

# **CHAPTER-I**

## **INTRODUCTION**

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### **1.1.0 INTRODUCTION**

**'Rights of persons with Disabilities (RPWD) Bill:**

**Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is the principal Act for the empowerment of Persons with Disabilities. The Act was enforced 20 years back. Meanwhile, there has been drastic changes in disability sector such as understanding disability and its social model of definition, new technology and process of rehabilitation etc.**

**Further, India signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and subsequently ratified the same on 1st October, 2007. The Convention came into effect on 3rd May 2008. Being a signatory to the convention, India has an international obligation to comply with the provisions of the Convention.**

**Keeping in view the fact that the existing Act of 1995 is not fully in conformity with the UNCRPD, a need was felt to have a rights-based legislation with a strong institutional mechanism.**

**The Bill had been mooted by the Ministry of Social Justice and Empowerment after extensive consultation with various stakeholders, State Governments/UTs and concerned Central Ministries and Departments and was introduced in the RajyaSabha on 7.2.2014, which was referred to the Parliamentary Standing Committee.**

**The Standing submitted its recommendations on 7.5.2015. The recommendations of the Standing Committee were also shared with the States/UTs as well as concerned Central Ministries/Departments. Based on these consultations, amendments to the Bill have been proposed which would widen the scope of new Law and also provide a framework to enable the Persons with Disabilities to enjoy their enjoyment rights equally with others.**

**The Union Cabinet in its meeting held on 30.11.2016 approved the proposal of the Department of Empowerment of Persons with Disabilities (Divyangjan) to incorporate these amendments in the Rights of Persons with Disabilities Bill,2014 during the ongoing winter session of parliament. The new Bill with amendments proposes to repeal the existing Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act,1995.**

The Act replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It fulfills the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory. The Act came into force during December 2016.

### **1.1.1 SALIENT FEATURES OF THE ACT**

#### **Disabilities covered**

- Disability has been defined based on an evolving and dynamic concept.
- 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. The 21 disabilities are given below:-

1. Blindness
2. Low-vision
3. Leprosy Cured persons
4. Hearing Impairment (deaf and hard of hearing)
5. Locomotor Disability
6. Dwarfism
7. Intellectual Disability
8. Mental Illness
9. Autism Spectrum Disorder
10. Cerebral Palsy
11. Muscular Dystrophy
12. Chronic Neurological conditions
13. Specific Learning Disabilities
14. Multiple Sclerosis
15. Speech and Language disability
16. Thalassaemia
17. Haemophilia

18. Sickle Cell disease
19. Multiple Disabilities including deafblindness
20. Acid Attack victim
21. Parkinson's disease

### **1.1.2 RIGHTS AND ENTITLEMENTS**

- Persons with "benchmark disabilities" are defined as those certified to have at least 40 per cent of the disabilities specified above.
- 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.
- Additional benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4 %), reservation in allocation of land, poverty alleviation schemes (5% allotment) etc. have been provided for persons with benchmark disabilities and those with high support needs.
- Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.
- Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education to the children with disabilities.
- 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.

### **1.1.3 GUARDIANSHIP**

- 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.

### **1.1.4 ESTABLISHMENT OF AUTHORITIES**

- Broad based Central & State Advisory Boards on Disability are to be set up to serve as apex policy making bodies at the Central and State level.
- Office of Chief Commissioner of Persons with Disabilities has been strengthened who will now be assisted by 2 Commissioners and an Advisory Committee comprising of not more than 11 members drawn from experts in various disabilities.

- Similarly, the office of State Commissioners of Disabilities has been strengthened who will be assisted by an Advisory Committee comprising of not more than 5 members drawn from experts in various disabilities.
- The Chief Commissioner for Persons with Disabilities and the State Commissioners will act as regulatory bodies and Grievance Redressal agencies and also monitor implementation of the Act.
- District level committees will be constituted by the State Governments to address local concerns of PWDs. Details of their constitution and the functions of such committees would be prescribed by the State Governments in the rules.
- Creation of National and State Fund will be created to provide financial support to the persons with disabilities. The existing National Fund for Persons with Disabilities and the Trust Fund for Empowerment of Persons with Disabilities will be subsumed with the National Fund.

