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A CRITIQUE OF DISABILITY IN INDIA

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Abstract

The paper attempts to scrutinize the concept of disability among individuals in India. The relationship between health laws and disability in India is complicated, influenced by cultural and historical factors. Since India ratified various legislations pertaining to disability, the conversation on disabilities has undergone a substantial transformation. The global pledge has sparked national initiatives to improve the condition of individuals with disabilities. India has enacted laws to safeguard their rights but obstacles in implementation still exists, ranging from societal perspective to physical obstacle. Availability is one of the major concern which prevents people from being engaged in numerous facets of life. India's health laws have changed, placing more of a focus on inclusive policies and universal healthcare. Still a work in progress, though, is the inclusion of disability-specific factors in mainstream health services. Hospitals frequently lack the equipment and skilled staff needed to meet the various needs of people with disabilities. This difference is more pronounced in rural areas and increases inequalities in medical conditions. Recent developments in legislations have recognised disability as a critical condition of a person's general health. . However, the stigma associated with mental health problems still exists, which makes it difficult to get services and feeds prejudice. The findings are summarised in the conclusion, which highlights the significance of continuing efforts to improve the junction of disability and health laws. It emphasises the necessity of extensive legal frameworks that proactively promote the health and well-being of people with disabilities in addition to safeguarding their rights. order to improve the efficacy of current regulations and tackle new challenges in the current landscape, the abstract ends by urging lawmakers, healthcare providers, and disability advocates to continue discussions and work together

Keywords: Disability, health, legislation,

Introduction

The issue of disability in Indian society is intricate and multidimensional, reflecting the interplay of a political issue, social, cultural, and economic elements. The paper delves into the difficulties faced by disabled people in their everyday life. The paper carefully examines the shortcomings in the existing legal systems and possible avenues for development in order to promote equity and inclusion in healthcare.

The experiences of people who are disabled in India are influenced by a historical background characterised by advancements as well as enduring obstacles. Despite improvements in awareness and policy, there are still major obstacles that prevent people with disabilities from fully participating in society.

Indian society has historically struggled with ingrained notions and myths about disability. Disabilities were stigmatised and socially excluded in some communities because they were seen as a punishment from God or the outcome of past transgressions. Nonetheless, initiatives to refute these misconceptions and advance a more inclusive view of disability have been undertaken over time.

Legislative progress has been made in India to protect the rights of people with disabilities. The cornerstone for defending the rights of individuals with disabilities is the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act¹, which was passed in 1995 and has since been amended. There is a disconnect between the intended policy and the actual situation on the ground because of the uneven application and implementation of these provisions in spite of these regulatory structures. The environment in India is made more difficult for those with disabilities by socioeconomic considerations. A cycle of marginalisation and reliance is frequently maintained by restricted access to opportunities for education and work. Getting into health care, schooling, and vocational training becomes more difficult for people with disabilities in rural areas due to possible deficiencies in infrastructure and services.

Acquainted policymaking depends on advancing research on health issues unique to people with

¹ <https://ddashboard.legislative.gov.in/actsofparliamentfromtheyear/persons-disabilities-equal-opportunities-protection-rights-and-full>

disabilities. Promoting research on the relationship between health and disability will help us gain greater sophistication of the obstacles PWDs face when trying to get healthcare. This information can direct the creation of focused interventions and regulations. Campaigns for public awareness are essential in influencing how society views health and disability. Reducing stigma and busting myths about disabilities can help create a more welcoming atmosphere. Traditional and digital media can be effective tools for spreading knowledge and encouraging positive narratives about people with disabilities.

The Rights of Persons with Disabilities Act, 2016² primarily governs the legal framework for people with disabilities in India. In order to bring the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, to compliance with the provisions of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), this legislation made significant changes.

The legislation establishes mechanisms for the enforcement of these rights. It mandates the formation of a National Commission for Persons with Disabilities and State Commissions at the state level. These bodies are tasked with promoting and protecting the rights of PWDs and addressing complaints of violations. The legal framework also includes provisions for offenses and penalties. Acts such as discrimination, denial of rights, and non-compliance with accessibility standards are punishable under the law. Frameworks for enforcing these rights are established by the legislation. It requires each state to establish a State Commission and a National Commission for Persons with Disabilities. These organisations are in charge of advocating for, defending, and handling complaints of people with disability rights violations. The offences and penalties are also outlined in the legal framework. Legal penalties apply to actions like unfair treatment, refusal of rights, and disregard for accessibility guidelines. The 2016 Act recognises 21 conditions instead of the previous 7 and includes bodily, mental, and psychosocial disabilities, expanding the definition of disabilities. In an effort to build an inclusive society free from barriers, the laws place a strong emphasis on the rights of people who are handicapped in a variety of contexts. The Act's comprehension of its entitlement to non-discrimination and equality is one of its core principles

²<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5419007/#:~:text=In%20the%20RPWD%20Act%2C%202016,chronic%20neurological%20disorders%20such%20as>

