

Protection And Promotion of Educational And Employment Rights of Disabled in Odisha – A Human Rights Quest

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Abstract: Disabled people in India as well as in Odisha share the contour of the general poor, but in fact they experience poverty more intensely and have lesser opportunities to get away poverty than the non-disabled. Society views them as victims requiring charitable assistance rather than the equal citizens with potential. They largely remain trapped in a vicious circle of poverty and social exclusion. Underestimated and undervalued by others, they begin to doubt their own abilities, and the image of the disabled person as a passive victim becomes a self-fulfilling prediction. They are the most disadvantaged group among the disadvantaged. To give a real picture to their four core values of human rights law in context to disability, protection and promotion of education and employment rights of disabled people is very much essential in Odisha as well as in India. As per an estimate of WHO, 10% of the world's population suffers from one or other disabilities and almost one fifth of the disabled person of the world lives in India. According to Census 2001, nearly 5% of people in India are affected with impairment or disability and there are 10.21 lakh disabled people live in Orissa. They are the world's largest minority. International Declarations, National Constitutional and statutory provisions and judiciary strictures are tries to protect the rights of education and employment of disabled people but yet they have not able to fulfill that so far as the response to implement of the same is concerned. Under this back ground the present paper tries to analyse the status of disabled people in India as well as in odisha and tries to recognize their right to education and employment in the every sphere of education and employment in Odisha as well as in India in the context of human rights.

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I. Introduction

Human rights are those which are inherent to all human beings whatever be the nationality, place of residence, sex, national or ethnic origin, color, religion, language, or status in the society for which it attach to all persons equally by virtue of their humanity not for their membership of any particular social group. It specifies the minimum conditions for human dignity and a tolerable life and encompasses a wide variety of rights. These rights are universal and moral. All individuals entitled to these rights without any discrimination on any ground. All these rights are interdependent, inter-related and indivisible.¹ But the disability refers to the disadvantage or restriction of activity caused by the way society is organized which takes little or no account of people who have physical, sensory or mental impairments. As a result such people are excluded and prevented from participating fully on equal terms in mainstream society and also from accessing their basic human rights. Disability is an unfortunate part of human life which can effect not only the natural way of living but also despair component strength and power. Persons with disability are most disadvantaged section of society; they are also neglected in their family. As per an estimate of World Health Organization, ten percent of the world's population suffers from one or other disabilities and almost one fifth of the disabled person of the world lives in India. According to Census 2001, nearly 5% of people in India are affected with impairment or disability² and there are 10.21 lakh disabled people live in Orissa. Out of them, 5.14 lakh are disabled in seeing, 0.69 lakh in speech, 0.84 lakh in hearing, 2.81 lakh in movement and 1.64 lakh mental. According to WHO report 10% of a nation's population constitutes disabled people which in turn would make Orissa in India have at least a four million population of disabled.

Traditionally, disability issues have essentially been addressed as acts of charity. Persons with disabilities have suffered from a relative "invisibility", and tended to be viewed as "objects" of protection,

treatment and assistance rather than subjects of rights. Equal access to basic rights and fundamental freedoms including access to health care, employment, education, participation in cultural activities, that most people take for granted, have been denied to them. Over the past two decades, a dramatic shift in perspective has taken place, and persons with disabilities have started to be viewed as holders of rights. The United Nations High Commission for Human Rights propagates the “Rights-based approach to disability” which essentially means viewing persons with disabilities as subjects of law. Its final aim is to empower disabled persons, and to ensure their active participation in political, economic, social, and cultural life in a way that is respectful and accommodating of their difference. There are four core values of human rights law in the context of disability viz. Non-discrimination, Autonomy and participation, Equality of opportunity, Inclusion.³