### **1.1.5 PENALTIES FOR OFFENCES**

- The Act provides for penalties for offences committed against persons with disabilities and also violation of the provisions of the new law.
- Any person who violates provisions of the Act, or any rule or regulation made under it, shall be punishable with imprisonment up to six months and/ or a fine of Rs 10,000, or both. For any subsequent violation, imprisonment of up to two years and/or a fine of Rs 50,000 to Rs five lakhs can be awarded.
- Whoever intentionally insults or intimidates a person with disability, or sexually exploits a woman or child with disability, shall be punishable with imprisonment between six months to five years and fine.
- Special Courts will be designated in each district to handle cases concerning violation of rights of PWDs.

### **1.2.0 RATIONALE OF THE STUDY**

RPWD Act is introduced recently in 2016 and it replaced the PWD Act that was enacted way back in 1995. RPWD Act is a milestone in struggle for equal opportunities of disable peoples in India. A large number of children with disabilities do not get proper education in India and this act proposes that every child with disability gets free education from the age of 6 to 18.

Numbers of types of disabilities have been increased from 7 to 21. So, RPWD Act is a good beginning but the rights of PWD will be protected only if this act will be implemented in its true spirit. Equal Opportunity for all cannot be achieved only by passing the law. The entire society

has to participate in creating opportunities. So, there is need to be aware about this law. So, researcher want to know whether the teacher in schools are aware about this law or not and their attitude about RPWD act as well as want to check the implementation of this law that is implemented in better way or not.

### **1.3.0 NEED AND IMPORTANCE OF THE PROBLEM**

RPWD Act 2016 addresses some of the long standing demands of the Indian persons with disabilities. Inclusion of more conditions in disability list, free education for disabled children, framework for supporting institutional and social infrastructure, making accessible environment and provisions of punishment for violation of RPWD Act are very important. According to us, however, the Act is still inadequate in addressing problems of disabled people. Although we consider RPWD Act 2016 as a good beginning — the real benefit of the Act would be possible only if this Act could be implemented in its word and spirit. Therefore, there a need to study the awareness and attitude of our teaching community towards RPWD Act 2016.

### **1.4.0 STATEMENT OF THE PROBLEM**

A Study of Awareness and Attitude of Teachers towards R.P.W.D. Act 2016 at elementary level in Bhopal (M.P.)

### **1.5.0 SIGNIFICANCE OF THE STUDY**

Effective translations of enacted laws depends upon the knowledge, opinion and positive attitude of stakeholders regarding the enacted law. As this study focuses on awareness and attitude of teachers towards the Act, its findings facilitate policy makers in structuring policy interventions for its propagation and implementation.

### **1.6.0 OPERATIONAL DEFINITIONS OF KEY TERMS**

Before proceeding further, in any research, the researcher should have clear understanding of the problem. The problem selected for the study is A Study of Awareness and Attitude of teachers towards RPWD Act-2016. There are two terms in the study –Awareness and Attitude. These terms carry different meanings to different people. Therefore, researcher here under, in brief, spells out his own understanding of these terms.

### **1.6.1 AWARENESS**

Awareness is, primarily, a mental state of an individual regarding something. Awareness is always of something. It is a process of taking in something that is outside to individual. It indicates the knowledge of an individual about some phenomenon. In this study, the researcher employs the term 'awareness' primarily as accomplished cognitive ability of an individual. It means to acquire concern and sensitivity toward RPWD Act it is defined as the extent of knowledge and understanding among elementary teachers about RPWD Act.

### **1.6.2 ATTITUDE**

The term attitude has been defined in a number of ways by the psychologists. Attitude is a mental characteristics. The simplest definition is that, it is a feeling or against something. A predisposition or a tendency to respond positively or negatively towards a certain idea, object, person, or situation. Attitude influences an individual's choice of action, and responses to challenges, incentives, and rewards (together called stimuli).

### **1.7.0 OBJECTIVES OF THE STUDY**

Researcher formulated following objectives for the present study on the basis of two dimensions, namely Awareness and Attitude. They are:

1. To study the current status of RPWD act in the government schools of study area (Bhopal City M.P.)
2. To study the awareness of elementary teachers about RPWD act at elementary level.
3. To study the attitude towards implementation of RPWD Act of elementary teachers.

### **1.8.0 DELIMITATIONS**

This study is conducted on a very small scale so, the focus of the studying is very much limited. The study has following limitations:

1. Firstly, Conceptual limitation of the study is that it confined only to cognitive dimension of awareness regarding RPWD Act.
2. Secondly, the study is confined to attitude of teachers towards RPWD Act 2016.
3. Awareness and Attitude of respondents is based on structured questions and items only.

**4. This study is only confined to 25 elementary teachers.**

**5. This study is confined to 4 Government Schools.**

**6. This study is confined to Bhopal city (M.P.).**