Standpoints on Healthcare services across the globe

Medical facilities vary greatly around the world due to a variety of financial, cultural, and political variables. In developed countries such as the USA, a privatised health care system is widely used. This model frequently produces excellent care, but it can exclude many people due to financial constraints. A lot of nations such as the UK, on the other hand, have a subsidised National Health Service that provides medical care to all citizens. Although this guarantees broad access, it can present difficulties such as lengthy waits and limited resources. The Nordic nations, such as Norway and Stockholm, smash the right balance between common and personal medical care. A lot of developing nations face healthcare challenges due to a lack of resources, insufficient infrastructure, and an increased incidence of infectious diseases. International collaborations are frequently used to improve healthcare in these regions, but success is hampered by complicated political and social landscapes. Medical science is important in healthcare in many parts of Africa and Asia. Combining ancestral practises with contemporary medicine is a never-ending challenge because it requires reconciling cultural sensitivity with technological efficiency. Mental health is becoming more widely recognised around the world, yet prejudice stays an impediment to looking for help in many cultures. Addressing disparities in mental health necessitates not simply modifications to policies but also prevalent education.

The sudden outbreak has highlighted the interdependence of global healthcare. Inequalities in vaccine distribution demonstrate the importance of synchronised global initiatives to guarantee just utilisation of medical services. Managing national interests via the shared objective of promoting health is an obstacle for the governance of global health. Medical treatment developments in technology, like telemedicine, or is altering healthcare delivery. While wealthy countries effortlessly embrace these changes, accessibility stays a barrier in less-developed areas. Healthcare rights for women differ greatly, expressing social conventions and legal frameworks. Having access to reproductive healthcare facilities, care for mothers, and treatment tailored to gender Being able to get to healthcare for people with disabilities is a major concern. It is critical to create an environment without barriers in healthcare facilities. establishing buildings accessible, offering certified sign-language interpreting professionals, and instructing medical personnel in disability-sensitive practises are all part of this. It is also essential to ensure that healthcare technology is constructed with inclusivity in mind. To tackle the various requirements of PWDs, welcoming healthcare strategies must be developed. Making medical care programmes

more accessible to people who have certain impairments, such as visual or hearing problems, will help to create a more equitable healthcare system. Regular disabilities education and initiation education for medical professionals can improve the standard of care provided.

A Critique Of India's Legal Viewpoint and why didn't India catch up

The nation's legal surroundings regarding disability has been heavily criticised, emphasising a slew of issues that have hindered stymied its progress. The paucity of an extensive and multifaceted legislative structure that adequately takes into account the varied requirements that individuals who have disabilities is a major source of concerns. The Rights of Persons with Disabilities Act, passed in 2016, had been a significant step towards in recognising and protecting the rights of people with impairments. Nevertheless, the law's implementation proved tarnished by a number of flaws. One obvious problem is the vagueness and discrepancies in defining the concept of disability among various laws and policies, which leads to misunderstandings and insufficient safety for disabled people.

The National Medical Commission Act of 2019 primarily states that in order to advance public health concerns through inclusive, balanced amenities at reasonable prices across the country, this Act places a high value on medical education and access to competent medical practitioners. It motivates professionals to apply the most recent findings in medicine. Additionally, it aims to establish the strictest medical standards for medical education and concentrates on a long-term grievance redressal system framework. The Act also places emphasis on matters pertaining to medical qualifications and research, both within and outside of India.

The principal causes of the underachievement of medical treatment laws are as because private clinics typically charge extravagant rates while providing medical services of a very high quality, the impoverished who are unable to pay these high fees are forced into spirals of debt that further diminish their average cost of living. Because of this, they don't anymore give a damn about treating people fairly and would rather use subpar facilities and temporary fixes. People who can't pay back the money they owe are penalised for making late payments because they are trapped in a debt cycle. It is evident that only one person is accountable for enticing a disabled person under any act or law. Many individuals with disabilities are unaware of what is going on around

them.

Surrogacy for profit with illicit means is still promoted by a number of treatment centres in India. Because surrogate mothers receive a substantial salary to assist their relatives, they consent to be a part of the community's less effective segments. We frequently come across that commercial surrogacy is prohibited by the Surrogacy (Regulation) Bill, 2019 in order to prevent mistreatment of female surrogates. Surrogate mothers have up until now frequently convinced ordinary women who feel a dire need to carry out such tasks. Despite the fact that their income may be lower, they lose a lot of money due to the number of deaths it causes to their health. The successful implementation of initiatives pertaining to health and disability can also be hampered by bureaucratic inefficiencies and a lack of coordination between various government agencies. In order to address these problems, a comprehensive strategy that prioritises rights for those with disabilities within the larger cultural and legal framework, development of capacity, and publicity campaigns are all necessary. Initiatives pertaining to health and disabilities can also be hampered by bureaucratic inefficiencies and a lack of coordination between various government agencies and agencies. In order to address these problems, a comprehensive strategy that prioritises rights for those with disabilities within the larger cultural and legal framework, development of capacity, and publicity campaigns are all necessary. It is impossible to overestimate the significance of adequate modifications in the workplace. Although laws require specific provisions, a change in culture is necessary to foster an inclusive work environment. Companies need to actively participate in policies that support diversity and offer equal opportunities for professional advancement in order to help people with disabilities achieve financial empowerment. Social security policies are essential for protecting the welfare of people with disabilities. For people whose disabilities result in extra costs, bolstering current programmes and introducing creative solutions can offer a safety net. This entails taking care of the special healthcare requirements and making sure that the costs associated with disabilities do not force people along with their households into poverty.