Since independence, the disabled have been classified with other vulnerable and weaker sections of the population such as women, the scheduled caste and scheduled tribes. The other groups have had the powerful political lobbies: Dr. Ambedkar for Dalits, Gandhi for the scheduled castes and a very strong political lobby for women. The disabled have been left behind.⁴ The constitution of India promises not only political but also social democracy. Democracy in any sense cannot be established unless certain minimal rights, which are essential for a free and civilized existence, are assured to every member of the community irrespective of caste, colour, creed, religion, language, and sex. The benchmark of good governance is the welfare of its people. Every citizen needs to be assured that he or she is protected by the state in whichever condition he or she lives⁵. This is important for the persons with disability. According to the concept of ‘Sarvodaya’ which denotes the meaning uplift of all or uplift and development in all aspects in the life of individual the disabled people should get all facilities to uplift their dignity as an able individual by which we build a new society on the foundation of the old spiritual and moral values of India⁶. As a disadvantage group, they need to know not only that they are equal citizens of this great country but also that society will ensure that they can get an equal opportunity in every issue. The state should protect their basic human rights and create the infrastructure to easy access of their basic rights. Education and employment are two important rights from their basic rights which should help disabled to enjoy all their rights easily. These two rights are like two sides of a coin. One enhance the internal quality of an individual while other help for greater the economic capacity. Extracting one from other is useless. Therefore state should protect educational rights of disabled giving a simultaneous protection to their employment rights. Giving importance to the education Dr. A. P. J. Abdul Kalam, former President of India in the occasion of second time visit to the KIIT said “Education is more important than missile for the country's development” in reply to a poser by a student of Kalinga Institute of Social Sciences (KISS) at KIIT campus⁷. The Government of India has also taken several measures with the investment of millions of rupees during successive Five Year plans for physical and vocational rehabilitation of the persons with disabilities. The enactment of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 marks a milestone in the disability rights movement in our country. Despite various international laws and treaties, national constitutional mandate, other acts and specifically Disability Act 1995 till the date rights of disabled not properly protected because of the lacking of proper implementation process and also lacking of political will power. In this context our state odisha's initiation is not remarkable. Odisha does not take any remarkable steps for protection of the educational and employment rights of disabled student which have also been provide to the other disadvantaged group like SC, ST, OBC, etc. Odisha should protect these rights of disabled to make them able citizen and empower them through special legislation to mix main stream of society.

Meaning And Definition

In general disability means a person whenever he or she does not have ability to perform his day-to-day activity in a normal manner, which considered for a human being. According to the New Oxford Advanced Learner's Dictionary the meaning of disability is a physical or mental condition that means you can't use a part of your body completely or easily, or that you can't learn easily. The term disability person means any person unable to ensure by himself herself, wholly or partially, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities which is proclaimed by the UN General Assembly in 2433rd plenary meeting 9 December 1975 on the declaration of rights of disabled person⁸.

In fact the definition of disability is difficult to satisfy all the disabled groups. There are various types of disabilities and there are, also various causes for these disabilities. Some people are disability by birth whereas others become disabled during their lifetime. Some disabilities show themselves only periodically like fits and seizures whereas others are constant conditions and are life-long. Some disabilities can be controlled and cured where others put the experts in confusion. Therefore finding a consensual definition from the different and frequently varying definitions of disabilities, whether sophisticated or practical, is too difficult. Some of the recommended definitions are as follows:

According to WHO “disability is any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being”. According to ILO

a disabled person as an individual whose prospects of securing, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical or mental impairment. According to the Standard rules on the Equalization of Opportunities for persons with disabilities, United Nations 1994 the term 'disability' summarizes a great number of different functional limitations occurring in any population in any country of the world. People may be disabled by physical intellectual or sensory impairment, medical conditions or mental illness.

According to the Planning Commission of India, a disabled person means a person who is:

Blind

Deaf

Having orthopedic disability or

Having neurological disorder

Mentally retarded

According to the Person with Disabilities (Equal opportunities, protection of rights and full participation) Act, 1995 disability is a person who suffering from not less than 40% of any disability as certified by a medical authority. According to the Orissa government home department notification for the secretariat services "Persons with Disabilities (or Physically Handicapped Persons)" means a person who would be granted a disability certificate by competent authority as per the provisions under rule 4 of the Persons with Disabilities (Equal Opportunities, Protection of Right, and Full Participation) Orissa Rules, 2003⁹

Types Of Disability

There are various types of disabilities. But these can be grouped namely into physical Disabilities or Mental disabilities. Physical Disabilities are those that involve our bodily structure or function (physique means body). They are as follows:

