

Disabled rejoice House nod, activists rue flaws

Some Progress But Bill Lacks Teeth For Punitive Action

Satabhisa Bhaumik & Manash Gohain | TNN

New Delhi: In the middle of celebrations, Pankaj Kapoor pulled his wheelchair closer to drummers, lifted his hands and grooved to the beats. He was among several disabled people and rights activists who gathered at Jantar Mantar to celebrate the passage of the Rights of Persons with Disabilities Bill in the Lok Sabha on Friday.

“Our victory comes after countless vigil, protests and appeals to the government. Today is a day to rejoice and it seems too good to be true,” says Javed Abidi, convener, Disabled Rights Group (DRG). “The definition of disability has gone beyond just impairment; now it is about the barriers they face, be it accessibility or attitudinal,” said Nidhi Jalan of Action for Ability Development and Inclusion (AADI).

Twenty-year-old Lovish Sethi, who suffers from thalassaemia, feels the Bill will open a sea of opportunities for people like him. “I am preparing for Staff Selection Exam. I have always feared that my medical condition would



Rajesh Mehta

JUBILANT: Members of rights groups celebrate passage of the Bill

not allow me to fulfil my dreams as my seniors had lost out on job opportunities.”

Anuj Jain, the joint secretary of National Association of the Deaf, said now more people would incorporate sign language in the field of education, giving deaf and mute people better access to knowledge.

However, activists aren't entirely happy. They pointed out that the Bill would “inculcate exclusion”. They are also worried about the Bill not including any specific provision for women and children. Re-

servation in jobs, once proposed to be enhanced from 3% (1995 Act) to 5% (2014), has been restricted to 4%, said Dr Satendra Singh, an activist. The law also needs to cover adoption of children with disabilities, said Abha Khetarpal, president, Cross for Hurdles.

The fact that the Rajya Sabha approved the Bill without any discussion shows “how the politicians treat the issue”, said Nikhil Jain, president of Sambhavana Organization. “The amendments have been pending since 2007. But the government passed

the Bill without putting the final draft in public domain,” said activist Pankaj Sinha. Activists also alleged that the Bill lacked teeth for punitive action as there is only a fine of Rs 10,000 to Rs 5 lakh.

Subhash Chandra Vasishth, advocate at Centre for Accessibility in Built Environment, highlighted how after the amendments, Section 3 (3) allows “discrimination against disabled person if it is ‘a proportionate means of achieving a legitimate aim.’”

However, the flaws failed to dampen the spirit today. “Our goal is not to achieve special treatment, but equality. The job reservation is aimed at filling up the deficit,” said Neha Juneja, who works with autistic children.

Activists working with people suffering from intellectual and learning disabilities agree that they require a safe and secure environment to be productive.

Anuja Saxena, whose daughter suffers from speech and language disability, said, “She neglected her studies after witnessing her peers failing to get a job. Now children like her can pursue their dreams.”