

Apathy towards disabled

Physically challenged make a part of our society and must be taken care of

Javed Ahmad Tak

A decade back in 1998, JK Disabilities Act was passed by the Government of J&K to provide equal opportunities, ensure protection of rights and allow full participation for the persons with disabilities. J&K Acts being carbon copies of the Indian Acts the Disabilities Act is also the same. But the guarantees and relaxations are not being implemented. There are flaws in the disability Act that were assured to be removed by the new draft policy after the court intervention but nothing seems to have been done.

The original Act and the draft policy are both under loads of dust on secretariat shelves. It is a hectic job from last ten years for the social welfare department to move the files from Jammu to Srinagar and back during Darbar Move, but the files must be crying when they are packed and pressed in jute bags after every six months. Instead of Rights based approach the state has adopted pension grant and sympathetic approach as the substitute treatment. Education, Employment and Accessibility are the main aims and objectives of the Act but none of the things are provided in state for disable people.

As far as the education of the physically and mentally challenged people is concerned there is no curriculum with the education department for this purpose. Rallies are organized, days are celebrated to gain 100% literacy count in the state but how is it possible without disable children being offered literacy. Throughout India 3% reservation is provided to the persons with disabilities in both academic and professional educational institutions but in our state reservation of seats in professional colleges doesn't exist. Chief Commissioner for disabilities in India clarifies in writing through his letter No 10-26(J&K) CCD/2006 dated 9 July 2008 that, "it is felt that provisions for reservation in admission in all courses including professional courses for persons with disabilities should be made in J&K persons with disabilities act 1998 as otherwise the persons with disabilities belonging to J&K shall be at a great disadvantage as compared to those in rest of the country".

As per section 39 of the Indian disabilities act, 1995 all government institutions and other educational institutions receiving government aid shall reserve 3% seats for the persons with disabilities and the section 28 in J&K persons with disabilities act, 1998 clarifies that discrimination against disabled persons shall not be done in matters of admissions. Countless letters, memoranda, representations to concerned officers, nodal departments and agencies, like Social Welfare Department and General Administration Department were also ignored. But Empowerment without education is impossible. Census 2001 shows that out of 3 lac disabled people in J&K 1.84 lac are visually impaired. There is no Braille technique available in schools. Lack of expert teachers for educating visually impaired has also prohibited blind children

from education. That is why less than 1% of people with disabilities are educated in J&K. Employment for physically challenged is a myth. When a question was raised in the legislative assembly of J&K in 2003 regarding employment of physically challenged in the state since 1998, when the Act was passed, the answer was heart rending; 60 persons with disabilities have been given jobs in different departments. These include Mr. Riyaz Baig a KAS officer. It is worth mentioning here that Mr. Riyaz Baig competed in the open merit and applied for no reservations.

Presently SSRB and PSC are providing 3% horizontal reservations in employment for disabled people but the actual number of posts are not given. Most of the times fake disability certificates are sought by physically fit with the help of corrupt officials and accepted by non serious interviewers, thus providing job to non deserving and ignoring the deserving educated disabled youth. One important point to mention here is that physically challenged have specific posts for which they can apply. The identified jobs are not sufficient to cover the whole community. Still these identified posts are not filled with honesty and dedication thereby forcing the educated persons with disabilities to live in a miserable condition. Limited opportunities for persons with disabilities need to be ended by extending job guarantees in private sector as declared in 11th five year plan and circular passed by ministry of finance. Recently an amendment notification was released by the department of Social welfare under Ref No: Srinagar, the 28th May, 2008. SRO: 144 in exercise of the powers conferred by section 23 of J&K Reservation Act, 2004, and other relevant provisions of the law. [No; SWE/RES/RULES/31/2004, DATED: 28/5/2008.]

The amendments show that there has been no concern related to persons with disabilities. The persons with disabilities have got 1, 34 and 67 places in the roaster as per following

1. Circular No: 26-GAD Of 1998, dated 29/9/1998., circulated under No: GAD/MIG/sts/48/94 – II dated 29/8/98
2. Govt. order No: 62-SWof 2001, dated 13/03/2001
3. Cabinet decision reference No: 37/2 dated 9/02/2001 and
4. Circular No: 13-GAD OF 2007. Dated 9/4/2007. Circulated under No: GAD [Mtg]/sts/48/94, dated 9/4/2007

But under this Amendment notification we have been ignored.