Locomotor Disability: Locomotor means movement. Locomotor disabilities may involve the movement of upper limbs resulting the inability to move properly our arms, hands and fingers (upper limbs). It may involve our lower limbs resulting in inability to move our hips, knees or legs or it may involve our spine resulting in inability to bend or straighten our back bone. These locomotor disabilities may either be because of damage to a particular area of the brain which controls and coordinates all movements of our body. Or, it may be because of damage to the bones, joints or muscles which move our hands and legs. Or it may be due to the damage to the spinal cord or the nerves that connect the brain to these muscles. By definition, as per the PWD Act "Locomotor Disability" means disability of the bones, joints or muscles leading to substantial restriction of movements of the limbs or any form of cerebral palsy".

Speech and Hearing Disability means that the person or child is unable to speak or hear totally or has difficulties in speaking or hearing. Here again, the problem may be in the hearing mechanism found in our ears or the speaking mechanism found in the voice box in our throat. Or, it may be the an area of the brain where the meaning of what we hear is understood or another area of the brain where the meaning of what we here is understood or another area of the brain where the speech is the definition of Hearing Impairment by the PWD Act "Hearing Impairment means loss of sixty decibels or more in the better ear in the conversational range of frequencies".

Visual Disability means that the person or child is unable to see properly or totally. Vision means sight. Here again the problem may be in the mechanism within the eyes or it may be in one particular area of the brain where the meaning of what we see is given, whether it is a boy, bird or a girl that we see. By the "PWD Act" Blindness refers to a condition where a person suffers from any one of the following conditions : Total absence of sight or Visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses or Limitation in the field of vision subtending an angle of 20 degrees or worse. As per the PWD Act a "person with low Vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device.

Mental Disabilities are those that involve our mind. The two types of mental disabilities are Mental Retardation refers to sub average intellectual development along with maladaptive behaviors seen during the developmental period. Mental Illness refers to a heterogeneous groups of conditions which goes by different names like psychoses, Neuroses, depression, Mania etc. where in the person loses touch with reality and may suffers from hallucinations of sound, smell, taste etc. sometimes resulting in harm to others as well as to himself. In a mentally ill person, the intelligence is normal and so he may be educated. Mental illness usually happens after the developmental period is over. Multiple Disabilities means that the person has more than one of the above disabilities. For eg. The child who may have a brain damage sometimes has difficulties in speaking, seeing and moving difficulties or the child or person may have seeing and hearing disabilities without any brain damage.

Cerebral Palsy means a group of non - progressive conditions of a person characterized by abnormal Motor control and posture resulting from brain insult or injuries occurring in the prenatal per - natal or infant period of development" that usually results on Multiple Disabilities in that child. However The Persons with Disabilities (Equal opportunities, protection of rights and full participation) Act. 1995 identifies the following seven categories of disability which will now be used in India¹⁰.

- Blindness
- Low Vision
- Leprosy cured
- Locomotor handicapped
- Hearing impairment
- Mental retardation
- Mental Illness

Cause Of Disability In Odisha

Disability is caused by various factors in odisha and it mainly causes due to the lack of education of the people. Before Birth– Genetic factor, Marriage in close relative pregnancy at very late age, x - ray exposure during pregnancy.

During birth – Prolonged labour, child not crying in time, injury due to forceps or caesarean operation.

After birth – Accidents, infections virus disease and for natural calamities.¹¹

Indian Initiation For The Protection Of Education And Employment Rights

The Government of India has implemented the rehabilitation programmes on a massive scale. In a systematic way, the work started in the early 1980's has been instrumental in building capacities in terms of trained teachers, development of teaching and learning materials, models of context specific educational and therapeutic services, promotion of Non-Government organizations (NGOs), extensive coverage of persons with disabilities under the scheme of providing aids and appliances, and use of technology for improvement in education. Convergence of various governmental schemes for the empowerment of persons with disabilities is another bold step initiated by the Government. A purposeful endeavor was made to include disability rehabilitation as an area of critical social development responsibility and accountability of the national planning process from the 8th Five Year Plan onwards. During the 10th Five Year Plan, the outlay was 14541 million Rupees, while in the 11th Five Year Plan which commenced from 2007 the focus was on the early intervention, education, employment, aiming at a barrier free and inclusive society.

