

**CONTEXTUALIZATION OF THE RIGHTS OF THE SPECIALLY
ABLED WOMEN IN EMPLOYMENT SECTOR: A CASE STUDY
OF THE STATE OF PUNJAB**

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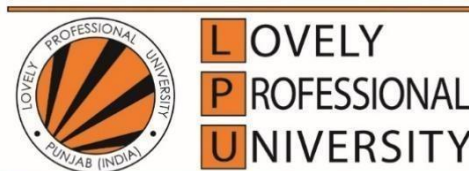
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2024

DECLARATION

I, Lohpreet, hereby declare that the thesis titled “**Contextualization of the Rights of the Specially Abled Women In Employment Sector: A Case Study of the State of Punjab**” has been prepared by me under the guidance of the Dr. Dalliandeep Kaur Tiwana, Associate Professor, Department of Law, Lovely Professional University, Phagwara, and Dr. Amritpal Kaur, Professor & HOD, Chandigarh University, Chandigarh, in partial fulfillment of the requirement for the award of the degree of Doctor of Philosophy. No part of this thesis has formed previously the basis for the award of any degree, Diploma and fellowship.



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This is certified that Ms. Lobhpreet has prepared her thesis titled **“Contextualization of the Rights of the Specially Abled Women In Employment Sector: A Case Study of the State of Punjab”** for the award of the PhD degree of Lovely professional University, Punjab under our guidance and supervision. To the best of our knowledge the present work is an original contribution with the existing knowledge. This work has not submitted in part or full for any Degree or Diploma to any university. The thesis is fit for submission and the fulfillment of the conditions for the award of degree of Doctor of Philosophy in Law.



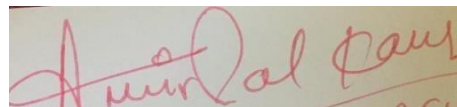
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A handwritten signature in blue ink that reads "Lobhpreet". The signature is written in a cursive style with a horizontal line underneath the name.

Lobhpreet

ABSTRACT

The present research work is focused upon the people with special needs, especially the specially abled working women, who are stigmatized and viewed as a social blight. Specially abled persons are special creatures of God and needs extra care and attention and support of others to do their day to day activities. They are ignored by the society as well as by the government. Most of the government policies and legal provisions are focused upon the needs of abled bodied persons and this would result in to the ignorance towards the rights and needs of specially abled.

They are facing many problems and discriminated in many spheres of their life. From the childhood to their married life women face many challenges and they are being recognized as a marginalized group generally. But, when she is suffering from any physical disability that worsen the situation more. The perception of other people towards them get changed because of their physical stigma, people start treating them with sympathy which also affects their mental health. At this point they needs the empathy rather than sympathy. There is no dearth of statutes or enactments for the betterment of specially abled persons but these are not implemented in a proper way. The Person with Disabilities Act 1955 provides only 3% reservation to specially abled person which includes both men and women. This provides 3% reservation of seats in jobs and admissions in educational institutions. As a result this reservation is not affective as for other weaker sections. No doubt, there is a statute i.e. “The Rights of the Person with Disabilities Act, 2016”, but this is not sufficient and dedicated to protect the rights of specially abled persons. Women in our society is always treated as a lower to men and working women with

special needs face more difficulties as they are facing double problems, as being a women and also with physical disability. According to the provisions of these laws there should be a conducive environment for the working of specially abled persons and provisions to provide ramps in public buildings, separate auditory signals at red lights on public roads but all these provisions are in statutes rather on practical basis.

The main aim of the present study is to understand the legislative provisions made in our country for these people and to know about their implementation. For fulfilling these aims/objectives, researcher used empirical study which shows that specially abled working women face discrimination at their workplace and in society. The behavior of their colleagues towards them is sympathetic and autocratic. Instead of sympathy and autocracy they need “Empathy” to do their work properly and independently. Lack of access to healthcare facilities like assisting aids, free OPD’s, less paper work for making UDID’s etc. they fell helpless.

International laws and policies like easy availability of services at local level in case of need and help and artificial intelligence can be used in India for the upliftment of these people. Artificial Intelligence can play a major role for the independence of special abled working women as they can use these aids and devices at their workplace. There is famous quote by Robert M. Hensel *“Accessibility is a necessity that should not be deprived”*. So, government has to focus upon the basic need of accessibility and this can only be provided by giving equal rights and opportunities to these people. The status of specially abled working women can be uplifted by giving more opportunities, better education, skill training, separate reservation policies etc.

Separate institutions like NGO's and other welfare organizations can help to upgrade the status of women but these organizations also face pecuniary issues for helping the people with special needs. As per the empirical study conducted by present researcher, specially abled working women needs equal opportunities, better healthcare, education policies and better transport facilities so as they can live independently without the support of others.

For the upliftment of specially abled persons, there is a need to provide better employment opportunities. Employment can improve their standard of living and also reduce their dependency. Because of less opportunities at workplace and society, specially abled persons are depended upon their families for their lives and faces denials in their life.

But there are many barriers, faced by the specially abled persons while approaching for jobs. Mostly they are discriminated upon in employment sector on the basis of their physical capacity. It is imbibed in the mindset of the society that they cannot work properly or independently as abled bodied persons.

After reviewing the literature, it was found that specially abled persons mostly face the problem in making their Identity cards, which are very much needed to do many formalities. As per, The Rights of the Person with Disabilities Act 2016, there is a local level medical practitioner, who will examine the specially abled persons and prepare their disability certificates, but in many districts of Punjab these officers are not appointed and as a result of the they are forced to move to other district to avail the said facilities. Many other hurdles are also faced by them. What is being done by our Law makers and Governments are quite appreciable but still there is a need to go a long way, so that we can make the lives of these people much easier.

The present study is open for additional research in this area for the benefit of these people so that they can live freely and independently as a normal being.

ABBREVIATIONS

ADIP: Assistance to Disabled Persons

AIR: All India Reporter

APD: Association of the Person with Disabilities

CEDAW: Convention on Elimination of all form of
Discrimination Against women

CJEU: Court of Justice of European Union

CMWP: Civil Misc. Writ Petition

CPC: Civil Procedure Code

CRPD: Convention on the Rights of Person with Disabilities

CWP: Civil Writ Petition

DAV: Disabled American Veterans

DB: Decibels

DDRS: Deendayal Disabled Rehabilitation Scheme

DRILL: Disability Research on Independent Living & Learning

EASS: Equality Advisory Support Services

IDA: International Disability Alliance

ILO: International Labor Organization

LPA: Letter Patent Appeal

NGO: Non-Government Organization

OHCHR: Office of High Commissioner of Human Rights

PIL: Public Interest Litigation

RNIB: Royal National Institute of Blind People

SC: Supreme Court

SCC: Supreme Court Cases

SIPDA: Scheme for Implementation of the rights of
Person with Disability Act.

UK: United Kingdom

UN: United Nation

UNCRPD: United Nation Convention on the Rights of
Person with Disabilities

UOI: Union of India

US: United States

USA: United States of America

WFD: World Federation for Deaf

WP (C) : Writ Petition Civil

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CHAPTER-1

SPECIALLY ABLED

PERSONS:

INTRODUCTION AND

HISTORICAL

BACKGROUND

***“Disability only becomes a tragedy when society fails
to provide the things needs to lead one’s daily life”.***

.....*Judith Heumann*

1. Introduction:

The present study is an attempt to describe the status of specially abled women in India. Women have been suppressed and discriminated since ancient times, as we are living in a patriarch society. In ancient times status of women was merciful but according to the changing time, this status has undergone dramatic changes. But the status of specially abled women has not changed as per the changing time and society. They are facing many problems in their daily living and discriminated in many spheres of their life. Since their childhood to marital life they face many obstacles and recognized as a marginalized group but when she is suffering from physically challenges that will change their whole lives. The perception of other people towards them got changed because of their physical stigma, people start treating them with sympathized eyes which also affects their mental health. At this point they needs the empathy rather than sympathy. There is no dearth of statutes or enactments for the betterment of specially abled person especially for specially abled women and these are not implemented in a proper way. Person with Disabilities Act 1955 provides only 3% reservation to specially abled person which includes both men and women. This reservation gave 3% reservation of seats in jobs and for taking admissions in educational institutions. From this 3% seats, one each provided to single disability, which is very less as compared to reservation for other weaker sections. As per the amended Act of Rights of Person with

Disabilities Act 2016, reservation of 5% for admissions in higher education is increased, but this amendment is not appropriate as per the changing requirements.¹ According to the provisions of these laws there should be a maintained' environment for the working of specially abled persons and provisions to provide ramps in public buildings, separate auditory signals at red lights on public roads but all these provisions are in statutes rather on practical basis.

As per the census of 2011, 26.8 million people of India suffer from disability, which is 2.21 % of total population from which 14.9 million are male and 11.8 million are females. From these mostly live in rural areas which means they are not aware about their special rights and they do not have access to balance diet and living in a polluted environment. These people of rural areas need special awareness programs which guide them about their rights and provides a way by which they can easily attain these policies which are provided by the government of India for their advancement.²

¹ The Rights of the Person with Disability Act, 2016, s.32, 34

² Census of 2011 of Specially abled persons, *available at:* www.department/of/empowerment/of/persons/with/disabilities (Last visited on July 05, 2020 at 12:49 p:m).

Number of Specially Able Persons as per Census
2011

S. No.	State	Total Specially Able population as Per Census 2011	No. of Specially Able Persons							
			A	B	C	D	E	F	G	H
		Total	Seeing	Hearing	Speech	Movement	Mental Retardation	Mental Illness	Any Other	Multiple Disability
1	Andhra Pradesh	2266607	398144	334292	219543	538934	132380	43169	409775	190370
2	Arunahal Pradesh	26734	5652	8127	1538	3235	1264	631	3878	2409
3	Assam	480065	80553	101577	39750	76007	26374	18819	87461	49524
4	Bihar	2331009	549080	572163	170845	369577	89251	37521	431728	110844
5	Chhattisgarh	624937	111169	92315	28262	190328	33171	20832	76903	71957
6	Delhi	234882	30124	34499	15094	67383	16338	10046	37013	24385
7	Goa	33012	4964	5347	5272	5578	1817	1675	5784	2575
8	Gujarat	1092302	214150	190675	60332	245879	66393	42037	197725	75111
9	Haryana	546374	82702	115527	21787	116026	30070	16191	116821	47250
10	Himachal Pradesh	155316	26076	26700	8278	32550	8986	5166	29024	18536
11	J&K	361153	66448	74096	18681	58137	16724	15669	66957	44441
12	Jharkhand	769980	180721	165861	46684	147892	37458	20157	112372	58835
13	Karnataka	1324205	264170	235691	90741	271982	93974	20913	246721	100013
14	Kerala	761843	115513	105366	41346	171630	65709	66915	96131	99233
15	Madhya Pradesh	1551931	270751	267361	69324	404738	77803	39513	295035	127406

16	Maharashtray	2963392	574052	473271	473610	548418	160209	58753	510736	164343
17	Manipur	54110	18226	10984	2504	5093	4506	1405	8050	3342
18	Mizoram	15160	2035	3354	1163	1976	1585	1050	1914	2083
19	Meghalaya	44317	6980	12353	2707	5312	2332	2340	8717	3576
20	Nagaland	29631	4150	8940	2294	3828	1250	995	4838	3336
21	Odisha	1244402	263799	237858	68517	259899	72399	42837	172881	126212
22	Punjab	654063	82199	146696	24549	130044	45070	21925	165607	37973
23	Rajasthan	1563694	314618	218873	69484	427364	81389	41047	199696	211223
24	Sikkim	18187	2772	5343	1577	2067	516	513	2459	2940
25	Tamil Nadu	1179963	127405	220241	80077	287241	100847	32964	238392	92796
26	Tripura	64346	10828	11695	4567	11707	4307	2909	11825	6508
27	Uttar Pradesh	4157514	763988	1027835	266586	677713	181342	76603	946436	217011
28	Uttarakhand	185272	29107	37681	12348	36996	11450	6443	30723	20524
29	West Bengal	2017406	424473	315192	147336	322945	136523	71515	402921	196501
30	A&N Islands	6660	1084	1219	531	1593	294	364	838	737
31	Chandigarh	14796	1774	2475	961	3815	1090	756	2583	1342
32	Daman & Diu	2196	382	309	149	620	176	89	264	207
33	D & N Haveli	3294	429	715	201	682	180	115	483	489
34	Lakshadweep	1615	337	224	73	361	112	96	183	229
35	Pondicherry	30189	3608	6152	1824	9054	2335	853	4137	2226
	Total	26810557	5032463	5071007	1998535	5436604	1505624	722826	4927011	2116487

Worldwide approximately 15% people suffer from some kind of disability, from this 386 million are that who are of working age.³

1.1 Concept of Disability:

Disability is a state in which a person is unable to do his functions as a normal being. The word disabled person used interchangeably as a specially abled persons or physically challenged persons.⁴ In legal language disability is an inability to perform activities in their daily routine life, not spend their life as a normal being. Actually specially abled person are treated separately, separate schools are set up for their schooling, separate teachers provided to teach and guide them, separate environment is given to them because our society think that they are not a normal being and not able or in a condition to live or spend their life as a normal being. But these opinions and myths are wrong because specially abled person are special children of God and they also have a same rights and privileges to live their life as a normal person. No doubt, they need extra assistance and time in their daily routine to fulfill or to perform certain activities but it does not mean they can't live as a normal being.⁵

³ Worldwide disability, *available at:* www.un.org.facts/on/person/with/disability (Last visited on July 11, 2020 at 09:02 a.m).

⁴ Word disabled person used as a specially abled person or physically challenged persons.

⁵ Concept of Disability, *available at:* www.who.int (Last visited on March 22, 2020, at 01:10 p:m).

