.

¹⁴ Article 45 of Constitution of India.

¹⁵ Article 47 of Constitution of India.

placed in any respect, either directly or indirectly, under any disability or at any disadvantage as compared with other members of the union or society, anything to the contrary in the rules of a trade union or society notwithstanding.'

The Factories Act, 1948

This Act prescribes certain standards with regard to safety, welfare and working hours of workers, apart from other provisions. Section 9 states that Inspector may (within the local limits for which he is appointed) inquire into any accident or dangerous occurrence, whether resulting in bodily injury, disability or not, and take on the spot or otherwise statements of any person which he may consider necessary for such inquiry.

Section 88A of Chapter IX states that where in a factory any dangerous occurrence of such nature as may be prescribed, occurs, whether causing any bodily injury or disability, or not, the manager of the factory shall send notice thereof to such authorities, and in such form and within such time, as may be prescribed.

Workmen's Compensation Act, 1923

The objective of the Employee's Compensation Act, 1923 is to impose an obligation upon the employers to pay compensation to workers for accidents arising out of and in course of employment. The Employee's Compensation (Amendment) Bill, 2016 was passed by the Rajya Sabha on 22 March 2017.

Section 4, which falls in Chapter II of the Act, deals with an employee's compensation, states that the amount of compensation varies from employee death, permanent total disablement, permanent partial disablement and temporary disablement. Compensation in case of permanent total disablement [Sec 4(1) (b)] is calculated as: 60% of monthly wages of employee multiplied by relevant factor with corresponding age of injured workman specified in Schedule IV or 1,40,000/- rupees of compensation, whichever is more. For this calculation of the compensation in case of death or permanent partial disablement, the monthly wage of workman is limited to 4000/- Rupees only. Or the government may prescribe and change the monthly wage amount for calculation of the compensation.

In case of temporary disablement with the total or partial results from the injury, Employer is liable to pay injured employee with half monthly wages for a period of disablement, subject to a maximum of five years. If the accident is found to have resulted in permanent disablement, then compensation is converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments. According to Section 28, employer should sent the memorandum to the commissioner.

In Sree Lalithambike Enterprises¹⁶, Madras High Court: Accident occurred while in the course of employment resulting in loss of four fingers of left hand. Management continued paying the same salary despite disability. Madras High Court held that the workman is entitled to payment of compensation and loss of earning capacity could not be continued only to present capacity but must extend to future also.

The Juvenile Justice (Care and Protection of Children) Act, 2015

Government of India enacted the Juvenile Justice (Care and Protection of Children) Act, 2015 and the same got the Presidential assent on December 31, 2015. It is an Act to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their

¹⁶ (1988)1 Lab IC 393 (Mad)

basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established.¹⁷

Chapter II of the Act discusses general principles to be followed in administration of Act and states that there shall be no discrimination against a child on any grounds including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment shall be provided to every child. Section 59(1) of Chapter VIII of this Act deals with procedure for inter-country adoption of an orphan or abandoned or surrendered child and states that if an orphan or abandoned or surrendered child could not be placed with an Indian or non-resident Indian prospective adoptive parent despite the joint effort of the Specialised Adoption Agency and State Agency within sixty days from the date the child has been declared legally free for adoption, such child shall be free for inter-country adoption, provided that children with physical and mental disability, siblings and children above five years of age may be given preference over other children for such inter-country adoption, in accordance with the adoption regulations, as may be framed by the Authority. Section 85 states that whoever commits any of the offences on any child who is disabled as so certified by a medical practitioner, then, such person shall be liable to twice the penalty provided for such offence. [3]

Motor Vehicle Act, 1988

The Motor Vehicles Act, 1988 is an Act of the Parliament of India which regulates all aspects of road transport vehicles. The Act came into force from 1 July 1989. It replaced Motor Vehicles Act, 1939 which earlier replaced the first such enactment Motor Vehicles Act, 1914. The Act provides in detail the legislative provisions regarding licensing of drivers/conductors, registration of motor vehicles, control of motor vehicles through permits, special provisions relating to state transport undertakings, traffic regulation, insurance, liability, offences and penalties, etc. [4]

Section 140 of Chapter X deals with liability to pay compensation in certain cases on the principle of no fault and states that (1) Where death or permanent disablement of any person has resulted from an accident arising out of the use of a motor vehicle, the owner of the vehicle shall, jointly and severally, be liable to pay compensation in respect of such death or disablement in accordance with the provisions of this section.