Education of children with disabilities was not lost from the sight of various commissions of Government of India. The Kothari Commission (1964-1966) observed that the coveted goal of Universalisation of Elementary Education (UEE) depends upon the extent of success in bringing special groups of children within the educational network. However, not much was attempted to increase the coverage of children with disabilities in the educational network, which constituted just 0.07% of the total children at the elementary stage, which was increased to 1% with the review of National Policy on Education (1992). An integrated approach was largely adopted. Children with locomotive disabilities, low vision and blindness are enrolled in regular schools in larger numbers when compared to those with intellectual disability and hearing impairment. This is owing to the fact that children with intellectual disability require significant adaptation in the curriculum and children with hearing impairment require teachers trained specifically in effective communication with these children. Teacher preparation in special education is very essential. Integration is to support the children in the content and process of teaching besides physical adjustments and rearrangements. Education through the integration mode has been imparted to a large number of children with disabilities by both governmental and non-governmental agencies in the country.

Integrated Education for Disabled Children (IEDC) was introduced in 1974 initially by the Ministry of Welfare and later on handed over to the Ministry of Human Resource Development, Department of Education, which is being implemented in over 20,000 schools in India covering over 120,000 children with disabilities. IEDC has contributed significantly in incorporating the special needs inputs in the teacher education curriculum for primary and secondary teachers prepared by District Institutes of Education and Training. It has also contributed in large-scale production of print and non-print material. During the 1987-1994 period UNICEF assisted Project Integrated Education for the Disabled (PIED) under NCERT (National Council of Educational Research & Training) was taken up to provide education for all children with disabilities and to allow them and their families, neighbours and non-disabled children to interact in normal settings. It aimed to develop competencies in children with disabilities so as to provide a natural basis for adult life experiences in such a manner that they can perceive themselves as contributing members to socio-economic development of the society. Subsequently, the District Primary Education Programme was launched in 1994, in which 18,000 regular teachers were trained to impart special education inputs to children with special needs. 'Janashala' is a

programme, of a community school aiming to support ongoing efforts of the Government of India towards UEE with special focus on the problems of girls and underprivileged children.

In 1994, the Government of India launched the District Primary Education Programme (DPEP), a centrally sponsored scheme funded by the World Bank and other foreign agencies, which emphasized on Universalisation of Elementary Education (UEE) through developmental management, a participatory process, and capacity building at all levels. DPEP covered IEDC as its component and adopted an area approach, in 18 states. Since UEE has not been achieved fully, the Government of India launched Sarva Shiksha Abhiyan (SSA - Education for All), which also made special provision for serving children with disabilities. It has set a target to provide useful and quality elementary education to all children in the 6-14 year age group by 2010, which promotes decentralized planning with full involvement of Panchayat Raj Institutions (PRIs).

According to the Census of India 2001, out of 21.9 million persons with disabilities 10.8 million persons are literate, constituting 49 per cent. The rate of literacy by residence is 44.4% for rural and 63.9% for urban population with disabilities.

The Government of India is also implementing an action plan to make mainstream education not just available but accessible, affordable and appropriate for students with disabilities. Quality of education for these children is also a concern of the action plan. The action plan will cover the following levels of educational interventions.

- Integrated child development service programmes for children in the age group of 0 to 6 years.
- A national rural health mission will cover early identification and intervention of children at risk.
- Sarva Shiksha Abhiyan for children in the age group of 6 to 14 years.
- A revised plan for Inclusive Education of Children and Youth with Disabilities (IECYD) will include persons with disabilities in the age range of 14 to 18 years.

As per the National Policy, the Government of India envisages that every child with disability has access to appropriate preschool, primary and secondary level education by 2020 .In keeping with the action plan, all the schools in the country will be made disabled friendly by 2020 and all educational institutions including hostels, libraries, laboratories and buildings will have barrier free access for the disabled. There are many positive and promoting features to make inclusive education a success ¹²

Odisha's Intiation for the Protection of Educational and Employments Rights of Disabled.