1.2 Definitions of Disability:

According to Section 2 (s) of Rights of Persons with Disabilities Act, 2016, “*person with disability*” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others”.⁶

According to Merriam Webster Dictionary, “*disability is a physical, mental, cognitive or developmental condition that impairs, interferes with or limits a person’s ability to engage in certain tasks or actions or participate in typical daily activities and interactions*”.⁷

According to Stanford Encyclopedia, “*disability means a different class of person, who needs special care and attention*”.⁸

According to World Health Organization, “*The term disability includes certain impairments, in which person suffer from certain inabilities or not able to perform hisactivities*”.⁹

According to United Nation Convention on Rights of Persons with Disabilities 2006, “*disability is an evolving concept, which includes physical, mental, intellectual and sensory impairments*”.¹⁰

⁶ The Rights of the Person with Disabilities Act, 2016, s. 2 (s).

⁷ Definition of Disability, available at: www.merriam.webster.co (Last visited on March 20, 2020, at 12:55 p:m).

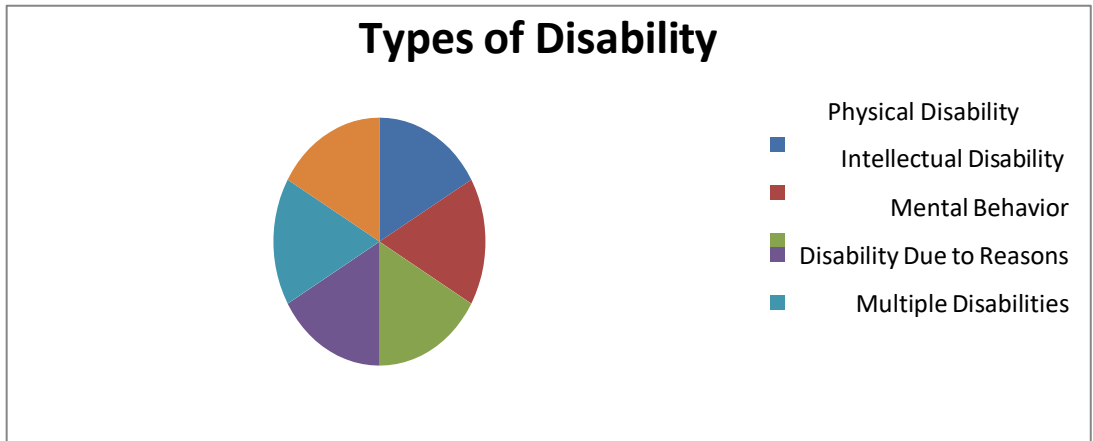
⁸ Definition of Disability, available at: <https://plato.stanford.edu> (Last visited on March 20, 2020, at 12:58 p:m)

⁹ Definition of Disability, available at: <https://www.who.int> (Last visited on March 20, 2020 at 01:05 p:m).

¹⁰ Definition of Disability, available at: UNCRPD (2006) *Convention on the rights of persons with disabilities and optional protocol*, New York: UN, p.1 & 4.

1.3 Types of Disability:

According to The Rights of the Person with Disabilities Act of 2016, disability is of six types, which further have sub categories:¹¹



1.3.1 Physical Disability: It means a person who is not able to move his some parts of the body because of non-functioning or non-movement of that organ or part. This includes following four types of disabilities:-

A) Locomotor Disability: Person is not able to do certain activities in same manner that others can do. He/she needs and it is caused by problem in musculoskeletal or nervous system. It includes:-

a) **Leprosy:** The persons who are suffering from this disease, afflicted from-

“(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity; (ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

¹¹ Section 2 (zc) of Rights of Persons with Disabilities Act, 2016.

(iii) *extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;*"

b) **Cerebral Palsy:** It means some parts of the brain are not developed properly, which effects the movement in body.

c) **Dwarfism:** Person not develop or grow as a normal person, his height is not increased in a normal manner or as a normal being.

d) **Muscular Dystrophy:** It is a disease in muscles of a human being, which decrease the number of cells and tissues in a human body. These are essential for a good and healthy life.

e) **Acid Attack Victims:** Person is a victim of brutal acid attack which burns their skin and melts their body parts.¹²

B) Visual Impairment: Person have visual deficiencies which includes:-

a) **Blindness:** In blindness person not able to see anything or their visual range is less than 3/60 (Snellen).

b) **Low Vision:** Visual range is less than 6/18 (Snellen).¹³

C) Hearing Impairment: Person have hearing deficiencies which includes:-

a) Loss of hearing from 60DB to 70DB.

b) If the loss of hearing exceeds 70DB then that person is treated as deaf.¹⁴

D) Speech and Language Disability: Speech and language disability is caused by *aphasia or laryngectomy*, which affects their speaking abilities.¹⁵

¹² The Rights of Persons with Disabilities Act, 2016, schedule at p.35.

¹³ *Ibid.*

¹⁴ The Rights of Persons with Disabilities Act, 2016, schedule at p. 35-36.

¹⁵ The Rights of Persons with Disabilities Act, 2016, schedule at p. 36.

1.4 Causes of Disability:

It is caused by many factors like the issues they face before birth and after birth. Some suffered disability because of certain diseases, infections and injuries. These factors are as follows:

A) Pre Natal Causes: Pre natal means before birth, that factors which occur during pregnancy time or when a child is in a womb. When a child is in a mother's womb, needs balanced diet or nutrition, also needs positive vibes. But if mother does not get balanced diet or faces some stress during pregnancy period then chances of disability are increased many folds.¹⁶

B) Post Natal Causes: Post natal means after birth, that factors which occur because of certain mishappenings. These mishappenings include certain diseases, infections, illness, injuries etc. Sometime person faces certain tragedies which affect their whole life and provides following disabilities:

a) **Temporary Disability:** It means after certain tragedy or accident person would be unable to do certain activities for some time in a proper manner because of some injury or disease but after recovery person can do his activities in a normal manner.

b) **Permanent Partial Disability:** It means some part or organ of a human body cannot move in a proper manner or that person becomes unable to perform his work as he does earlier before that incident. They are not in a position to use their body parts and unable to work properly.

¹⁶ Pre-natal causes, *available at:* <https://www.unicef.org.pdf> (Last visited on April 04, 2020, at 12:01 p.m).

c) **Permanent Total Disability:** It means the whole body or some part of a person not in a position to move or perform his activities because of some accident. In this type of disability person faces total loss of some part of the body and that part or organ not in a position to do work. It is a total loss of that part or organ.¹⁷

1.5 Difference between Disability, Handicap and Impairment:

A) Impairment: It means loss or inability of “*psychological, physiological or anatomical*” structure or a function, in which person is not in a condition to use his brain as a normal person, not do his physical activities in proper manner or some deficiencies in human structure.

B) Disability: Disability is a kind of restriction on human body in which disable person is not in a position to perform his activities as a normal being.

C) Handicap: It is a kind of disadvantage in a life or to perform his character in a peer group.¹⁸

1.6 Historical Background:

Discrimination with specially abled person was started from past scenario. They were treated as a curse on the society. People see them as a dirt and weight on society, treat them as beggars and build wrong myths in their mind that this is a result of previous karmas.

¹⁷ J.E Park & K. Park (1st edn.) *Prevention and Social Medicines*, 47 (1994).

¹⁸ Difference between disability, handicap & impairment, *available at:* <https://med.emory.edu> (Last visited on March 27, 2020, at 09:46 p:m).

Present research is focused to study the position, social status and facilities given to these people at different times in history.

In the era of 1050-1485 people had different views towards specially abled people. Some sees them with merciful eyes and other believes that they were specially abled because of their past sins. People think that they can get easily the path of paradise because they were special in the eyes of God. But some people shows cruel behavior towards specially abled person and treat them stigma on the society. Their condition was not good in that era as they were denied by the society and forced to live separately from their families. At that time they were not having separate shelters for their rehabilitation. Actually they were supported by sisters or nuns who were living in Church.

In 1538, King Henry decided to build the hospitals for the care and treatment of specially abled persons of that time. He made different rules for their treatment and declare care of specially abled as a moral duty of every person.

During the period of 1660-1832 separate institutions and schools were opened for care of deaf and blind persons. New hospitals and shelters were also set up for their treatment.

In 19th separate asylums were set up for the betterment of specially abled persons. Behavior of normal person also got changed towards specially abled, people starts giving financial help to specially abled person who were needy and not had means for their livelihood.

But in 20th century behavior of normal person also got changed as they hatred the specially abled people and treat them as a burden on their society. People think that specially abled people were unhygienic and they were a risk for the health of their nation.¹⁹

In the post World War 2nd many people were added into this category as the repercussions of the War. Taking into consideration the seriousness of the situation, a law on the point was enacted in the year of 1944, which is known as *Disability Employment Act*. This Act includes separate provisions for safeguarding the rights and benefits of specially abled persons. Separate reservation policies were set up in employment and education sector for disabled.

In 1960's and 1970 *American Civil Rights Movement* come into force, which started its work against discrimination and also set norms for the equal status of disables. After the Act of 1944 new Act of 1995 i.e. "*Disability Discrimination Act*" came into effect which gave opportunity to disables to take participate in games as Paralympics. This decade of 20th century also known as a "*UN Decade for specially abled persons*".²⁰

1.7 International Framework with Regard to Specially Abled Persons:

1.7.1 Convention on Elimination of all Forms of Discrimination Against Women 1979: This convention came into effect for providing equal status to women on 1979.

¹⁹ A History of Disability: from 1050 to the Present Day, available at: <https://historicengland.org.uk/research/inclusive-heritage/disability-history> (Last visited on April 22, 2020 at 12:00 p.m).

²⁰ *Id* at 19.

Article 11 of this convention relates to rights of women in employment sector, which declares that women have all rights in employment sector as men have i.e., right to work, right to get equal wages, right for other increments etc.²¹

1.7.2 International Year of Specially Abled Persons 1981: This mainly has three principles for safeguarding the rights of disables which includes *opportunities, rehabilitation and prevention of disabilities*. Its main objective is to provide equal opportunities to disables in all spheres of their life, set rehabilitation's centers for the man to prevent disability by curing it and by providing better health facilities to them.²²

1.7.3 World Programme of Action Concerning Specially Abled Persons 1982: This program came into effect on 1982 which tries to change the thinking of people towards disables. This step aware the people of world that disables are not separate personality they also a creation of same God who gave birth to all and disables are special gifted people and have right to life their life as other people.²³

In 1993 UN General Assembly adopted new rules on “*Equalization of Opportunities for Persons with Disabilities*” which focused upon equal status of disable people and clears a path for making new laws in favor of specially abled persons.²⁴

²¹ Convention on elimination of all forms of discrimination against women 1979, *available at:* <https://www.ohchr.org> (Last visited on April 24, 2020 at 10:30 a.m).

²² International Year of Disability 1981, *available at:* <https://www.un.org/development/desa/disabilities/the-international-year-of-disabled-persons-1981> (Last visited on April 24, 2020 at 10:40 a.m).

²³ World program of action concerning specially abled persons 1982, *available at:* <https://www.un.org> (Last visited on April 24, 2020 at 10:43 a.m).

²⁴ Equalization of opportunities for persons with disabilities, *available at:* <https://www.un.org/desa/disabilities/standard-rules-on-the-equalization-of-opportunities-for-persons-with-disabilities> (Last visited on April 24, 2020 at 10:45 a.m)

After this “*Declaration of Human Duties and Responsibilities*” came into effect on 1998 with a motive of “*Human Rights for All*”. Chapter 8 of this declaration deals with rights of splinter group and native people which also include a category of weaker sections. Article 30 of this declaration provides equality to all disables and full rights to live with dignity.²⁵

1.7.4 Convention on the Rights of Persons with Disability 2008:

This convention drafted in 2006 but came into effect on 2008 for protecting the rights of disables at international level.²⁶

1.8 United Nation Decades:

For the betterment of specially abled persons following United Nation Decades are organized:

a) United Nations Asian and Pacific Decade of Persons with Disabilities (1993- 2002): According to the findings of this decade 240 to 300 million people are suffering from disability in Asia and Pacific countries. This decade defines the disability and its causes and set measures for the prevention of disability.²⁷

b) Decade of 2003-2012: Focused upon more stringent laws and rules in favor of specially abled people, especially for specially abled women.

²⁵ Declaration of Human Duties and Responsibilities, *available at:* <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups> (Last visited on Feb 04, 2023 at 08:12 a.m).

²⁶ Landmark UN treaty on rights of persons with disabilities enter into force, *available at:* www.scoop.co.nz (Last visited on April 24, 2020 at 10:10 a.m).

²⁷ United Nation Asian & Pacific Decade of person with disabilities, *available at:* <https://www.dinf.ne.jp> (Last visited on April 24, 2020 at 11:45 a.m).

c) **Decade of 2013-2022:** This decade target upon two key points i.e., *Incheon Strategy and Sustainable Development* (focus upon developmental goals by consist employment, political participation, education, disability prevention etc.).²⁸

After this UN adopted **Convention on Rights of Person with Disability in 2006** and India signed this on 2007.

1.9 Indian Laws Related to the Rights of Specially

Abled Persons:

Government of India passes **Person with Disabilities Act 1995**, after the long struggle of certain people and NGO's who came forward for helping the person suffering from disability. They start making plans and policies for the betterment of specially abled person. File petitions in court for providing special rights to specially abled person.

The Rights of the Persons with Disabilities Act introduced in the year of 2016 to make amendments in the previous Act.

1.9.1 Role of Rehabilitation Council of India 1986: This council was established on 1986 and amended in 2000 for providing training to the people who are not able to do their work as other living persons. This council also provides special education to specially abled persons who are not in a position to understand the education.