The Income Tax Act, 1961

The Income-tax Act, 1961 is the charging Statute of Income Tax in India. To provide further incentive to the working class of persons with disability, the Income Tax Act, 1961 has been suitably amended to provide some important exemptions. The special provision is created under the Act in favour of persons with disability and for their parents/ legal guardians. Under the Income Tax Act, the exemption is allowed from the income of the person with disability.¹⁸ In addition, parent or relative upon whom the person with disability is dependent is allowed similar exemption, which includes the expenses for medical treatment of person with disability.¹⁹

Section 80DD and 80U are the two segments whose purpose is to avail Tax Deductions for the differently abled people. The disabilities which are considered by

¹⁷ <http://www.learningthelaw.in/2016/07/juvenile-justice-care-and-protection-of.html>

¹⁸ See Section 80 U, Income Tax Act 1961

¹⁹ See Section 80 DD, Income Tax Act 1961

Income Tax Act are Blindness, Low vision, Leprosy-cured, Hearing impairment, Locomotor disability, Mental retardation and Mental illness. There are two terms frequently used for the level of Disability:

1. The person with Disability means minimum 40% of the disability from given list.
2. The person with Severe Disability means 80% or more of the given disabilities.

Along with these direct provisions, the Income Tax Act also creates some indirect provision which benefits the community of persons with disability, in which deductions are allowed to persons making donations to registered trusts and societies doing work for the handicapped.²⁰

4.1.10 Employees' State Insurance Act, 1948

Employees' State Insurance Act, 1948 contains certain provisions concerning 'disablement'. There are three kinds of disablement under the Act:

According to Section 2 (15-A), "permanent partial disablement" means such disablement of a permanent nature, as reduces the earning capacity of an employee in every employment which he was capable of undertaking at the time of the accident resulting in the disablement: Provided that every injury specified in Part II of the Second Schedule shall be deemed to result in permanent partial disablement.

According to Section 2 (15B), "permanent total disablement" means such disablement of a permanent nature as incapacitates an employee for all work which he was capable of performing at the time of the accident resulting in such disablement: Provided that permanent total disablement shall be deemed to result from every injury specified in Part I of the Second Schedule or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred percent or more.

According to Section 2(21), "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury temporarily incapable of [doing the work which he was doing prior to or at the time of the injury.

In National Insurance Co. Ltd. & Mohd. Saleem Khan²¹, the High Court of Andhra Pradesh held: "If a workman is incapacitated to do all work which he was capable of doing at the time of accident, it is a case of total disablement. The certificate of the doctor of the physical impairment and loss of physical function (to the extent of 50% only) is not material in deciding the question of total disablement".

The Legal Services Authorities Act, 1987

This Act seeks to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity.

Section 12 of this Act provides for the criteria that entitles a person to receive legal services under the aforesaid Act and includes a person with disability as defined in clause (i) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. [5]

²⁰ See Sections 80G and 80GGA, Income Tax Act, 1961

²¹ (1992) II LLJ 377 (AP)

Civil Procedure Code

The Code is a procedural law that relates to the procedure of the Courts in civil matters. Order XXXII deals with suits by or against minors or persons of unsound mind. Rule 15 says that Rules 1 to 14 (except rule 2A) shall apply to persons adjudged, before or during the pendency of the suit, to be of unsound mind and shall also apply to persons who, though not so adjudged, are found by the court on enquiry to be incapable, by reason of any mental infirmity, of protecting their interest when suing or being sued.