Though Odisha tries to protection the rights of disabled but these are not same as other disadvantage people .However following are some initiatives given as follows.

Special Schools for children with disability:

This is a State Govt. Scheme aimed at providing free education to visually impaired, hearing impaired and mentally challenged children in Special Schools having specially-trained teachers. Apart from 4 special schools (2 for the blind and 2 for the deaf) directly managed by State Govt. in School and Mass Education Deptt., further 50 Special Schools are being run in the State by different agencies including non-govt. organizations with grant-in-aid from the State Government in W & C.D. Deptt. Of these, 18 schools are for visually impaired children, 21 for the hearing impaired and 11 schools are for mentally retarded children .The total approved student strength in above 50 schools is 2939, with staff strength (both teaching and non-teaching) at 620. Besides these State-funded Schools, 25 more Special Schools with 1332 students on roll are being run in the State by NGOs/Voluntary Organizations with grant-in-aid from the Govt. of India .

Training & Rehabilitation of Persons with Disability

Under this Scheme, disabled persons are trained in various traditional and vocational skills suited to the market needs so as to facilitate their self-employment vis-a –vis economic self-sufficiency. With this objective, four Vocational Training Centres (VTCs) have been established with support from the State Govt. Three VTCs are run by the respective Association, viz. Orissa Association for the Deaf (for the hearing impaired) and Orissa Association for the Orthopedically Handicapped and the Orissa Association for the Blind or Visually Handicapped. One VTC is run by the Mahila Vikas Sambaya Nigam. 131 persons are trained in these Centres every year. An amount of Rs.10.00 lakhs has been spent as provided in the State Plan budget for 2005-06. Another seven Vocational Training Centres are being run in the State by different NGOs with funding support from Govt. of India.

Scholarship to Students with Disability

Under the Scheme, the State Govt. provide scholarships to disabled children who are studying in the normal schools from the primary level upto the University level including those pursuing technical and vocational education. The rates of scholarship provided to disabled students studying in different classes have

been revised w.e.f. December 2002 after a period of 24 years. The old and the revised rates of scholarship are as follows:

Inside the State

Sl NO	Subject	Previous Rate	Revised Rate
a)	Primary School (Class I to V)	Rs.20/- p.m.	Rs.100/- p.m.
b)	Middle & High School (Class VI to VII & VIII to X)	Rs.40/- p.m.	Rs.140/- p.m.
c)	College (+2 and +3 level)	Rs.60/- p.m.	Rs.160/- p.m.
d)	College (PG level)	Rs.60/- p.m.	Rs.190/- p.m.
e)	Technical & Vocational Training	Rs.60/- p.m.	Rs.190/- p.m.

Outside the State

Students pursuing normal course of studies in technical and vocational field Rs.190/- p.m.
not available in the State. (This has been introduced for the first time)

For of blind students

Sl No	Subject	Previous Rate	Revised Rate
a)	Primary School (Class I to V)	Rs.15/- p.m.	Rs.30/- p.m.
b)	Middle School (Class VI to VII)	Rs.20/- p.m.	Rs.60/- p.m.
c)	High School (Class VIII to X)	Rs.30/- p.m.	Rs.60/- p.m.
d)	Other studies	Rs.30/- p.m.	Rs.60/- p.m.

Under this Scheme, 4963 disabled students were benefited during 2004-05 which increased to 6092 during 2005-06. The entire budget provision of Rs.65.30 lakh for 2005-06 has been spent.

Training Centres for Teachers for Students with Disability

Three training centres for teachers of special schools are operating in the State in collaboration with the respective National Institutes viz. National Institute for the Visually Handicapped (NIVH), Dehradun; National Institute for the Hearing Handicapped (NIHH), Mumbai and the National Institute for the Mentally Handicapped (NIMH), Secundarabad on a 40:60 funding basis. The Training Centre for Teachers of the Visually Handicapped (TCTVH) is running in collaboration with the NIVH, the Training Centre for the Mentally Retarded (TCMR) in collaboration with the NIMH for training the teachers for mentally retarded students and the Training Centre for the Teachers of the Deaf (TCTD) in collaboration with the NIHH for training the teachers for students with hearing impairment. The intake capacity of these centres is 20 each per year. Rs.4.38 lakhs were spent under the non-plan head during 2005-06 for these three Training Centres.