How the nation can tackle disability

Developing a holistic approach that tackles the legislative, socioeconomic, and healthcare components can greatly improve India's standing with regard to disability. To build a community that embraces in which people with disabilities may flourish and actively participate, a

comprehensive approach is essential. To begin with, it is imperative to strengthen and broaden the current legal frameworks. Although the Rights of Persons with Disabilities Act of 2016 was a positive beginning, it will take consistent work to execute it effectively. In order to promote a more equitable and compassionate society, the government should fund awareness initiatives that inform the public about the needs and rights of people with disabilities. It is also necessary to regularly review and alter laws in order to stay up to date with changing society dynamics and new issues. It is essential to guarantee accessibility across domains. Public areas, transit, and infrastructure should all be planned for and altered in order to meet a range of disabilities. Businesses and governmental organisations might be encouraged to implement practises by enforcing accessibility requirements strictly and offering rewards for compliance. Education has a transforming effect on how people view disabilities. It is important to put a comprehensive educational system into practise so that kids with disabilities can succeed in the classroom with their classmates. A greater responsive academic system can be achieved through providing educators with training on inclusive teaching techniques and practises.

When it comes to improving the lives of people with disabilities, technologies can be a very useful ally. Advances in assistive technology have the potential to greatly enhance communication, accessibility, and general quality of life. Cutting-edge solutions may result from government funding for this field's advancement and research.

Technology can significantly enhance the well-being of disabled people across the nation by providing solutions that enhance interactions, availability, educational opportunities, and employment prospects. In a nation where people with different backgrounds and levels of disability awareness coexist, technological advances is essential for creating connections and promoting inclusivity.

Technologies may provide creative ways to improve the accessibility of both physical and virtual platforms. With the help of web pages and mobile applications that offer automated speech capabilities, accessibility features, and voice commands, people with vision impairments can become more independent online. Moreover, smart city projects can use technology to build surroundings free of barriers, helping people with mobility issues with the help of ramps, lifts, and automated transportation systems. Technology provides aids for communication that help

people with language or interaction disorders express themselves more successfully. Devices that support augmentative and alternative communication (AAC), such as speech-generating software and gadgets, enable users to express concepts, emotions, and opinions. The aforementioned instruments are adaptable to meet different communication needs, giving people who might encounter difficulties a chance to express themselves. The enhancement of connections and the fight against isolation are greatly aided by social media and virtual communities. Due to technology, people with disabilities can interact in online communities, exchange stories, and create a support system. In order to ensure that social interactions are not impeded by physical barriers, platforms for video conferencing also enable online gatherings and meetings.

Online platforms offer a potent medium to encourage inclusivity and bring attention to disability rights. Online discussion boards, social media campaigns, and educational sources all help to shift public perceptions and create a more accepting and compassionate environment.

Concluding remarks with suggestions

In the final analysis, the state of health and disability laws in India is a result of the intricate interactions between societal perceptions, legal frameworks, and the real-life experiences of people with disabilities. Although there have been admirable advancements in the areas of inclusivity and rights protection, there are still major obstacles to overcome. A number of recommendations can be taken into consideration to reinforce the current legal framework. First and foremost, comprehensive legislation that focuses exclusively on the intersectionality of health and disability is desperately needed. An all-encompassing strategy that incorporates disability rights and health would offer a stronger basis for protecting the welfare of people with disabilities. This might entail drafting a new law or changing current laws to specifically address the special health issues that individuals with disabilities confront. The application of current laws also calls for increased oversight and responsibility. Even with forward-thinking legislation in place, there are still many obstacles to overcome before these laws can be effectively enforced. To guarantee that the rights of people with disabilities are actively upheld in reality and are not merely protected on paper, it is imperative that law enforcement agencies receive proper training, have access to adequate resources, and have a system in place for tracking and assessing compliance. In addition, it is essential to raise public awareness and educate people about health and disability laws. To promote a more accepting and compassionate society, myths and misconceptions about

disabilities must be debunked. In this sense, educational establishments, public education efforts, and community outreach initiatives can be extremely important.

In therefore, there are many moving parts in the process of building an egalitarian and welcoming society in India for people with disabilities. Legislative frameworks serve as the cornerstone, but every stakeholder must work together to effectively implement them. It is critical that, as India develops, disability is seen as a feature of diversity that strengthens the social fabric rather than as a barrier. It is possible to create a more readily available and inclusive future via cooperative efforts, one in which everyone has the right to pursue their wellness and health, irrespective of their capacity.