Other Laws

Recognizing the fact that disabled constitute to more than 2 percent of the total population and in tune with the constitutional obligations of ensuring equality, freedom, justice and dignity of all individuals and evolving an inclusive society for all, including persons with disabilities, the Government of India (GoI) enacted several legislations. However, the impetus came only in the 1990s when the GoI enacted three legislations for persons with disabilities. They are (a) PWD Act, 1995. (b) National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999. (c) RCI Act, 1992.

(a) The Persons with Disabilities (Equal Opportunities, protection of Rights and full Participation) Act 1995:

According to this legislature, every child is entitled to free and compulsory education until the age of 18 (Ministry of Law and Justice, 1996). According to Sarva Shiksha Abhiyan (Education for All) program established by the Government, all children including children with disabilities between the age groups of 6 and 14, are entitled to eight years of free elementary education (Ministry of Human Resource Development, 2000). According to Disability India Network (2011), the National Policy on Education of 1986 provides for a continuum of special education services ranging from home-based instruction to full inclusion, as well as vocational rehabilitation programs for children with disabilities. The PWD Act of 1995 however, pushes for inclusion of children with disabilities in regular classrooms with the provision that the Government must also provide special equipment or books for free. Local governments or governing bodies are instructed to provide part time functional literacy classes for persons with disabilities above the age of 16. Besides these benefits, the PWD Act also focuses on providing individuals with disabilities access to higher education in colleges and universities while providing scholarships for these individuals. Yet another focus of this legislature is to improve disability identification techniques. Another important facet of the PWD Act is in the area of employment of persons with disabilities. According to this Act, government offices are to identify posts that may be reserved for persons with disabilities. [6] Three percent of jobs in government offices may be reserved for persons with disabilities; one percent each for persons with visual impairment, hearing impairment and physical impairment (Ministry of Law & Justice, 1996). According to the National Human Rights Commission Disability Manual (1995), the PWD Act also focuses on non-discrimination of persons with disabilities in the society. Steps are taken to ensure that transport and building facilities are adapted to suit the needs of persons with disabilities. Measures are also taken to sponsor and promote research in prevention and rehabilitation of disabilities.

Salient Features of Rights of Persons With Disabilities (RPWD) Act

The Lok Sabha passed "The Rights of Persons with Disabilities Bill - 2016" on 16 December, 2016. The Bill had replaced the existing PWD Act, 1995, which was enacted 21 years back. Its salient features are:

- i. 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.
- ii. Disability has been defined based on an evolving and dynamic concept.
- iii. 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.
- iv. Speech and Language Disability and Specific Learning Disability have been added for the first time. Acid Attack Victims have been included. Dwarfism, muscular dystrophy have been indicated as separate class of specified disability. The New categories of disabilities also included three blood disorders, Thalassemia, Hemophilia and Sickle Cell disease.
- v. Additional benefits provided for persons with benchmark disabilities and those with high support needs.
- vi. Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.
- vii. 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.
- viii. Reservation has been increased from 3% to 4% in Government jobs for certain persons or class of persons with benchmark disability.
- ix. 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.
- x. Broad based Central & State Advisory Boards on Disability have been set up as policy making bodies.
- xi. Strengthening of the Office of Chief Commissioner of Persons with Disabilities and State Commissioners of Disabilities, which will act as regulatory bodies and Grievance Redressal agencies and also monitor implementation of the Act. These Offices will be assisted by an Advisory Committee comprising of experts in various disabilities.
- xii. Creation of National and State Fund to provide financial support to the persons with disabilities.
- xiii. The Act provides for penalties for offences committed against persons with disabilities. Discriminatory actions are made punishable from 6 months to 2 years along with Rs. 10000 to 5,00,000.
- xiv. Designated special Courts to handle cases concerning violation of rights of PwDs.

This New Act will not only enhance the Rights and Entitlements of Divyangjan but also provide effective mechanism for ensuring their empowerment and true inclusion into the Society in a satisfactory manner.