Care and Protection of Children suffering from Cerebral Palsy/Spasticism/Multiple Disabilities

Under this Scheme, special education and training in various skills are being imparted to spastic children and children affected by cerebral palsy or multiple disabilities. The aim is to create a conducive and supportive environment for helping them to imbibe new skills and ideas and make them self-sufficient.

Open Learning Systems, an NGO, is running one such institution with financial support from the State as well as the Central Government. A sum of Rs.5.00 lakhs, as provided in the budget of 2005-06, has been released for implementation of this Scheme.

Printing of Braille Books

Grant-in-aid is being provided by the State Govt. to the Braille Press installed in the Red Cross School for the Blind at Berhampur and the Braille Transcription Project run by the Orissa Association for the Blind, Bhubaneswar, to provide Braille books to blind students. A "Talking Book Library" has also been established in the Training Centre for Teachers of the Visually Handicapped (TCTVH) where textbooks are being converted into audiocassettes for the benefit of blind students. An amount of Rs.4.40 lakhs has been spent during 2005-06 under Non-plan against the scheme.

National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities

In pursuance of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, Local Level Committees have been constituted in all the 30 districts after being duly approved by the National Trust. The Collector of the district is the Chairman of the

Local Level Committee. The Local Level Committees are to look into the welfare of the persons with autism, cerebral palsy, mental retardation and multiple disabilities. These Committees will also facilitate implementation of the Trust's schemes and appoint guardians for the persons belonging to these categories of disability. Thirty seven Voluntary Organizations / NGOs are registered with the National Trust for implementing the Trust's schemes for providing social security as well as developmental support to this marginalized section among the persons with disabilities.

Loan Assistance Scheme Under NHFDC

The NHFDC has been incorporated by Ministry of Social Justice and Empowerment, Govt. of India during 1997 under Companies Act as a company not for profit. It is wholly owned by Govt. of India and has an authorized share capital of Rs.400 crores. The main activities of NHFDC is to promote economic & developmental activities for the benefit of disabled persons. Accordingly, NHFDC is promoting the following schemes for the benefits of handicapped persons.

- Loan assistance scheme for self-employment in small business.
- Loan assistance scheme for disabled entrepreneurs.
- Loan assistance scheme for agricultural activities.
- Assistance for skill & entrepreneurial development programmes.
- Financial assistance scheme to disabled for higher studies or professional training.
- Scheme to promote manufacturing / production of assistive devices for disabled persons
- Scheme to promote self-employment amongst persons with mental retardation cerebral palsy and autism.

Target Groups

1. A person with minimum 40% disability.
2. Age between 18 year to 55 years.
3. Annual family/individual income less than Rs.80,000/- for rural and 1.00 lakh for urban area.

Rate of Interest	
Upto Rs.50,000/-	5%
Above Rs.50,000/- to Rs.5.00 lakhs	6%
1% rebate on interest for women	

Barrier-Free Environment for Persons with Disabilities

The PWD Act, 1995, makes it mandatory for the State Govt. and Local Authorities to provide barrier free environment in all walks of lives of PWDs. In transport sector, vehicles' structural features being designed outside the state, the State Govt. has proposed to hold a national level workshop to stress on its needs vis-à-vis its enforcement. From service side, however, concessions have been made for traveling PWDs. Workshops are being organized at district level jointly with Transport Deptt. for creating awareness. In road sector, features like auditory signals, slopes etc. have been provided, as can be seen by any travellers to the State. In building sectors, ramps have been constructed at the entry point of:

1. State Secretariat Building
2. All Collectorates
3. 3500 Primary Schools
4. All Hospitals/Health Centres
5. 49 Tahsil Offices
6. 142 Block Offices

National Programme for Rehabilitation of Persons with Disabilities (NRPD)

This is a Central Plan Scheme funded entirely by the Government of India. Under this Scheme, comprehensive rehabilitation services are to be provided right from the Gram Panchayat level to the State Headquarters in a four-tier structure. This is to ensure decentralized availability of services through local capacity building. The Scheme is being implemented initially in 3 districts, namely, Sambalpur, Kalahandi and Khurda in which a District Disability Rehabilitation Centre (DDRC) has been established, where composite rehabilitation services such as assessment, fitment, follow-up and repair of assistive devices are made available for persons with different types of disabilities.