²⁸ United Nation decade of 2013-2022, *available at:* <https://www.unescap.org> (Last visited on April 24, 2020 at 11:50 a:m)

1.9.2 Mental Health Act 2017: This Act was enacted on 1987 for the mentally ill persons. Under this Act special treatment is provided to mentally ill persons and separate policies are made for the betterment of mentally retarded. Special training and guidance is provided for their improvement so that they can live in a society. Later on repealed by **Mental Healthcare Act 2017**, which implement new provisions for safeguarding the rights of person with mental illness.²⁹

1.10 Trust/Councils/Committees for Specially Abled Persons:

1.10.1 National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, Multiple Disability Act 1999: This Act was enacted in year of 1999 for providing equal status and full participating rights to specially abled persons so that they can live an independent life and also enjoy equal opportunities.³⁰

1.10.2 National Institute for the Empowerment of persons with Multiple Disabilities: This institute was established on 2005 for empowering the specially abled persons by providing education and skilled training to specially abled person so that they can live with dignity.³¹

²⁹ History of Indian Disability, *available at:* <https://thediplomat.com/2016/history-of-Indias-disable-right-movement> (Last visited on December 07, 2019, at 10:25 a:m).

³⁰ National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, Multiple Disability Act 1999, *available at:* www.thenationaltrust.gov.in (Last visited on July 12, 2020 at 11:06 a:m).

³¹ National Institute for the Empowerment of persons with Multiple Disabilities, *available at:* www.niepmd.tn.nic.in (Last visited on July 12, 2020 at 11:10 a:m).

1.10.3 Role of Law Commission of India for the Betterment of Specially Abled Persons: Report No. 256 of Law Commission of India relates to “*Eliminating Discrimination Against Persons Affected by Leprosy*”. According to this report there is a high increase in the cases of leprosy in India up to the year of 2014, it is not a good sign in disability sector. So there is a need to change the old statutes, rules related to leprosy for the prevention of cases of leprosy. For this commission present the Bill on 2015 for *Eliminating Discrimination Against Persons Affected by Leprosy*. This bill provides equality and equal status to person suffering from leprosy in health, education, employment, ownership, family rights, property rights etc.³²

1.10.4 Role of National Human Rights Commission of India: National Human Rights Commission was established in 1993 and amended in 2006, for the protection of Human Rights. Its main functions are to protect and secure the rights of people including the rights of specially abled persons. It conducts seminars or workshops for providing awareness regarding the rights of people, promote research in the field of human rights, encourage NGO’s or other institutions towards the equal human rights.³³

1.10.5 Department of Empowerment of Persons with Disabilities: This department was created in the year of 2012 and renamed as “Empowerment of Person with Disabilities” in the year of 2014 for the special care and protection of specially abled persons. This department makes many schemes for the betterment of specially abled persons and for providing them aid and appliances. Following are some schemes run by this department:

³² Law Commission of India, 256th Report on *Eliminating Discrimination Against Persons Affected by Leprosy*, (April, 2015)

³³ Role of National Human Rights Commission of India, *available at*: <https://nhrc.nic.in> (Last visited on July 08, 2020 at 8:50 p:m).

a) Assistance to Disable Persons (ADIP): Under this scheme department of specially abled persons provide financial help for providing aid and appliances and help for the surgeries so that they can live with dignity.

b) Deendayal Disabled Rehabilitation Scheme (DDRS): This scheme work for providing equal opportunities and empowerment to specially abled persons and also work for the effective implementation of The Rights of the Person with Disabilities Act 2016.

c) Scheme for Implementation of The Rights of the Person with Disabilities Act 2016 (SIPDA): This scheme is created for the proper implantation of Act of 2016.³⁴

1.11 Role of Indian Judiciary:

Indian Judiciary also plays an important role for safeguarding the rights of specially abled persons. Legislation (including Parliament & President) in India is a law making body and Judiciary is a justice providing body. But in many cases judiciary play a role of parliament and give a path for new laws. In many cases judiciary issue new directions or guidelines which take a shape of new laws. For the enforcement of fundamental rights citizen of India can approach to Supreme Court under Article 32 and to High Court under Article 226 of Indian Constitution.³⁵

³⁴ Department of Empowerment of Persons with Disabilities, available at: www.disabilityaffairs.gov.in (Last visited on July 11, 2020 at 09:08 a:m).

³⁵ Dr. J.N Pandey, *The Constitutional Law of India* 372 (Central Law Agency Allahabad, 2012).

In case of *National Federation of Blind v. UOI & Others*³⁶, a PIL was filed for not providing reservation to blind or low vision persons according to the provisions of section 33 of 1995 Act. Then Chief Justice Rajiv Sahai on September 12, 2014 declare that specially abled persons are entitled for 3% quota in jobs and promotion and also give directions to Indian government to implement the same.

In case of *Disabled Right Group v. UOI*³⁷, Supreme Court issue following directions for the proper implementation of section 39 of Act of 1995 and section 32 of Act of 2016:

- a) Duty of the appropriate government to provide accessibility in educational institutions to specially abled persons so that they can move freely.

- b) Duty of all educational institutions for the making of arrangement and special facilities for teaching of specially abled persons.

- c) Duty of chief commissioners or state commissioners who are appointed for specially abled persons to conduct enquiries on time regarding the reserving seats in higher education for these types of people.

³⁶ AIR 2014 SC Review Application No. 412/2014.

³⁷ AIR 2017 SC 997.

1.12 REVIEW OF LITERATURE:

Different books, articles, research papers have been reviewed to know about the status of specially abled persons:

1.12.1 Reviewed Books on Specially abled persons:

A.N Singh in his Book, *“Enabling the Differently Able”*³⁸, define the word “Disability” which means, *“Impairment, in which he feels that any deviation from the normal which results in defective function, structure, organization or development of the whole or in part of the individuals faculties”*.

Disability means, obstacles, barriers face by impaired person and they are not able to do their task easily and take more time to perform their activities as compare to normal person.

In chapter 5 Author discusses about the rights of specially abled person, role of United Nation and India for the benefit of differently specially abled persons. Specially abled person have all rights as other people.

Foo Gaik Sim in his Book, *“Integrating Women and Girls with Disabilities into Mainstream Vocational Training”*³⁹ defines disability as a triple stigma for women:-

- a) First one she is a women
- b) Secondly she is weaker section of society
- c) Thirdly she is disable

³⁸ A.N Singh (1st edn.), *Enabling the Differently Able*, 2-12, (Allahabad Law Agency, 2009).

³⁹ Foo Gaik Sim (1st edn.) *Integrating women and girls with disabilities into mainstream vocational training*, 3-12, (Allahabad Law Agency, 1999).

Because of the above said reasons women face triple stigma in her life. Women are always treated as weaker in our society. People from ancient time thinks that women cannot be treated equally to men because of her physically incapacities to do certain work that men can do as a physically strong. A woman always looks as a nurture and care taker family. But if that woman is a disable or becomes specially abled because of some accident or happening then things become more difficult for her. Because of these reasons author called disability as triple stigma for women. Women always suppressed in our society and discriminated while giving her equal rights of education, making friends, to go outside, get skilled training as men can get. She faces many difficulties while getting these rights because she lives in a male dominating society, in which men are a majority section and she is a minority. Author further suggest measures that should be adopted for uplifting the status of women in our society. According to the findings of author condition of women can only be changed by giving her equal rights in education, jobs and in every field of her life. Government must have to take initiative to give skilled training to women and specially abled women.

Lina Gonsalves in his Book, "*Women and Human Rights*"⁴⁰, talks about the concept of equality and draw the attention of viewers on equal rights of men and women. Author states that many rights are provided for the advancement of women but these are not implemented properly. Women face lot of delay and denial for their rights and fights for a long period for getting their rights.

⁴⁰ Lina Gonsalves (1st edn.) *Women and Human Rights*, 9-25, (Allahabad Law Agency, 2011).

Author compares the laws of Canada which provides equal status to men and women and discusses about the concept of “Similarly Situated” test, which means men and women are not same in all context and have different qualities and abilities.

In chapter 4 of the said book author states about the rights of women under Indian Constitution, this states under Article 21, 39, 42 and 51(A).

Ravi Prakash & Janardhan Prasad in their Book, **“Education of Handicapped Children”**⁴¹, discusses about the problems of visual specially abled person from their childhood to adolescence period. In childhood they need special assistance because of the chances of stress, depression. In those days feeling of self-concept is very important for their coming life. In school days, parents and teachers can provide good environment for them so that they can feel comfortable and live a life as a normal people. Government must have to provide special education and skilled training for their life.

V.V Devasia and **Leelamma Devasia** in their Book, **“Women Social Justice and Human Rights”**⁴², discusses about the health related issues of women in rural areas which are more as compare to urban areas. Their human rights are contravened because of lack of awareness about their rights. They are not able to get better health facilities, nutritional food, and safe drinking water, which built too many other problems like certain diseases. Author in this article suggest measures for cope up these problems.

⁴¹ Ravi Prakash and Janardhan Prakash (1st edn.) *Education of Handicapped Children*, 301-307,(Orient Publishing, 2006).

⁴² V.V Devasia and Leelamma Devasia (1st edn.) *Women Social Justice and Human Rights*, 66-76, (Allahabad Law Agency, 2009).

According to the study of author there is a need of awareness programs which would be organized specially in rural areas so that people of rural areas can know about their rights and there would be a separate Mahila Mandals i.e., helping organizations which would provide separate assistance to the women living in rural areas.

1.12.2 Reviewed Articles on Specially abled persons:

Iglesias M, et al in their Article, *“Violence and Disable Women”*⁴³, define the condition and living status of specially abled women who are living in Germany, Sweden, Denmark and in Spain. Authors in this study conduct a joint research upon the violence issues related to specially abled women. They compare the incidents of violence or assault done with specially abled or non specially abled women.

The report of United Nation Development Program (1992) defines that 20% specially abled person face force, assault, discrimination and treated badly at their workplaces or in community because of their disability. Mostly, people ignored the specially abled person and thinks that they are not strong, they cannot work as a normal being, they are sympathy gainers, but all these beliefs and thinking are wrong because disable person also have same rights and duties and they have a right to enjoy their independent and free life. So, there is a need to change this thinking. Further in their study discusses about the issues related to education, health, employment, family life of disables. The specially abled person faces discrimination while getting education and employment.

⁴³ Iglesias M, et al, *“Violence and Disable Women”*, available at: www.independentliving.org (Last visited on March 24, 2020 at 01:54 p.m).

Separate schools and institutions are set up for giving education to them, but this is not a right way to educate them because also have a same rights to study in a same school or classroom in which others can get it. They also face discrimination while working in different firms, organizations, institutions and in other departments. Sometimes they get job in these firms and many time not. If get the job, then discriminated while giving wages and incentives. The ratio or number of getting jobs for Specially Abled women is very less as compare to specially abled men, because of the double discrimination. Specially abled women face dual discrimination, firstly she is a woman and secondly she is disable. These all things need to be measured in a proper manner and governments have to put and set proper measures to stop this violence.

Indumathi Rao in his Article, ***“Equity to Women with Disabilities in India”***⁴⁴, talks about the problems which face by specially abled women. According to the author women is also discriminated on the basis of sex and gender but if she is disable that is more challenging for a disable women to live in a society, where women treated as a minority. Author focuses upon the needs of specially abled women which started from her childhood and draw the attention upon the needs of their families who have disable children. Families of Specially Abled children face many problems in their routine life and their needs are more as compare to simple families. Specially abled person or children needs more attention as compare to normal person or children. They are not capable to do their work independently and needs extra assistance and that families need more financial assistance.

⁴⁴ Indumathi Rao, *“Equity to Women with Disabilities in India”*, available at: <https://unipd-centrodirittumani.it> (Last visited on Feb 07, 2023 at 06:55 p:m)

Government starts many beneficial schemes for disable person but the procedure for getting these is not simple. Specially abled people spend lots of their time in government departments to make a disable certificate firstly to get the schemes. This system should be changed and government should introduce simple and less time consuming way for getting these benefits.

John Kuumuori Ganle et al in their Article, *“Challenges Women with Disable face in accessing and using maternal healthcare services in Ghana: A qualitative study”*,⁴⁵ tries to describe the problems and obstacles that face by specially abled women while getting ‘*Maternal Healthcare Services in Ghana*’. Author chooses interview method to get the answers of his questions and also choose 72 respondents from the districts of Ghana. Author interviewed the visual, hearing and physically abled person to collect the data regarding their research work. According to their research work condition of specially abled women in Ghana is not good, the health, safety and education facilities for women was very low. While interviews they find that the specially abled women needs maternal healthcare services because during pregnancy it becomes difficult for them to go outside for health services. Specially abled women also wants to get married so that they have loving and caring family and who got married wants to be pregnant so that their children take care for her. But government of Ghana not giving well facilities to specially abled women, 3% of total populations in Ghana are disable out of which 64% are

⁴⁵ John Kuumuori Ganle et al, *“Challenges women with disabilities face in accessing and using maternal healthcare services in Ghana: A qualitative study”*, available at: <https://www.ncbi.nlm.nih.gov> (Last visited on April 01, 2020 at 01:20 p:m).

women, who needs better healthcare facilities because during pregnancy they are not in a stage to push their wheelchairs and come to hospitals. So, there is a need for separate healthcare and other facilities for disable women and also for other specially abled persons.

Linda T. Masarira in her Article, *“Challenges faced by specially abled persons and how the government can intervene”*⁴⁶, talks about the situation or position of Specially Abled persons in Africa. In Africa people are not so educated and in present stage they believe in old traditions and myths. They believe that disability is a result of past mistakes and specially abled person is a curse on their society. They ignored the specially abled persons. They did not believe upon the science and causes of disability. For them disability is only a result of past encumbrances. They do not rely upon the views of science that disability is caused by some deficiencies of vitamins and minerals or because of some accidents and diseases. That’s why they need awareness regarding the causes of disability and how it can be controlled. Their society’s economic status is also low and because of less finance facilities, food and health facilities in their state are also bad. Government of Africa has to put necessary and immediate measures regarding better finance, food and health facilities in their state. So, that people of Africa can know about the actual causes and effects of disability and specially abled person can live their life in a better way. If government built better opportunities to educate their population then they can understand the disability, its causes and effects. So, that it should be controlled.