(b) The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999

According to the Ministry of Law, Justice and Company Affairs (1999), the National Trust Act of 1999 also focuses on providing equal opportunities, protection of rights and full participation. The objectives of this Act include empowering individuals with disabilities by providing "adequate standard for living" to live independently in the community as well as providing necessary supports for these individuals in living with their families. In case of individuals who do not have family

support, this Act provides for alternate measures. This may include foster homes, independent living, community living, day care facilities or identifying and appointing guardians for the care of individuals with disabilities. According to this legislation, while private institutes are allowed to set up these community-based facilities, they need to be approved by the Government; the final authority lies with the Government.

1. The Central Government has the obligation to set up, in accordance with this Act and for the purpose of the benefit of the disabled, the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability at New Delhi.
2. The National Trust created by the Central Government has to ensure that the objects for which it has been set up as enshrined in Section 10 of this Act have to be fulfilled.
3. It is an obligation on part of the Board of Trustees of the National Trust so as to make arrangements for an adequate standard of living of any beneficiary named in any request received by it, and to provide financial assistance to the registered organizations for carrying out any approved program for the benefit of disabled.
4. Disabled persons have the right to be placed under guardianship appointed by the 'Local Level Committees' in accordance with the provisions of the Act. The guardians so appointed will have the obligation to be responsible for the disabled person and their property and required to be accountable for the same.
5. A disabled person has the right to have his guardian removed under certain conditions. These include an abuse or neglect of the disabled, or neglect or misappropriation of the property under care. [7]
6. Whenever the Board of Trustees are unable to perform or have persistently made default in their performance of duties, a registered organization for the disabled can complain to the central government to have the Board of Trustees superseded and/or reconstituted.
7. The National Trust shall be bound by the provisions of this Act regarding its accountability, monitoring finance, accounts and audit. [8]

(c) The Rehabilitation Council of India Act, 1992

The Government of India established the Rehabilitation Council of India (RCI) in 1986 under the Ministry of Social Empowerment and Justice (Ministry of Law, Justice and Company Affairs, 1992). In 1992, the RCI was given the status of a statutory body; one that would aim to regulate rehabilitation and related issues in India and thus the Rehabilitation Council of India Act emerged. RCI seeks to gather information in the areas of education and training related to disability, special education and rehabilitation in India and abroad, as well as conduct and support ongoing professional development programs in collaboration with various organizations (Ministry of Law, Justice and Company Affairs, 1992). This Act provides guarantees so as to ensure the good quality of services rendered by various rehabilitation personnel. Following is the list of such guarantees:

1. To have the right to be served by trained and qualified rehabilitation professionals whose names are borne on the Register maintained by the Council
2. To have the guarantee of maintenance of minimum standards of education required for recognition of rehabilitation qualification by universities or institutions in India.
3. To have the guarantee of maintenance of standards of professional conduct and ethics by rehabilitation professionals in order to protect against the penalty of disciplinary action and removal from the Register of the Council

4. To have the guarantee of regulation of the profession of rehabilitation professionals by a statutory council under the control of the central government and within the bounds prescribed by the statute.²²

National Policy for Persons with Disabilities Act 2006

The National Policy, released in February 2006 recognizes that Persons with Disabilities are valuable human resource for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in society. Its aim is to ensure better coordination between various wings of the State and Central Governments. The focus of the policy is on the following: Prevention of Disabilities, Rehabilitation Measures, Physical Rehabilitation Strategies, Early Detection and Intervention, Counseling & Medical Rehabilitation.

Conclusion

To conclude, the researcher has given emphasis on the various legal provisions and laws available in India and made a systematic study on how these laws have contributed towards the protection of legal status of the disabled persons in India. Eventually, more awareness should be created among the masses especially the persons with disabilities themselves as well as their family members and legal guardians about these legal provisions so that they can also avail the facilities available to them and eventually lead a life with dignity.

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²² Press.<http://lawmin.nic.in/coi/coias>