State Commissioner for Persons with Disabilities

In pursuance of the provisions of the PWD Act, the Commissioner-cum-Secretary, Women & Child Development Department has been designated as the State Commissioner for the Persons with Disabilities. The role of the Commissioner is to safeguard the rights, privileges and facilities made available to persons with disabilities and monitor implementation of schemes and programmes for the disabled. Any aggrieved disabled person can approach the State Commissioner for Persons with Disabilities for quick and immediate redressal of grievances relating to denial of rights. The State Commissioner is hearing the grievances of disabled persons once every week. The State Commissioner is also reviewing the implementation of the PWD Act in the State and submitting reports to the Chief Commissioner for Persons with Disabilities, Government of India. Besides, the State Govt. has also declared the Collectors and District Magistrates of the Districts as Deputy Commissioners for Persons with Disabilities under the Act.

Photo Identity Card and Passbook to the Persons with Disabilities

The Department has taken steps to issue a Photo Identity Card to all persons with disabilities in the State. The District Social Welfare Officer of each District issues these Identity Cards on the basis of the Disability Certificate issued by Competent Authority. Along with the Identity Card, a Passbook is also issued to persons with disabilities in which entries regarding assistance extended to them or concessions availed of by them are made for permanent reference. This Passbook is issued to the beneficiaries at a token cost of Rs.5/- each. As on 31.1.2006 the number of Photo Identity Cards & Pass Books issued to PWDs is 21,217.

Disability Certificates

A Medical Board has been constituted in each district under chairmanship of the CDMO. In order to minimize the difficulties faced by persons with disabilities, two fixed days/dates have been earmarked by each CDMO for issue of Disability Certificates so that disabled persons do not have to face harassment and inconvenience for getting these Certificates.

Mission Kshyamata

This project is introduced in the State from the year 2004-05 as component of Mission Shakti. The persons with disabilities are encouraged to form self help groups with at least 4-5 PWDs.

Installation of Braille Press and Ear-Mould Laboratories

The State govt. in W & C.D Deptt. has made special effort for installation 27 Braille Transcription Projects and 21 ear-mould laboratories in special schools for blind and Spl. School for the deaf respectively through OPEPA .

Publication of 'Kshyamata Samachar' – A news bulletin for the disabled

With a view to highlight the activities undertaken by the State Govt. and other Philanthropic organisations for the welfare of the Persons with Disabilities, and to bring their success stories into light, a quarterly News Bulletin under the caption 'Kshyamata Samachar' is being published by the Deptt. The first issue of the Samachar was published on 2.10.2004. However, a special bulletin on the occasion of International Day for the Persons with Disabilities was published. This bears up date /information/programmes being undertaken by the Deptt. for public consumption.

Observation of International Day for the Disabled

In the year 2005-06, the International Day for the Persons with Disabilities was observed in the State Head quarters in a big way on 3.12.2005. It was a two days' long celebration on 2nd & 3rd t December, 2005. Apart from sports, cultural and game, debate competitions, one workshop one on "Rehabilitation Services to PWDs" were organized at Science Park, Bhubaneswar. An exhibition was organized with a view to facilitating participating organisations to display the products produced by the disabled and also the equipments developed for them to provide quality services. A sum of Rs.5.83 lakhs was spent on this occasion. from out of the budget provision of Rs.12.00 lakh under the head "Campaign, Seminar & Sports" (Plan).