⁴⁶ Linda T. Masarira, *“Challenges faced by Specially Abled persons and how the government can intervene”* available at: <https://bulawayo24.com> (Last visited on April 01, 2020 at 06:00 p:m).

Lindsay Mack in his Article, *“12 of the biggest challenges people with disability face when pursuing an office job”*,⁴⁷ discusses about the problems of working specially abled persons, when they go to their offices and places and in which surrounding they are living. Specially abled person who are working face many problems or hardships in their life, because normal people ignored them and treated them as a weak person.

This feeling of ignorance builds the barriers between normal and specially abled persons, which would be harmful to specially abled person. Other colleagues make comments on them and show disrespect towards them. Specially abled person are also discriminated while granting work and salary. Employers also underestimate and judge them on the basis of their incapacities or less abilities to do certain work. They also face problems related to their accommodation. Proper ramps and plain areas are not building in many firms. All these things have to be changed and would be changed with the help of employers. They can set up better policies for special or specially abled persons and guide their staff to behave in a good way with special person and treat them as their colleagues.

Mary Ann McColl in his Article, *“Should I say ‘Specially Abled person’ or ‘person with a disability?’”*⁴⁸ discusses about the situation that she seen at grocery store in Alberta. She seen that one specially abled women comes in grocery store to buy things but because of her physical disability she is not so fast to keep the things as others.

⁴⁷ Lindsay Mack, *“12 of the biggest challenges people with disability face when pursuing an office job”* available at: www.insider.com (Last visited on April 01, 2020 at 06:05 p:m).

⁴⁸ Mary Ann McColl, *“Should I say ‘Specially Abled person’ or ‘person with a disability?’”* available at: <https://theconversation.com> (Last visited on March 31, 2020 at 07:39 p:m).

By seeing this, the owner of that grocery store comes and asks her to leave the store because she is very slow that affects the other customers. Besides giving her assistance and help of some staff member that owner asks her to leave the store. That's why author thinks that whether she would be called as a disable person or person with disability. According to the author, disablement is not a curse but the people who behave like this also are of disabled mind. Society has to change their mentality towards specially abled person. Treat them with empathy rather than sympathy. Not use merciful words for specially abled person that realize them about their disability. People have to treat them equal as they treat other normal beings.

Nidhi Goyal in his Article, "*Denial of Sexual Rights: insights from lives of women with visual impairment in India*"⁴⁹, states about the problems that faced by visually impaired women. She denied or rejected from society because of her visual disability. She defines her story as visually specially abled women. She faces many denial and rejection while going to school life, in her marriage life. After this she join one organization namely, Sexuality and Disability Organization work for providing guidance and training to visually impaired person that how they can live in society, how tackle their routine hurdles, how live in happy family. After joining this organization author observed in herself much confidence and suggest for the need of other organizations like this.

⁴⁹ Nidhi Goyal, "Denial of sexual rights: insights from lives of women with visual impairment in India", 25 *INJSRHR* 138-146 (2017).

Nidhi Goyal in her Article, *“Why does the women’s right movement marginalize women with disabilities?”*⁵⁰ discusses about the life of specially abled women who are living at home, have ambitions to get married, to be live in a happy family, have children who take care of them, feeling to go outside and spend time with their friends and society. Author realizes while in her research work those women who are specially abled and living at home needs more attention rather than who go outside for work. Because they did not interact with outer world and needs family support to spend their leisure time, which would be helpful for keeping them stress free.

But all these feelings and wishes of specially abled women are contemplated in their minds rather than practical. Because in present society people mostly things about their own wishes and whims and not bother about the rights and wishes of others. They enjoy their life and thinks about disables. Mostly specially abled women live alone because nobody wants to get married with specially abled women. People think that they are not a condition to take care of their families, not take care the child, that’s why many specially abled women face abortion against their will. Nobody bother about what she thinks and what she need. It would be the only decision of her to have baby or not to have baby. That’s why there is a need to amend certain laws and make new laws for the rights of specially abled women.

⁵⁰ Nidhi Goyal, *“Why does the women’s right movement marginalize women with disabilities?”* available at: <https://amp.theguardian.com> (Last visited on April 01, 2020 at 01:40 p:m).

Paula Compos Pinto in his Article, *“Out of the Shadows: Violence against girls and women with disabilities in Portugal”*,⁵¹ discusses about the life of specially abled women and girls of Portugal. Their condition in Portugal is not well as they their actual need. Their fundamental rights are violated in many spheres. They have not full independence to get education and to work in various departments and institutions. Most of the specially abled women and girls are living at home and one who goes to work face physical and mental abuse. They have not same rights as specially abled men have to go outside, get education, get skilled training and work in factories or in fields. Salary of specially abled women is also less as compared to specially abled men.

The owners or employers of any firm pay less wages to specially abled women because they thinks that they are not much strong as men and not did the work in same manner as men can do. So, there is a need of so many changes in welfare schemes for specially abled women of Ghana.

Prashant Srivastava & Pradeep Kumar in their Article, *“Disability, its Issues & Challenges: Psychosocial & Legal Aspect in Indian Scenario”*⁵², states about cause and effect of disability. What are the reasons behind the problem of disability, what difficulties are faced by specially abled persons? Author states that the disability is caused because of medical diseases, certain genetic problems are responsible for this and caused by different environmental factors.

⁵¹ Paula Compos Pinto, *“Out of the shadows: Violence against girls and women with disabilities in Portugal”*, 10 ASD 137-147 (2016).

⁵² Prashant Srivastava and Pradeep Kumar, *“Disability, its issues and Challenges: Psychosocial and Legal aspect in Indian Scenario”*, 18 DPJ (2015).

In India people from different religion, culture are living, their standard of living is also different. Some belong to good status families who have enough means of living but many have not proper means of living so they are not able to get proper and healthy diet which caused these types of problems. Mostly problem of disability occur because of unhealthy diet, lack of proper vaccination which gave birth to physical problems. Government provide many health schemes for new born babies and vaccination schemes for pregnant ladies but many people are unaware about these schemes, some belongs to illiterate class who are not in a state to get these facilities. So, there is a need of awareness regarding these schemes. Further author talks about the psychiatric disability, which means mental illness, which affects the emotions, behavior of person. Poverty, Nutrition, Crime and Traffic problems are also responsible for the mental disorders. Author discusses certain constitutional provisions which favor the rights of marginalized groups that are:

Article 15(1) of Indian Constitution states about, *“non discrimination on the basis of Religion, Race, Caste, Sex and Place of Birth”*.

Article 15 (2) states that, *“no citizen should be subject to any disability, liability, restriction and conditions for the use of public places like well, shops etc”*.

Article 17 states against the title of untouchability, which means no one treated as untouchable and not discriminated on the ground of any disability.

Article 21 provides Equal status to enjoy life and liberty.

Article 23 protects against forced labor and beggar system.

Article 29 (2) provides Right to Education to all, irrespective of their caste, color, creed, disability etc.

Article 32 provides equal opportunities to all to approach the Supreme Court for the compliance of their fundamental rights and no one can be denied from their fundamental rights as he/she is disabled.

Beside all these provisions specially abled persons face many hurdles for obtaining their rights and privileges properly because they are treated equally as other persons and there are not enough opportunities for development.

Ranjita Dawn in his Article, *“Our lives and identity: Women with disabilities in India”*⁵³ discusses about mainly three types of problems faced by specially abled women that are: (1) Disability (2) Discrimination (3) Other Gender Problems. According to the author, the legal system of India is not strict for providing protection to women and no special and separate provisions for providing justice to disabled women. Many loopholes are there in our Indian Legal System. Women face many difficulties in her domestic life and while working in any department. She faces much discrimination on the basis of her gender. Still there is a need for better surroundings and good environment. There should be independent forums for providing speedy remedy to Specially Abled women.

Sakshi Raje in his Article, *“Women as Minority”*⁵⁴, discusses about the status of Women in modern India. Women are treated as a minority in many stages of her life like at home, school, colleges, society etc.

⁵³ Ranjita Dawn, “Our lives, our identity: Women with disabilities in India”, 36 *DR* 1768-1773 (2014).

⁵⁴ Sakshi Raje, “Women as Minority”, available at: www.lawtimesjournal.in/womwn-as-minority (Last visited on December 07, 2019, at 11:04 a.m).

They face difficulties in getting her rights, privileges, powers, difficulties at workplaces, suffer from sexual harassment, and face certain comments in day to day life. From the past till modern era women treated as minority. No doubt, certain rights are provided for uplifting the women but these are not implemented in a proper manner. Still there is a need of many new effective enactments that uplift the status of women.

Sibusiso Masango in his Article, *“Some of the challenges faced by specially abled person”*,⁵⁵ states about the challenges and problems faced by specially abled person in their daily life. Because of their inabilities not to do certain work or activities as other normal being, they face many hardships in their daily life. Most of the time they need support of others for doing their work. That’s why they need extra care and attention. But our society and government are not provided that rights to them. Specially abled children have same rights to play or live in same environment in which other normal children are living. But they face denial and felt ignored at this stage. Normal children don’t want to play with disable children. But the parents of normal children have to guide their children to be friendly with special children. They have to build feeling of acceptance in their children. Other problems they face while going to school. Government provide separate schools for their study but this separate schooling set a barrier between special and normal children. Beside this government can appoint special teachers to teach the special children in same school which clear the barriers between the children and they can live a normal life.

⁵⁵ Sibusiso Masango, *“Some of the challenges faced by Specially Abled person”* available at: www.risenshine.org.za (Last visited on April 01,2020 at 05:44 p.m).

Further author discusses about the problems of specially abled person that they face while transportation. Transportation is not accessible for specially abled person, in schools there would be plane ramps for their walking with support. Another one is health care schemes which discussed by the author.

According to his findings health care facilities for disables are not good. Specially abled person are not in a position to go to hospitals by himself, they needs support of others. But governments have to build separate and accessible healthcare facilities for them at their doorsteps.

S. Ganesh Kumar et al, in their Article, *“Disability and Rehabilitation services in India: Issues and Challenges”*⁵⁶, explain the rehabilitation services in India, which are specially designed for specially abled persons. According to the study of authors disability is not a minor thing which can be ignored, it is a major problem and should be controlled only by better health care facilities, by better education and rehabilitation services. According to them government must aware the general public, specially the people of rural areas about the causes of disability which is caused by pre natal diseases or deficiencies, which can be cured by balanced diet of pregnant ladies and by giving them good and healthy environment. After birth of the child, mother and baby both needs a balanced diet or safety measures i.e., proper vaccinations on time that can decrease the chances of deficiencies in body and prepare a child to fight with other infections.

⁵⁶ S. Ganesh Kumar et al, *“Disability and Rehabilitation services in India: Issues and Challenges”* available at: www.ncbi.nlm.nih.gov (Last visited on April 01, 2020 at 09:25 p:m).

These all things can be done by providing these facilities and by awaking the people about these things. Separate rehabilitation centers must be set up for specially abled person, in whom proper care would be provided to them and make them efficient to fight with their problems and prepare them to live an independent life. For this separate skilled training programs must be set up at ground level, so that specially abled person who lives in rural areas can easily get the benefit of these facilities.

Traustadottir and Ranveig in their Article, *“Women with Disabilities: Issues, Resources, Connections Revised”*,⁵⁷ talks about women who is discriminated in our society because of her disability. She face dual discrimination- first is being women and second is her disability. From the past time condition of women is not good, she always sacrifices her wishes and feelings for others and treated as weak as compare to men. Her rights and feelings are always denied in our male dominated society. But if that woman is a disable then her life becomes more difficult to live in our society. Cases of sexual abuse of disable women are higher as compare to other women, because people think that they are weak. For improving the condition of disable women and to control the cases of sexual abuse, government has to put necessary measures to safeguard their rights. Special and separate rights to be provided for them, scholarship schemes have to set up for their education, separate quotas must be provided in jobs that can uplift their status in society.

⁵⁷ Traustadottir and Ranveig, *“Women with disabilities: Issues, Resources, Connections Revised”*, available at: www.independentliving.org (Last visited on March 01, 2020 at 01:00 p:m).

1.13 Research Gap:

Through the review of literature, researcher found that there is no empirical and comparative study which will focus upon the rights of specially abled working women, especially in the state of Punjab. There is no separate or exhaustive study on the present research proposal in Punjab. No doubt, government passes a new law for safeguarding the rights of specially abled person but it did not explain clearly about the rights of specially abled women or the rights of specially abled working women. The present work is focusing on the problems encountered by the specially abled working women and suggest measures which can be taken for the effective realization of the rights of working women in the society at large.

1.14 Importance of the Study:

In spite of certain disability laws at national and international level, the position of specially abled women is not changed. They are still facing many hardships and challenges in their life, especially at workplace. The Person who suffered from physical challenges is not in a position to do their activities or functions as of abled bodied persons. It does not mean that person is unable to do as a normal being but takes more time to do his activities as compare to a normal being. But the other people treat them separately because of their disability. They were denied in many spheres of their life instead of equal rights and opportunities. Actually these rights or opportunities are provided in a theoretical manner and practical position is different. Therefore, the purpose of this study is to fill the lacunas and drawbacks in laws related to the rights of working specially abled person. No doubt, our judicial system make

pronouncement on certain time in favor of disable persons but to examine the role of judiciary, legislature and other NGO's for the welfare and protection of the rights of specially abled women, what they have done specifically for specially abled women and who are working and what challenges they are facing while doing their work, this research work is essential. This research work is also needful to know about the viewpoints of working specially abled women regarding their job and family life.

1.15 Objectives of the Study:

- I. To examine the legislative measures for the benefit of specially abled women in context of reservation policy.
- II. To examine the effective implementation of laws in order to protect and promote the rights of specially abled women.
- III. To evaluate that the specially abled working women are actually getting benefits in the employment sector (both in public and private).
- IV. To find out the challenges faced by specially abled women in the employment sector (both in public and private) by collecting data regarding beneficial schemes received by specially abled women.
- V. To suggest the measures which can be taken for the effective realization of the rights of working women in the society at large.