In addition, we face problems of access. We, the physically challenged people are not in a position to visit everywhere with dignity. Even courts, where we expect justice are inaccessible for us. The government offices of our concern like Social Welfare are situated on top floors and have no availability of ramps and lifts. We have to face humiliation while approaching hospitals,

schools, government offices, universities, courts, railway stations and civil secretariat. Our problem multiply day by day, as new buildings under construction like hospitals in Jammu and Srinagar, Hajj house, court buildings, heritage buildings, shrines like Dargah Hazratbal and Mata kherbhawani, university campuses, museums, college buildings, railway stations and proposed international cricket stadium at Sidra Jammu are having no disabled friendly architectural designs. How can we expect empowerment? I have written countless times to the authorities about the problem but nothing happened.

In other states, and at central level separate commissioners for persons with disabilities are available for redress of problems, but here we have no such facility. Persons with disabilities in J&K too have grievances about various departments. The redress of these grievances is possible only when a full time disability commissioner is in place. The J&K government has made the department of social welfare as the parent department for disability that is already overburdened with issues of ICDS, widows, old aged people, SC, ST etc. Therefore disabled get again marginalized in this department because of non – availability of full time disability commissioner. The availability of full time disability commissioner will help us to highlight our problems. Politicians ignore our community because we are the marginalized one and not united like SC, ST etc. that is why SC, ST were given separate directorate by the previous government, taking them as important vote bank and big factor for the formation of the government, therefore it is right time

when common people can help us by raising voice to get one seat reservation in legislative council through nominations made by the Governor of the J&K. Present Governor of the J&K being a visionary person can give a special gift to the disabled during his tenure in J&K. one seat nomination for physically challenged in upper house can make us dignified and able to fight for our rights.

Composite Regional Centre located at Bemina, Srinagar is one of the important institutions opened by the central government in Srinagar. It can cater person with disabilities by provision of assistive devices needed for their mobility and also provide special education to the youth and make them able to earn, by working in the disability sector. But the institute is getting into problems because of having no full time director. Mostly its directorship is given in the hands of people as an additional charge; hence it is not useful for the development of disabled. Therefore, along with full time director, experienced staff is needed to be employed in the Composite Regional Centre so that persons with disabilities are able to get aids and appliances for mobility and awareness about centrally sponsored schemes. Otherwise this asset is going to be ruined. As per the bye laws of the institution it should run autonomously with the help and support of state, with facility of producing manpower for the rehabilitation In other states the disability pension is 800 – 1000 rupees but here in our state the pension amount is RS 300 which is released in haphazard manner after months' delay. All this shows that how deeply the system is apathetic towards us.

Author is MSW activist, and himself physically challenged.

Power means power to
exploitation!

Javed Ahmad Tak

Elections have been a part of the overall idea of democracy, world over. Although meant to give people the right to represent themselves, but flaws do exist. Exploitations do happen, only it keeps changing its shape. Ugly trends in politics have suppressed the common man in many ways.

In J&K it is all more visible. Rights of people are trampled in the name of democracy. When anyone is elected as a representative by the people he follows his own material ends more eagerly than doing any good to people. He cares for his family, relatives and friends and forgets those who actually voted him to power. Because of his approach and influence he gets his kin into the list of some professional course doing great injustice to the deserving candidates. The deserving candidate who would mostly be poor, but hard working and

intelligent gets disheartened. Consequently he opts for some job that can ensure his livelihood making him dejected with the system for all his life. Not only do these representatives destroy state's economy, but they also sow the seeds of perennial discontent. By making dull and unintelligent occupy important seats in the state machinery, problems becomes enduring. After completion of professional course these privileged sons and daughters are posted at 'privileged' places, with no work and ample time to enjoy. Some of them also enjoy security cover, another burden on state economy. Again the state economy comes under pressure. This is not the problem with some particular party. In fact all the parties are sailing in the same boat. All of them follow private and personnel interest and give a damn to public concerns. This is the 'contribution' that they make towards their people, once they are into power. Therefore common masses are exploited in the name of democracy and elections are this way reduced to a futile exercise. In the end what does this attitude of politicians do; states economy is destroyed, career of poor intelligent students is destroyed and discontent occupies the mind of people. The new facts through media are surfacing that is the mandate against heavy amounts. The candidate who pays for the mandate means he is ready to loot people and compensate the money after he gets the vote and seat. The trend adopted by the parties is more dangerous than any worst epidemic. It will destroy the morality and ethics from public life. Nothing will be classified as good or bad but earning money for luxuries will be considered as the only thing worth doing in this world.

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