II. Conclusions

Education plays a very crucial role in shaping the character and quality of people. This is an undisputed fact .But without protection of employment the right there is no meaning of protection of educational right .Everyone has the Right to Education according to the Universal Declaration of Human Rights affirmation. Education in India has a rich heritage and a glorious history stretching back to the ancient urban centres of learning at Taxila and Nalanda. Western education became ingrained into Indian society with the establishment

of the British Raj. Education in India falls under the control of both the central government and the states, with prime responsibilities lying with the centre, and the states having autonomy over others. The various Articles of the Indian constitution provide for education as a primary need of all. Indian governments have seen education as a crucial development tool. Since Independence, the education policies of successive governments have built on the substantial legacies of the Nehruvian period, targeting the core themes of plurality and secularism, with a focus on excellence in higher education, and inclusiveness at all levels.

With the ratification of the UN Convention on the Rights of Persons with Disabilities on 1st October, 2007 by the Government of India, it is expected that the National Policy will extensively cover the education of persons with disabilities and would be able to realize the goals of “Biwako Millennium Framework”. National Policy considers it crucial that the development of human resources for providing education to all children with disabilities in the general education stream is a bounden responsibility of the state. Many milestones have been left behind in the path, significant achievements have been made and opportunities have been created for the disabled. Little is done but vast remains to be done. New millennium might signify many promises to many people but what it should signify to all is that in terms of disability rehabilitation, new and emerging perspectives in special education cannot be ignored.

In response to the recommendations of International agencies, the government efforts to provide services to children with disability, as revealed by 2003 census account for nearly 10% of the individual persons with disability as the beneficiary. Over 90% remain unserved. In this context it can be said that there are lacunas in the government efforts as a result of which the programmes and recent policies like, the 2003 Education For All (EFA) programme and recent policy initiatives, the Right to Education Bill 2005, the Action Plan for Inclusion in Education of Children and Youth with Disabilities (IECYD) 2005 and the National Policy for Persons with Disabilities 2006, are not yet fully realized. The effective responsiveness to these programmes needs government and civil society's honest concerns. To quote former President Dr. Sankar Dayal Sharma ‘through human rights Education we create an environment in which human right violation can be minimized. For full development as human beings, exercise and enjoyment of Human Rights by all the people is necessary. Human Rights and fundamental freedoms help us to develop our intrinsic qualities, intelligence, talents and conscience to meet our material and spiritual needs. It is needless to state that without the recognition of the right to education, realization of the right to development of every human being and nation is not possible’. Article, 26 of the Universal Declaration of the Human Rights (1948) inter alia states that ‘education shall be directed to the fullest development of the human personality and to the strengthening of respect for human rights and fundamental freedom. It shall promote understanding, tolerance and friendship among all nations, social or religious groups and shall further the activities of the United Nations for the maintenance of peace’. Historically, education is an instrument of development and an important factor for social change. The knowledge of the rights and freedoms, of oneself as much as of the others, is considered as a fundamental tool to guarantee the respect of all human rights for each and every person.

The time is now ripe for ‘social innovation’, in Odisha that is, the normalization, integration, equalization and inclusion of the disabled person in the mainstream education and employment. Restorative, rehabilitative, and participative support with dignity is needed to bring the differently able person back into the mainstream of social development realizing their potential and contribution to society.

References

- [1]. Mridushi, National Human Rights Commission – Role in Human Rights Protection <http://jurisonline.in> on March 12, 2010
- [2]. Pratim Sarkar legal articles posted in legalserviceindia.com on 14 Feb 2010
- [3]. Rajiv Gandhi Foundation, Home page, New Delhi on Disabled person's welfare
- [4]. Mithu Alur, including the disabled, The Times of India, January 03, 2008.
- [5]. Anant Kumar, Rights of Disability Yojana December 2004
- [6]. Gandhiji and sarvodaya, rabindra kumar behuria, Orissa review, October, 2009
- [7]. His Excellency president of India visits KIIT for second time, KIIT, News and events posted on 29/11/2006
- [8]. UN General Assembly, 2433rd plenary meeting 9 December 1975, rights of disabled person
- [9]. Orissa secretariat revises rules 2010.
- [10]. Reena Mohanty, impact of disaster on disabled women special reference to Jagatsinghpur district, report prepared on 2005
- [11]. *ibid*
- [12]. L. Govinda Rao, “Education of persons with intellectual disabilities in India”, *Salud pública Méx* vol.50 suppl.2 Cuernavaca, 2008.

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