1.16 Hypothesis:

In order to achieve the above said objectives, the researcher has come out with the following hypothesis as the findings were similar to those found after reviewing the literature by Kerry Ellis-Jacobs,

DM⁵⁸ and Neha Joshi⁵⁹ that variables strongly correlates with each other.

Ho1: The absence of organizational/institutional help not act as an impediment in the emancipation of specially abled women in the employment sector.

H1: The absence of organizational/institutional help act as an impediment in the emancipation of specially abled women in the employment sector.

Ho2: There is no correlation between the age of special abled working women and their satisfaction level qua beneficial schemes of government.

H2: There is a correlation between the age of special abled working women and their satisfaction level qua beneficial schemes of government.

Ho3: There is no correlation between the education of special abled working women and their satisfaction level qua beneficial schemes of government.

H3: There is a correlation between the education of special abled working women and their satisfaction level qua beneficial schemes of government.

Ho4: There is no correlation between the tenure of special abled working women and their satisfaction qua workplace.

⁵⁸ Kerry Ellis-Jacobs, DM, "*A Quantitative Correlation study on the impact of patient satisfaction on rural hospital*", 9 IJAHSP (2011).

⁵⁹ Neha Joshi and Dr. Anju Bisht, "*Study on Correlation on verbal learning disability & education aspiration among students of Kumaun region*", 9 IJR (2020).

H4: There is a correlation between the tenure of special abled working women and their satisfaction qua workplace.

1.17 Research Questions:

- I. Whether the specially abled women are facing the challenges at the workplace (both in public and private sector) in context of reservation policy?
- II. Whether the legislations relating disability in India is implemented effectively in order to protect and promote the rights of specially abled women?
- III. Whether the specially abled working women are actually getting benefits in the employment sector (both in public and private)?
- IV. What measures can be taken for the effective realization of the rights of working specially abled women in the society at large?

1.18 Methodology:

The present research study is an empirical and doctrinal study; use both primary and secondary type of methods for the collection of data. In primary method researcher acquired information by means of direct and indirect observations and by questionnaire method framed for 300 respondents working in public and private departments of six districts of Punjab namely, Amritsar, Tarntaran Sahib, Ludhiana, Patiala, Hoshiarpur and Jalandhar. In secondary method researcher collected information from certain books, journals, articles, newspapers and by using library sources.

1.18.1 Method of Data Collection:

For the collection of data researcher used the questionnaire method, for getting the results and answers of research questions. Researcher framed three set of questionnaire for specially abled working women and for the authorities or officials who are working for the benefit of specially abled persons. For this purpose researcher selected the districts of Punjab. Two from each region i.e., Majha, Malwa and Doaba. In Majha region data is collected from Amritsar and Tarntaran Sahib districts, in Malwa data is collected from Ludhiana and Patiala Districts and in the same from Doaba data is collected from Jalandhar and Hoshiarpur Districts. Number of respondents is fixed to 300, which means 50 from each selected districts.

1.19 Limitations of the Study:

- I. Most of the Government officials/faculties/Employers are not familiar to provide the accurate data about the status of specially abled women employees because of their confidential issues.
- II. Present research study is focused upon the rights and issues of specially abled working women who are living in six districts of Punjab State.
- III. Most of the NGO's are working for social welfare purposes and there are few who specifically working for specially abled persons.

1.20 Framework of Study:

CHAPTER-1 Specially Abled Persons; Introduction And Historical Background

This Chapter deals with introduction and historical background of laws related to specially abled persons, condition and position of specially abled persons in India, especially position of specially abled women who are working. This research study focus on concept of disability, its history, different views of society and government towards specially abled persons.

CHAPTER-2 The Rights of Specially Abled Women: International Perspective

This Chapter deals with international perspective on specially abled persons especially specially abled working women. This chapter focuses upon the conventions, declarations, resolutions, protocols for the specially abled persons.

CHAPTER-3 Legislative and Institutional Framework on Specially Abled Persons

This Chapter focuses upon legislative provisions of India regarding laws, different enactments, acts, guidelines etc. and other institutions, rehabilitation centers and NGO's for safeguarding the rights of specially abled persons, especially for the specially abled women.

CHAPTER-4 Role of Indian Judiciary to Safeguard Rights of Specially Abled Persons

This Chapter defines the role of Indian Judiciary for safeguarding

the rights of specially abled persons. This chapter also focuses upon different incidents, cases in which judiciary play a good role for protecting and providing equal status to specially abled persons.

CHAPTER-5 Empirical Analysis of Specially Abled Working Women in Punjab

This Chapter emphasized on the principle outcomes of a research study and new findings during research.

CHAPTER-6 Conclusion and Suggestions

This Chapter relates to the conclusion and suggestions pertaining to the research work.

CHAPTER-2

THE RIGHTS OF SPECIALLY

ABLED WOMEN:

INTERNATIONALPERSPECTIVE

“Focus not on the differences of people with disabilities but the talent of the individual”.

.....Neil Milliken

2.1 Introduction:

The present chapter deals with the International perspective of Specially abled persons, especially specially abled women, by discussing role of International Judiciary of different countries as per their laws for these people and to know about the system of different countries for providing justice to these people. In this chapter researcher discusses about the International Conventions, Declarations, Resolutions, Protocols and Different Laws of America, Canada, Australia, Germany and England. These countries are member state of different conventions and treaties and also ensure applicability of these in their states. They have other separate provisions for safeguarding rights of specially abled persons. In America, they have separate cell, forums at local level for providing assistance to these people in case of their need, Government of Canada have separate provisions qua to workplace, England have Equality Act which ensures equality for all, including to specially abled persons, Government of Germany more focuses upon the relaxation provisions for these people so that they can live independently like tax, fair, rent relaxation and Australian government provides more laws upon easy access of services at local level and availability of these services at one phone call. At International level United Nation plays an important role for making new Acts and Conventions.

Most of the International Conventions, Declarations, Resolutions, Protocols are in general for securing the rights of specially abled persons and that are also utilized for specially abled women. As such, there is slighter specific content for these women.

2.2 International Institutions:

2.2.1 International Labor Organization- This organization was formed in the year of 1919 and signed by 187 member states with the main objectives to provide equal working hours, maternity benefits, protection policies for women and young people, while working at night and separate standards for specially abled persons at their workplace. ⁶⁰

Separate committees are also formed for ensuring more opportunities for specially abled persons. As per their reports and surveys approx. one billion people of world suffering from some sought of disability. Their right to equal work is violated because of their physical challenges. ⁶¹ For the resolvent of these problems this organization organized action plan and strategy for the year 2014-17. This organization also adapt “Twin Track Approach”, by focuses upon their problems and for their mainstreaming. One side this organization make them capable to face the hurdles that came in their upliftment and on the other hand work for their skilled training, make separate schemes, policies, strategies etc. As per their surveys and reports, specially abled persons face more unemployment as compared to normal being.

⁶⁰ Concept of International Labor Organization, *available at:* <https://www.ilo.org> (Last Visited on July08, 2022 at 08:00 a.m).

⁶¹ Disability & Work, *available at:* <https://www.ilo.org/disability/work> (Last Visited on Feb 08, 2023at 07:12 a.m).

Main motive of this action plan is to focus upon the competency of specially abled persons towards their independent actions, functions or activities and to guide them for their career. This organization also works towards Convention on “Vocational Rehabilitation and Employment”, which was held in the year 1983 and other on “Code of Practice on managing disability in workplace” held in 2001. By their initiatives “Convention on rights of person with disability (CRPD)” came in 2006 with non-discrimination approach.⁶²

2.2.2 International Disability Alliance- In 1999 “*International Disability Alliance*” came into force for the betterment of the rights of specially abled persons and covers all kinds of disabled people. This alliance was built up for helping the disabled persons and for supporting their families. Other organizations who wants to work for the betterment of disabled persons, are also get the help from this alliance. The main objectives of this body are to promote equality among specially abled persons, not to discriminate on the basis of race, language, religion, sex or their disablement, raise voice for their benefit and to made a good place for them. This body also organize other awareness programs with the help of other organizations raising their status, healthcare services, assisting aids with advanced technology etc. Main Goals of International disability alliance:-

1. Main objective of this alliance is to elevate the propaganda of UNCRPD at world level, so that every marginalized group can live their life independently and enjoy their rights freely without any discrimination.

⁶² Disability Inclusion Strategy & Action plan 2014-17, available at: www.ilo.org/Disability/Inclusion/Strategies, p. 1-3 (Last Visited on Feb 08, 2023 at 07:15 a:m).

2. To achieve the sustainable development at world level. For achieving this goal, this further has 18 goals and goal no.17 relates to the equality by elevating the economic, social and political inclusion for all, including specially abled persons.
3. Building better opportunities and platforms for specially abled persons, by giving skilled and vocational training.⁶³

It is a kind of body of members, who support and encourage the specially abled persons and to their families for their better living. This body includes other organizations at universal or local level who are working specially for their upliftment. Its main objectives are-

- a) Promote equality among people including specially abled persons.
- b) Non-discrimination on the ground of race, caste, sex, race, language or their religion.
- c) Made a good place for specially abled persons.
- d) Raise voice for them in case of violation of their rights and for their better life.

This body holds awareness programs with the help of other organizations for the promotion of their rights and also for the easy access of other facilities or services as per their need.⁶⁴

2.2.3 United Nation Department of Economic And Social Affairs

Disability- This department formed in the year of 1948 with the idea or motto to provide economic and social independence to all including specially abled persons.

⁶³Concept of International Disability Alliance, *available at:* www.internationaldisabilityalliance.org(Last visited on Jan 21, 2021 at 09:44 p:m).

⁶⁴Concept of International Disability Alliance, *available at:* <https://www.internationaldisabilityalliance.org> (Last visited on May 29, 2022 at 10:15 p:m).

In the year of 1980 many steps were taken by this department for the betterment of specially abled persons. Other programs were also organized for procuring the disability and addresses 141 countries to guide and aware them towards the causes, challenges, how to handle this, what are the needs of them and to fulfill these needs.⁶⁵

1982- “World Program of Action” was organized by focusing upon main three subjects-

- a) Prevention- To control, survey, research to know the reasons, causes of disability, how to control this for future.
- b) Rehabilitation- Providing services to specially abled persons for their rehabilitation, services for their support, training programs for their life etc.
- c) Equal opportunities- Includes more opportunities in every field with the help of other organizations, institutions working to support these people.⁶⁶

In 1993 UN General Assembly adopted new rules on “*Equalization of Opportunities for Persons with Disabilities*” which focused upon equal status of specially abled persons and clears a path for making new laws in their favor. There are 22 Rules divided into 4 Chapters-

⁶⁵ United Nation Department of Economic and Social Affairs Disability, *available at:* [https://www.un.org/disabilities/standard/rules on equalization of opportunities for person with disabilities](https://www.un.org/disabilities/standard/rules%20on%20equalization%20of%20opportunities%20for%20person%20with%20disabilities) (Last visited on May 29, 2022 at 10:30 p:m).

⁶⁶ World Programme of Action concerning Disabled Person, *available at:* [https://www.un.org/development/desa/disabilites/resources/world-programme-of-action-concerning- disabled-persons.html](https://www.un.org/development/desa/disabilites/resources/world-programme-of-action-concerning-disabled-persons.html) (Last Visited on March 01, 2023 at 12:30 p:m)

- I) Preconditions for equal participation- For providing equal status to them UN General Assembly conduct (1) Awareness related programs for the prevention of disability, (2) Medical care facilities in case of medical need and to cure the disease, (3) Rehabilitation facilities for restoring them into better condition and (4) By providing other support services as per their needs.

- II) Targets areas for equal participation- Second chapter of these rules focuses upon certain areas like (5) Accessibility- by providing accessible services, aids or facilities etc, (6) By providing equal educational facilities for them as other are getting, (7) More employment opportunities so that they live their life independently, (8) Guidance towards maintenance of income so that they can spend or invest their income in good areas which increases income, (9) Good family life, better life partner and also aware them for the prevention of disability, (10) Equal cultural rights so that they can live their culture or movements of their life, (11) Religious freedom to enjoy their belief, faith or to worship their God without any interference, (12) Or to support them for living life with dignity.

- III) Implementation measures- Third chapter relates to the proper formulation of certain areas:- (13) To collect information about the needs of specially abled persons, difficulties faced by them while accessing services for them and Research towards the reasons of disability, how to procure this, its pre natal or post natal causes etc., (14) After collecting information or research towards the causes next step is to plan the policies and made them in favor of them, (15) Next step or rule is Legislation, which means laws formulation for the betterment of these people, (16) Economic Policies covers the strategies or policies for building new opportunities which enhance the income of them, (17) Co-Ordination of work includes members, their plans, goals, meetings, their efforts, actions for specially abled persons, (18) Organizations for Specially abled persons, (19) Personal Training to them, which includes vocational, mental, learning skills etc., (20) National Monitoring and evaluation of programs and proper

implementation of rules for the benefit of them, (21) Technical and Economic cooperation includes, guide them for using technical services, advanced assisting aids at lower cost etc., (22) International co-operation includes ensure towards the proper implementation of these rules and casts a duty upon member states for the implementation of these.

IV) Monitoring Mechanism- This includes control, co-ordination, support, check the status of certain bodies, their work, efforts towards specially abled persons.⁶⁷

2.2.4 World Federation for Deaf- This was organized in the year 1951 in Rome, for providing equal and accessible rights to deaf people. In 1959, WHO start providing grant in aid to this federation for safeguarding the rights of deaf people. In 1993, United Nation prepares separate policies for providing equal opportunities to specially abled persons. United Nation make policies for provision education and training to specially abled persons in their signature language.

In 2005, “*First International WEF conference*” was organized in Helsinki, Finland for equal rights of deaf persons.

In 2009, WEF start providing skilled training programs to specially abled persons, especially to deaf persons in western and central Africa.

In 2015, WEF start analysis to check the needs of deaf persons regarding their daily needs, educational needs, their rights etc.⁶⁸

⁶⁷ Standard Rules on Equalization of opportunities for person with disabilities, *available at:* <https://www.un.org/development/desa/disabilities/standard-rules-on-the-equalization-of-opportunities-for-persons-with-disabilities.html> (Last Visited on March 01, 2023 at 12:33 p:m).

⁶⁸ World Federation for Deaf, *available at:* www.wfdeaf.org (Last visited on Jan 21, 2021 at 10:17p:m.).

2.3 International Treaties:

2.3.1 Declaration on Social Justice for Fair Globalization-This declaration came in the year of 2008 with the objective to provide skilled training, wider areas or opportunities for their working and non-discrimination policies etc. The main strategies of 2014-17 action plan are as follows:-

- A. Non Discrimination- Not to discriminate with workers including specially abled persons.
- B. Equality of Opportunities- Equal opportunities in every field and support to them.
- C. Accessibility- Accessible services to which they can approach easily.
- D. Respect for specially abled persons- Not disrespect them because of their physical challenges.
- E. Gender Equality- All should be treated equally without any discrimination.
- F. More involvement of specially abled persons: Involvement of them in every field and to provide services so that they live their life without any burden or regret.
- G. More technical support- Ensures technical and advanced services, availability of assistive aids on lower cost for them.
- H. Field offices- Setting up offices and services at local level for their assistance.
- I. Healthcare facilities- Better and cost free medical treatment, services, medicines at lower price.
- J. Nutritional food- Nutritional food helps to provide all minerals, vitamins, protein to their body, so they cope up with their bodily problems and also immune them for future problems, which will prevent them from diseases.⁶⁹

⁶⁹ *Id* at 5.

2.3.2 United Nation Declaration on Rights of Disabled Persons-

This declaration came into effect in the year of 1975 for providing the equal rights to specially abled persons. Its main focus is to prevent the incidents of discrimination with them. This declaration organizes various researches and surveys to know about the needs, finance, opportunities and obstacles so that these can be prevented and they can enjoy their life with dignity and equality. Other goals of this declaration are-

- a) Civil and Political rights- It means to ensure equal civil rights, liberty to enjoy a social life and political rights which also includes the right to vote for making a government. Government also ensures provisions to hold elections that would be suitable for all and relaxation to cast their vote.
- b) Self-Reliant- It means to capable them to live their life independently so that they cannot depend upon other for their activities. Its main goal is to ensure them self-reliant with the help of their families and local.
- c) Other Safeguards- These includes, right to proper rehabilitation, healthcare services, easy accessible assisting aids at lower costs, education, work opportunities, economic, social security and to protect them from any type of exploitation in their social or work life.⁷⁰

2.3.3 Convention on Elimination of All Forms of Discrimination

Against Women 1979- This convention came into effect in the year of 1979 for providing equal status to women and for equality in men and women, which includes civil, political, social, cultural and economic rights. Its main objective is to restrict the incidents of discrimination based upon gender, sex or race.

⁷⁰ United Nation Declaration on Rights of Disabled person, *available at:* www.britannica.com/UN-declaration-on-rights-of-disabled-persons (Last visited on May 29, 2022 at 10:00 p.m).

Article 11 of this convention specially relates to rights of women in employment sector, which declares that women have all rights in employment sector as of men i.e., right to work, right to get equal wages, right for other increments etc. Other parts of this convention also covers the rights related to health, education etc. Member states of this convention are bound to ensure these benefits with the help of local people or groups, working towards the needs of women. India ratified this convention way back in the year of 1993, but still its provisions are not implemented properly and women faces incidents of violation of their rights.⁷¹

2.3.4 Declaration of Human Duties and Responsibilities- This declaration came into effect on 1998 with a motive of “*Human Rights for All*”. Chapter 8 of this declaration deals with rights of splinter group and native people which also include a category of weaker sections. Article 30 of this declaration provides equality to all disables and full rights to live with dignity.⁷²

2.3.5 United Nation Convention on Rights of Person with Disabilities- United Nation Convention on Rights of Person with Disabilities came into force on 2008 for protecting the rights of specially abled persons by promoting their full participation in society, in education, employment field.

Separate commissions and bodies are set up to know about the needs of specially abled persons, to know about the status of beneficiary schemes, whether these are implemented properly, whether specially abled persons are getting the benefit of these schemes or not, whether they are facing any sort of discrimination in their life or not.

⁷¹ Convention on Elimination of all Forms of Discrimination Against Women 1979, *available at*: <https://www.ohchr.org> (Last visited on April 24, 2020 at 10:30 a.m).

Article 5 of this convention laid down rules for equality of rights for specially abled persons without any discrimination. It means all equal and no one should be discriminated on the basis of their physical challenges. State parties are under duty to provide equal status and opportunities to them and also ensure legal rights qua to justice and rights of reasonable accommodation.

Article 6 relates to women with disabilities, who face much discrimination, inequalities because of their physical incapacities. This casts a duty upon member states to ensure full safety and recognition of such cases of violation of their equal rights, more awareness to them about their rights, provide proper health and food facilities to them.⁷³

Article 8 set provisions for raising awareness about the rights of specially abled persons, which include their right to education, health, medical services, nutritional food, hygienic surroundings, measures to cure this disease and make efforts to restrict for future. Provide skilled training to these people so that they contribute towards upliftment of nation and also uplift their status. Support their families by social and financial independence.⁷⁴

⁷² Declaration of Human Duties and Responsibilities, *available at*: www.scoop.co.nz (Last visited on April 24, 2020 at 10:10 a.m).

⁷³ UNCRPD, *available at*: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>, p.7 (Last Visited on Feb 27, 2023 at 07: 16 a.m).

⁷⁴ *Id* at 8.

Article 9 and 19 is for accessibility of housing, transport etc., which includes basic provisions qua to easy availability of living standards, equipment's they need for support, easy accessible roads, public places, houses where lifts and ramps are easily available and transport facilities as floor and ramps in buses and separate space for their wheelchairs and facility of sign and auditory system at public places.⁷⁵

Article 27 relates to rights of work and employment, which includes equal rights to work, job opportunities, equal remunerations, facilities, surroundings at workplace. They also have right to life and this is provided by encouraging them to live their independently and this can be possible only when they work himself and earn as their abilities and live their life with dignity.⁷⁶

2.4 Comparative Analysis of the Laws Relating to Specially Abled Persons:

Different Countries have their own laws in favor of specially abled persons. Countries also work for the upliftment of these persons living in their countries as per their needs and requirements. Many provisions are mandatory to apply as per International Conventions, declarations, policies, plans etc.:-

⁷⁵ *Id* at 9 & 13-14.

⁷⁶ *Id* at 19-20.

2.4.1 Legal Framework of United States of America: America is a developed nation and citizen of America enjoy liberty and freedom. Everyone living in America have equal rights to enjoy their rights without any discrimination. But the attention towards the needs and sake of specially abled persons was given in the year of 1990. After this, separate provisions were set up for the benefit of specially abled persons. Certain rules and provisions were set up for the sake of specially abled persons.

2.4.1.1 Americans with Disabilities Act, 1990: This Act came into force in the year of 1990 and amended in the year of 2008, for providing equalization to specially abled persons in America. Under this Act separate provisions were set up for better transport facilities, job opportunities and for equal rights for their livelihood. The Act is divided into five parts:-

First part of this Act relates to employment, which includes separate rules for providing equal opportunities in employment to specially abled persons. Under these rules employer of any firm, organization, establishment (where 15 or more employees are working) including public and private both, is under duty bound to provide equal employment opportunities to specially abled persons. It is the duty of employer to provide better accommodation facilities to specially abled persons who are working in their firm, organization or establishment etc.

Second part of this Act relates to non-discrimination policy, which means no discrimination with specially abled persons in employment, wages or opportunities etc.

Third part relates to public accommodation, where government of America set guidelines for construction of any public place by

taking into measure the sake of specially abled persons. It means every public place should be well constructed and easily accessible for roaming of specially abled persons.⁷⁷

2.4.1.2 Disabled American Veterans: This organization was created in the year of 1920 for helping the veterans, their families for lifetime. This is a nonprofit organization and organized many seminars, programs to educate the veterans and to aware them about their rights. Regional offices are also conducted for giving assistance to veterans. This organization also provides their assistance at one phone call, even they also have call tracing facilities for providing help to veterans. Facility of medical assistance, guiding them for their better future and training to live independently are also provided by this organization.⁷⁸

2.4.1.3 National Foundation for Blind: This foundation was set up in the year of 1940 for supporting blind people. This foundation build separate rehabilitation centers for giving training to blind persons.⁷⁹

2.4.1.4 Disability Rights Centre: This Centre set up especially for providing assistance to specially abled persons and helps them in case of violation of their rights. These centers are set up to pursue the cases of specially abled persons, fight for their rights, represent them for providing justice.⁸⁰

⁷⁷ Americans with Disabilities Act, *available at*: <https://www.ecoc.gov/american-disabilities-act-1990-original-text> (Last Visited on Feb 13,2023 at 06:45 a:m).

⁷⁸ Disabled American Veterans, *available at*: www.dav.org (Last visited on Jan 25, 2021 at 01:39 p:m).

⁷⁹ National Foundation for Blind, *available at*: www.nfb.org (Last visited on Jan 25, 2021 at 01:45p:m)

⁸⁰ Disability Rights Centre, *available at*: www.drcnh.org (Last visited on Jan 25, 2021 at 02:00 p:m).

2.4.1.5 Role of American Judiciary: Discrimination with specially abled persons is not a new thing, they face many hardships in their daily routine and ignored by society in many spheres of their life. Discrimination under the “Americans with disabilities Act” is that when specially abled persons are not treated equally as other persons and discriminated because of their physical challenges. As per their laws governed by U.S equal employment opportunity commission, employer is under duty to provide equal opportunities to all as per their physical capacities. This commission is a separate body to regulate the laws related to employment for ensuring equal opportunities to all employers. In case of violation of these rights people of US can approach to US Judiciary for justice.⁸¹

In case of “*EEOC v. Wal-Mart Stores East*” (2021), plaintiff is suffering from down syndrome and working in Wal-Mart from 1999-2014 as on suitable timings. But in November 2014, employer changed timings of working for her which was not suitable for her because of her physical challenges and she also needs extra time for her body and food. She requests the employer to change the timings but no such heed paid by employer on this. After this she start her work as per new timings but faces many hardships and absent because of physical challenge. Because of this, employer terminated her from job. Then she approaches to US judiciary to attain justice. Court imposes 1,50,000/- \$ upon employer for damages and 125\$ million as punitive damages.⁸²

⁸¹ Role of International Judiciary, *available at:* <https://www.eeoc.gov> (Last Visited on 21 July, 2022 at 07:20 a.m).

⁸² EEOC sues Walmart for disability discrimination, *available at:* <https://www.eeoc.gov/newsroom/eeoc-sues-walmart-disability-discrimination> (Last Visited on March 01, 2023 at 11:30 a.m).

In “*Wheatley v. Factory Card and Party Outlet*”, plaintiff is suffered from foot injury and because of this she is not able to move properly and took 30 days leave. During the leave period employer ask her to join the work as soon otherwise she would be terminated because her foot recovery takes more time. She requested to employer to allow her to wear walking foot at work as she is unable to move without that, but employer terminate her on this. Then court after considering her willingness to work grants compensation to her and gave directions to employer to provide reasonable accommodation to her at workplace.⁸³

In “*EEOC v. B.F. (Saul Co., Saul Hospitality Group & Saul Property Co.)*”, employer fired the women employee who is suffering from breast cancer and due to surgery needs time to recover and get back to work. But employer not pay any heed to this and fired her, then court impose damages of \$21,00/- upon employer and gave directions towards equal opportunities and adjustments.⁸⁴

2.4.2 Legal Framework in Canada: Canadian Charter of Rights and Freedom came into effect in the year of 1982. Section 15 of this charter relates to equal human rights for all, irrespective of their race, creed, nation, color, religion, age, sex, mental of physical disability.

⁸³ *Wheatley v. Factory Card and Party Outlet*, available at: <https://cite.case.law/f3d/826/412> (Last Visited on March 01, 2023 at 11:59 a.m).

⁸⁴ *EEOC v. B.F. (Saul Co., Saul Hospitality Group & Saul Property Co.)*, available at: <https://www.eeoc.gov/newsroom/bf-saul-comapnies-and-hospitality-group-sued-eeoc-disability-discrimination> (Last Visited on March 01, 2023 at 12:05 p.m).

2.4.2.1 Canadian Human Rights Act, 1977: This Act came into existence in the year 1977 for providing equality and equal opportunities for all without discrimination, which includes equality to live their livelihood, equality at workplace, for getting benefit of certain schemes etc. This Act applies to the people who are taking benefits under federal government and also provides the same rights to all by this act which includes that specially abled persons also have same rights as of abled bodied persons. They have same rights of work, equal rights of wages, to access the easy transport facilities and to enjoy their life independently etc. Separate provisions to restrict the cases of harassment are also provided under this Act. Human rights commission is also set up for investigating the matters of discrimination or harassment.⁸⁵

2.4.2.2 Convention on the Rights of persons with Disabilities: This Convention came into effect on 2010 for safeguarding the rights of specially abled persons and for empowering them so that they can participate in society as a abled bodied persons.

Article 1 to 4 of this Convention explains the simple provisions regarding the implementation, interpretative of this convention, which shows its working for securing the rights of specially abled persons. It includes separate policies for the upliftment of specially abled persons, separate reservation policies for them, building separate agencies for their transportation, accessibility and for giving advice to them for their better livelihood and future.⁸⁶

⁸⁵ Canadian Human Rights Act, 1977, *available at:* www.chrc.ccdp.gc.ca (Last visited on Jan 25, 2021 at 02:49 p:m)

Article 5 to 7 and 12 relates to equality and non-discrimination, which prohibit the discrimination in employment, opportunities and in other spheres of their life. By this convention separate provisions were set up to check the status of specially abled women, their needs, their interest, their living conditions, so that their status would be uplifted and they can live independently as other persons. **Separate committees are also set up to know about the cases of violence with specially abled women employees and speedy remedy is provided to sought out these things.**⁸⁷

Article 9 and 20 (Accessibility and Mobility): For accessing the buildings for specially abled persons, government of Canada provides separate funding facilities to public so that specially abled persons can easily access these. Separate mortgaging facilities are in Canada for specially abled persons. For their accessible mobility easy available transportation facilities are provided by government of Canada.⁸⁸

Article 13 of this convention relates to the equal justice system for all, who are living in Canada. Separate provisions, relating to recommended aids during criminal proceedings provided by government of Canada, so that specially abled persons can know about the proceedings.

Article 10, 11 and 14 to 17 provides provisions for the protection of specially abled persons and special regulations are for protecting the specially abled persons from exploitation.⁸⁹

⁸⁶ Convention on the rights of the person with disabilities, *available at*: <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>, p.4-6 (Last Visited on Feb 25, 2023 at 07:55 a.m).

⁸⁷ *Id* at 7-11.

⁸⁸ *Id* at 9 & 14.

⁸⁹ *Id* at 10-13.

2.4.3 Legal Framework in United Kingdom: Equality Act came into effect in the year of 2010 with an objective of equality for all without any biasness and discrimination. It consists 218 sections and 28 schedules.

Section 6 of this Act defines the word disability, which means mentally and physically impaired person, who are unable to do their activities without the support of others. These kind of specially abled persons are protected under this Act.⁹⁰

Section 15 protects the specially abled persons from discrimination which is done because of their disablement. This Act provides separate penal provisions in case of discrimination.⁹¹

Section 60 is for enquiring the matters about discrimination with specially abled persons and imposes a duty upon every private or public employer to take care the specially abled persons and pay special attention towards their needs.⁹²

Section 88 relates to disabled pupils accessibility which means for providing accessible environment so that they can live their life as per their own whims and wishes. It is duty of local authorities to provide accessible equipments and mobility to specially abled persons.⁹³

⁹⁰ Equality Act, 2010, *available at*:
<https://www.legislation.gov.uk/ukpga/2010/15/pdfs/en/pdf>, p.4-5 (Last Visited on Feb 27, 2023 at 06:35 a.m).

⁹¹ *Id* at 8.

⁹² *Id* at 40-41.

⁹³ *Id* at 56 & 179-183.

Section 165 to 167 relates to the passengers in wheelchairs. Separate guidelines are provided by this Act, for taxi drivers or drivers of buses to carry the passengers with wheelchairs and provide assistance to carry their luggage without any extra charges. Ensuring their safety during travel is also a one of the duty of drivers driving in UK. In case of violation of these provisions, penal provisions or fines are prescribed by this Act.⁹⁴

2.4.3.1 RNIB (Royal National Institute of Blind People): This organization formed specially to help the people who are losing their sight or having low sight. Its main motive is to connect the people with low sight and provide assistance or help them to grow up in their life and live their independent life. RNIB starts many programs to guide people about the needs of low sighted people and guide them towards the needs of low sighted people. It also plans programs or skilled training programs to guide the low sighted people and empowering them for attaining their goals.⁹⁵

2.4.3.2 Role of United Kingdom Judiciary: In United Kingdom, as per their reports of 2011, 10.4 million people of UK faces health problems or physical challenges. The ration of disability by birth is 17% and remaining caused by other health problems, malnutrition, unhygienic surroundings etc. Government of UK works towards to decrease the ratio of cases of disability by aware the people about its causes and by giving equal services to them.

⁹⁴ *Id* at 106-109.

⁹⁵ RNIB, *available at*: www.rnib.org.uk (Last Visited on Jan 25, 2021 at 02:55 p:m)

Judiciary also play an important role in case of infringement of their rights and judiciary of UK also ensure equality to specially abled persons by treating them as per their needs like proper wheelchairs, sitting arrangements in court rooms, arrangements in witness box, services of sign language for hearing impaired people. Judiciary also issue basic directions for equal treatment to hearing impaired persons in court rooms, these are:

- a) Special assistance and services in every court room as per their needs.
- b) Avoid questioning about their past medical history, so they can over come from this and approach the court for justice without any hesitation.
- c) Avoid using words like disabled/disability in court proceedings for their comfort and provide them empathized environment.
- d) Separate timings for their proceedings because of their physical challenges, they are not able to wait for their turn as a normal being.
- e) Interpreter for hearing impaired persons in court rooms for their assistance.⁹⁶

In “*Griffittis v. Secretary of State of work and pensions*”, court held that in case of viral or seasonal infections, specially abled persons needs extra care and attention and employer must cooperate with that rather to terminate them. Court gave direction for adjustment in work shifts for specially abled persons as employer is under duty to provide adjustments for them as per section 20 of Equality Act 2010.⁹⁷

⁹⁶ United Kingdom report on problems of physically challenged persons, *available at*: <https://www.judiciary.uk/ETBB-Physical-Disability> (Last Visited on 26 July, 2022 at 7:00 a.m).

⁹⁷ *Griffittis v. Secretary of State of work and pensions*, *available at*: https://pldsquare.co.uk/wp-content/uploads/attachments/151210_Griffiths_note.pdf (Last Visited on March 01, 2023 at 12:12 p.m).

2.4.4 Legal Framework in Germany: In Germany specially abled persons have special rights to overcome from their disability. Under the Act of Equal Opportunities for Disabled People, 2002, they are exempted from allowances or fair during their travelling, relief in providing tax or exempted from paying charges of television. They have special rights which includes following:

- Neuntes Buch des Sozialgesetz buches: It means specially abled persons have special beneficial rights such as medical benefit, means they are exempted to pay medical expenses and these are paid by government authorities of German. Many health care schemes are provided for their better health and care.
- Behinderteng leichstellungsgesety: It means equal rights in public and private institutions, organizations, undertakings or public places. Government of Germany ensure sustainable environment for them so that they also enjoy public gatherings as an abled bodied person. Government ensures easy mobility for them.
- Separate agencies are set up in Germany for their employment, who works for specially abled person's employment. Quota or reservation is also provided for them in employment. If there are 20 or more employees in any establishment or institutions, then employer of that institution or establishment is under duty to reserve the 5% of seats for specially abled persons.

- If any employer violates these provisions of reservation or not employ the specially abled persons because of their disablement then employer would be liable for penalty under Equal Opportunities for Disabled People Act, 2002. Separate working arrangements also done by employer and one week extra vacation in a year also given to specially abled employees.⁹⁸

2.4.4.1 Role of European Judiciary: In the year of 1996, European Disability Forum was established for giving more opportunities to specially abled persons. This forum organizes meetings and debates for getting new ideas, suggestions for the benefit of these people and suggest that they need free environment, qualitative work opportunities and also guidance to employer for providing equal opportunities to them. As per Article 27 of United Nation Convention upon Rights of People with Disabilities, state must ensure:

“that persons with disabilities are able to exercise their labor and trade union rights on an equal basis with others”.

It means equal opportunities, wages without any discrimination and flexible work as per their capabilities. This is also include annual leave, illness or sick leave and other benefits related to their health, food and other allowances. The word, “Reasonable remuneration” means employer is under duty to provide minimum and reasonable wages to them without taking into consideration their physical incapacities.

⁹⁸ Legal Framework in Germany, *available at:* www.certificazione.unimore.it/pdf (Last Visited on Jan25, 2021 at 03:00 p:m).

They also need extra support, attention, time, assistance and reasonable accommodation, which means friendly environment, services, proper sitting arrangements, ramps, elevators, railing, accessible working hours and other equipment's for their help.⁹⁹

In case of "*Gauer & Others v. France*" (2012), sterilization of five young women employees who are suffering from mental illness was done for the purpose of contraception without their consent. Then they with the help of other organizations approach to court where court held that this would amounts to violation of their right to make family and violation of the provisions of Article 3 of European Convention on Human Rights, which facilitate equal treatment to them. Court also imposes heavy fine upon the employer company.¹⁰⁰

In case of "*Coleman v. Attridge Law & Steve Law*" (2008), woman was terminated from her job because of specially abled child as she have to give more attention to her child. Sometimes she was late for her work because of child and ask for the adjusting hours of work to her employer and he denies. Then, moved to court for justice and court held that disability is not that a person faces physical challenges, it also includes barriers that she faces because of her specially abled child. Employer can make adjustments in her working hours rather termination.¹⁰¹

⁹⁹ European Disability Forum, *available at*: <https://www.edf-feph.org> (Last Visited on 27 July, 2022 at 03:00 p:m).

¹⁰⁰ Fact sheet on person with disabilities and the ECHR, *available at*: https://www.echr.coe.int/documents/fs_disabled_eng.pdf (Last Visited on March 01, 2023 at 11:41 a:m).

¹⁰¹ *Coleman v. Attridge Law & Steve Law*, *available at*: <https://www.tandfonline.com/doi/full/10.1080/09649060903354621> (Last Visited on March 01, 2023 at 11:50 a:m).

In case of “*HK Danmark, acting on behalf of Ring v. Dansk Almennyttigt Boligselskab*”, (2013), claimants are suffering from lumbar pain and due to this reason they are not able to work as a full time employees and request for part time work but employer terminate them because of their disablement. This matter referred before Court of Justice of European Union (CJEU) and court gave directions to employer to reduce their working hours and give recommendations that where it is possibility of adjustment then employer must have to adjust because of their physical challenges as per European Equal Treatment Directions 2000 and as Equality Act 2010.¹⁰²

2.4.5 Legal Framework in Australia: Disability Discrimination Act came into existence in the year of 1992 and amended in 2016, for securing the rights of specially abled persons living in Australia.

Section 3 of this Act defines the basic objectives of this Act, which includes ensuring equality and prohibiting the discrimination with specially abled persons at workplace, in society, during education and in any public place.¹⁰³

¹⁰² *Ring v. Dansk Almennyttigt Boligselskab*, available at: <https://app.croneri.co.uk/law-and-guidelines/case-reports/hk-danmark-behalf-ring-v-dransk-almennyttigt-boligselskab-hk-denmark> (Last Visited on March 01, 2023 at 11:57 a:m).

¹⁰³ Disability Discrimination Act, available at: https://www.un.org/development/desa/disabilities/content/uploads/sites/15/2019/11/Australia_The-Disability-Disacrimination-Act-1992_p.1-2 (Last Visited on Feb 27,2023 at 07:00 a:m).

Section 15 of this Act defines discrimination in employment and provides separate provisions to restrict this kind of discrimination. Ensures duty upon employer to prohibit or set measures to regulate these kind of discrimination.¹⁰⁴

Section 22 relates to discrimination in education, which set separate schools or institutions for the learning of specially abled persons.¹⁰⁵

Section 35 is for harassment cases in employment, which ensures that every employee is equal and liable for equal benefits as in wages, promotion, superannuation or other benefits of employment. They cannot be denied from any benefit because of their disablement.¹⁰⁶

Other benefits of exemption from taxpaying, allowances, transport fair are also provided by this Act to specially abled persons. Special Commission is also made under this Act for safeguarding the rights of specially abled persons, who work specially for their benefits. Separate healthcare schemes are run by Australian government for ensuring safety of specially abled persons and easy modules or ways are adopted for providing these benefits to specially abled persons. Easy accessibility schemes are also provided for accessing moving equipment's at low price, housing and transport facilities for uplifting the status of specially abled persons.¹⁰⁷

¹⁰⁴ *Id* at 19.

¹⁰⁵ *Id* at 25.

¹⁰⁶ *Id* at 34-35.

¹⁰⁷ *Id* at 38-47.

2.5 United Nation Principles for Specially Abled Persons:

Following are the guidelines provided by United Nation for “*Easy access of legal services, justice for specially abled persons*” in the year of 2020¹⁰⁸:-

- A. Specially abled persons cannot denied from justice: States are under duty to provide accommodation to these people for getting justice, accessible court proceedings, flexible provisions for them, separate provisions for appearing before the court as witness and exemption in case of not ability to stand in a witness box, separate legal assistance facilities.¹⁰⁹
- B. Facilities and services must be universally accessible: Facilities in court rooms, before police enquiries, administrative services, which means proper accessible facilities without any discrimination, separate space for wheelchairs, accessible transport facilities and guidance/training to public officials for dealing with them.¹¹⁰
- C. Right to procedural accommodation: This one include facilities of video and audio displays in court rooms, waiting areas for them, independent intermediaries which convey their messages, interpreters, special tutors or representatives.¹¹¹

¹⁰⁸ UN Principles for Specially Abled Persons, *available at*: <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/10/Access-to-justice-EN.pdf>, p.5 (Last Visited on Feb 27, 2023 at 07:27 a:m).

¹⁰⁹ *Id* at 12-13.

¹¹⁰ *Id* at 14.

¹¹¹ *Id* at 15-17.

- D. Right to access legal notices and information on time and in an accessible manner: The notices, summons, information are must be in a simple language and for visually impaired separate audio messages, so they can understand in an easy way.¹¹²
- E. Substantive and procedural safeguards recognized in International law: Substantive defines the rights and duties and procedural prescribe the method for its functioning. This principle includes the services qua to proper healthcare facilities for prisoners/accused who suffered from physical challenges, easy way of communication, directions to police officials not to use force against them and check upon officials so that they cannot misuse their powers.¹¹³
- F. Free and affordable legal assistance: For providing free and affordable legal assistance, states have to maintain separate fund for them and from that fund government can provide money to legal practitioners who are appointed for the help of these people and can spend for their help.¹¹⁴
- G. Right to participate in administration of justice: They also have same rights as other people to participate in judiciary and to act as a judge, lawyer, witnesses, experts, other officials and cannot be discriminated because of their disablement. This principle also include easy way of services while applying for any certificate, license and accessible structure, so that they can approach for these services without any hesitation.¹¹⁵

¹¹² *Id* at 18.

¹¹³ *Id* at 19.

¹¹⁴ *Id* at 20-21.

¹¹⁵ *Id* at 22.

- H. Right to report and initiate legal proceedings: This right can only be insured when informing mechanism or channels work properly. For this there should be an easy way of filing complaints by online mode, separate forums to hear their cases, easy investigation manner and affordable mediation and conciliation services.¹¹⁶
- I. Effective and robust monitoring mechanism: It means effective working channels or services and measures to know about the effectiveness and applicability of services for specially abled persons. After the check upon these services, member states can know about the implementation of these and change their policies or adopt new policies for their effective working.¹¹⁷
- J. Awareness raises and training programs: The 10th principle relates to ensure more and more awareness and training programs at local level so people know about the causes of this disease and aware about the same and also make competent to handle the same. For future this can be restricted by proper medication, nutritional food and proper healthcare services.¹¹⁸

2.6 International Principles and Guidelines on Access to Justice for Specially Abled Persons:

On November 2018, an experts of Special Rapportem with the help of OHCHR (Office of the High Commissioner for Human Rights), organized a group meeting to discuss and give their expertise's upon the access to justice for specially abled persons. For the fulfillment of the same one questionnaire has also been prepared in the year of 2021.¹¹⁹ On this separate inputs has given by different countries/institutions which are as follows:-

¹¹⁶ *Id* at 23-24.

¹¹⁷ *Id* at 25.

¹¹⁸ *Id* at 26-27.

A) **Inputs by women enabled international organization:**

This organization was formed in the year of 2012 by “Stephanie Ortoleva”. She suffered from physical challenges and joined organizations for the help of specially abled persons. She also work as an advocate for providing justice to them and member of American bar association committee. The organization draw the attention of Special Rapportem upon the difficulties faced by these people specially women and girls suffered from physical challenges. Other conventions are also held at international level like CRPD (Convention on the rights of the person with disability), **CEDAW** (Convention on elimination of all form of discrimination against women), African convention, American convention etc. which includes equality of rights, justice, education, health, employment, equal treatment by society etc. but these are not accessible and easily available for them.¹²⁰

In case of “*Esthe Muller v. DOJCD & Department of Public Works*”, petitioner is a lawyer by profession and is on wheelchair and faces hardships while her daily court proceedings because of not accessible courts as per the rules provided under public work policies. Then with the intervention of court, respondent make statement for facilitate the courts for specially abled persons within five years of settlement.¹²¹

¹¹⁹ International Principles & Guidelines on Access to Justice for Persons with Disabilities- Special Rapporteur on the rights of person with disabilities, *available at*: <https://www.ohchr.org/en/special-procedures/sr-disabilities/international-principles-and-guidelines-access-justice-persons-disabilities> (Last Visited on Feb 27, 2023 at 07:45 a:m).

¹²⁰ Stephanie Ortoleva , “Advocacy for the rights of all women” *Women Enabled International Inc.* 1-5(2019).

¹²¹ *Id* at 08.

In “*Tennessee v. Lane*”, Supreme court of USA grants monetary damages to people where state fails to provide accessible courts to specially abled persons. Petitioner in this case was a wheelchair user and lack of proper ramps and lifts, petitioner reached the court room by crawling.¹²²

Separate recommendations has been stated by this organization for the betterment of specially abled persons:-

- a) Equal rights to specially abled women and girls while accessing legal representative, participation, professional sign language and for video testimony.
- b) Equal legal rights for getting knowledge about their right to access justice.
- c) More awareness programs for full participation by legal practitioners towards the rights of these people.
- d) Speedy manner to decide the cases of specially abled women and girls.
- e) Separate training system for legal practitioners, judiciary, their staff to tackle the cases of these people.¹²³

B) National Union of Women with disability of Uganda:-

This union also gave suggestions for the betterment of specially abled women. As per this union there should be a separate police forum for these people who face physical challenges and discriminated because of their disablement. And also a paralegal forums for them who work at local level for identifying the physically challenged persons who face discrimination and guide them for access to justice.

¹²² *Id* at 09.

¹²³ *Id* at 11.

C) **British Deaf Association:-** This association have 80% deaf and sign language staff and enacted a separate Act of 2015 for these people. This also have EASS (Equality Advisory Support Services) for providing services and guidance to deaf people in case of violation of their rights and formed DRILL (Disability Research on Independent living and learning) for raising fund for the research upon these people, so that specially abled persons can cope up with their difficulties. Need for separate lawyers/representatives who would be aware about the sign language and give their services to them.¹²⁴

D) **Disable Women in Africa:-** This organization was established in 2002 for the easy access of legal aids, services, separate courts to try their matter and provide justice and adopt mainstreaming strategy for specially abled women so they can face hurdles and encourage them for justice.¹²⁵

2.7 Concept of Artificial Intelligence: Artificial Intelligence is a kind of tool/software/electronic devices that can be used as a translator/navigator/guide for specially abled persons like by providing assistance to hearing impaired persons, physically challenged etc.

In America, David Hojah i.e. founder of “Fly Parrots” company invent “Polly” that can be easily installed upon the wheelchairs which work as a personal transporter to assist and guide the wheelchair persons. This device is a best thing for the person suffering from neurological problems.

¹²⁴ *Id* at 10.

¹²⁵ *Id* at 09.

This can be easily attachable with wheelchair and bed and track the eye movement of the person and guide him for the route and nearby things. It costs around 4 to 16 \$ and also available online.¹²⁶

2.8 Conclusion:

From the above said cases researcher finds that Judiciary of different countries have also play a precious role towards saving of rights of these people but the number of specially abled women who approach to court are less. Somehow, because of their physical incapacities or lessor support services, they are not easily going to court for the justice. The lessor services or facilities in justice system are also responsible for the same. As per the “Special Rappeteur” survey and report, most of the courts of different countries have not proper facilities of ramps, accessible court rooms, not accessible devices etc. But as per the provisions of different conventions courts must have proper facilities. So, there is a need of proper functioning of these services. Governments of these nations also have to aware their general public towards the causes of this disease, measures and safeguards to prevent this and also awareness in society not to discriminate with them. Many cases of discrimination with them are found but few of them approach judiciary and governments with the help of judiciary have to found out the reasons behind this to prevent this for future.

¹²⁶ Concept of Artificial Intelligence, *available at*: www.flyparrots.com (Last Visited on August 22,2023 at 01:30 p:m).

CHAPTER-3

LEGISLATIVE AND

INSTITUTIONAL FRAMEWORK

ON SPECIALLY ABLED

PERSONS

“Accessibility is a necessity that should never be deprived”.

.....*Robert M.Hensel*

3.1 Introduction:

The present chapter deals with the legislative provisions of India including executive orders, guidelines for safeguarding the rights of specially abled women and institutions like rehabilitation centers, and NGO's working for specially abled persons. India is a democratic country and Constitution is our guardian. It governs the working and functioning of Government and maintains the balance between the rights of people and rules of the government. In our democratic set up for the smooth functioning of the country and for the welfare of people Executive, Legislature and Judiciary plays a major role. Citizens of India have many rights and liabilities towards nation and constitutional provisions ensure these without any discrimination on the basis of their gender, sex, age, caste or creed. On different time and occasions government of India passed separate laws for specially abled persons. Legislature in our country is a law making body and Judiciary provides justice. In case of violation of rights, people of India can approach to judiciary for justice.

Other beneficial schemes are also launched by the government of India and on the other hand, public and private institutions also work for the welfare of specially abled persons. Non-governmental or governmental institutions and rehabilitation centers are set up for helping the person suffering from certain

problems. Many NGO's are working generally for the specially abled persons but there is no special policies to uplift their status. No doubt, separate laws, provisions are there but these are baseless without proper implementation. Even many of them did not know about their special rights and privileges, so it is the need of time to create awareness among specially abled persons about the policies of legislature.

Constitution of India provides fundamental rights to people, irrespective of any discrimination and there are other remedies in case of violation of these rights. People can approach to judiciary, in case of infringement of their rights. But because of the overburdened judiciary, it is difficult for a normal being to avail these remedies. Then in case of specially abled persons, it becomes more difficult to approach the justice system because of their physical barriers. There is a need of more detailed and elaborate laws with effectiveness.

3.2 Constitutional Provisions:

Constitution of India starts with a Preamble¹²⁷, known as an introductory part of the Constitution. It explains the objectives and features of Constitution that are available for everyone living in India as right to live freely and enjoy their rights without discrimination.

¹²⁷ Preamble states about "*We The People Of India,*

having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic Republic and to secure to all its citizens Justice, social, economic and political Liberty of thought, expression, belief, faith and worship Equality of status and of opportunity and to promote among them all Fraternity assuring the dignity of the individual and the unity and integrity of the Nation" The Constitution of India 1950.

Our Constitution is a lengthiest Constitution, which is written in detail by explaining the rights, liabilities and duties of people of India. It consists- 397 Articles with number of amendments, 25 Parts and 12 Schedules. Nature of Indian Constitution is flexible rather than rigid. Most of the powers to run the country are in the hands of government. Legislature can make new laws, amend and repeal these laws by simple majority except for some requires special ratification by member states.

People living in India enjoy their fundamental rights under part IIIrd of Indian Constitution without any discrimination. These fundamental rights includes-

Right to Equality (Article 14)¹²⁸

Right Against Discrimination (Article 15)¹²⁹

Right to Equal Opportunities (Article 16)¹³⁰

Right to Freedom (Article 19)¹³¹

¹²⁸ “State shall not deny to any equality before the law or the equal protection of laws within the territory of India.” The Constitution of India 1950.

¹²⁹ “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.” The Constitution of India 1950.

¹³⁰ “States about equal opportunities for all citizens in matters of employment.” The Constitution of India 1950.

¹³¹ “Constitution guarantees six fundamental freedoms:

a) Freedom of Speech and Expression

b) Freedom of Assembly

c) Freedom to form Associations

d) Freedom of Movement

e) Freedom to reside and settle

f) Freedom of profession, occupation, trade or business” The Constitution of India 1950.

Right to Enjoy Life (Article 21)¹³²

In case of violation of above said rights, people can approach to judiciary for assailing remedies under-

Right to move Supreme Court (Article 32)¹³³

Right to avail remedy before High Court (Article 226)¹³⁴

¹³² "No person shall be deprived of his life or personal liberty except according to the procedure established by law." The Constitution of India 1950.

¹³³ "Remedies for enforcement of rights conferred by this Part

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed

(2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part

(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution" The Constitution of India 1950.

¹³⁴ "Notwithstanding anything in Article 32 every High Court shall have powers, throughout the territories in relation to which it exercise jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs, including writs in the nature of habeas corpus, mandamus, prohibitions, quo warranto and certiorari, or any of them, for the enforcement of any of the rights conferred by Part III and for any other." The Constitution of India 1950.

Five types of Writs (*habeas corpus, mandamus, certiorari, prohibition and quo warranto*) are available under Indian Constitution in case of violation of basic rights and for any other purpose.

Part IVth relates to directive principles of state policy, under which state government is under duty to provide certain rights, facilities for securing their rights. These includes basic rights for weaker sections which includes specially abled persons-

Right of Equal Pay and Wages [Article 39 (d)]¹³⁵

Right of Educational and Economic Interest (Article 46)¹³⁶

Separate educational provisions are also there for providing education to all. Free and compulsory educational facilities are also made for free education to needy children.

Right to Free Education (Article 21A)¹³⁷

Right to Protection of Interest of Minorities [Article 29 (2)]¹³⁸

¹³⁵ "that there is equal pay for equal work for both men and women" The Constitution of India 1950.

¹³⁶ "Enjoins the state to promote with special care the education and economic interest of the weaker sections of the people, and in particular of the scheduled castes and scheduled tribes, and to protect them from social injustice and of all forms of exploitation" The Constitution of India 1950.

¹³⁷ "the state shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the state may, by law, determine" The Constitution of India 1950.

¹³⁸ "no citizen shall be denied admission into any educational institutions maintained by the state or receiving aid out of state funds on ground only of religion, race, caste, language or any of them" The Constitution of India 1950.

Right to Free and Compulsory Education (Article 45)¹³⁹

Healthcare facilities are also their for providing good health to people of India. Many government or private hospitals, clinics, dispensaries are opened for taking care of the health of people of India.

Right to Equal Standard of Living and Improvement in Health (Article 47)¹⁴⁰

3.3 Legislative Provisions:

3.3.1. Person with Disabilities Act 1995: This Act came into existence in 1995 for the benefit of specially abled persons. By this Act, these persons got separate rights and privileges to live as a normal being and separate committees were set up to look after their interest. The main focus of this Act is to prohibit the cases of disability and raise awareness about their rights and liabilities. Section 2 (b)¹⁴¹ of this act defines the word, “blindness”, which means eye sight of person is not proper, facing difficulties to see and suffered from low vision.

¹³⁹ “State to make provision within 10 years for free and compulsory education for all children until they complete the age of 14 years” The Constitution of India 1950.

¹⁴⁰ “State to raise the level of nutrition and the standard of living of its people and the improvement of public health” The Constitution of India 1950.

¹⁴¹ “Blindness” refers to a condition where a person suffers from any of the following conditions, namely:-

(i) Total absence of sight. or

(ii) Visual acuity not exceeding 6/60 or 20/200 (snellen) in the better eye with correcting lenses; or

(iii) Limitation of the field of vision subtending an angle of 20 degree or worse; Person with Disabilities Act, 1995.

Section 2 (e)¹⁴² of this act defines “cerebral palsy”, which means some sort of deficiency in functioning of brain.

Section 2 (i)¹⁴³ relates to definition of “disability”, means inability to do certain things without the support of others and which includes separate type of disability.

Section 2 (l)¹⁴⁴ relates to word “hearing impairment”, which means person suffering from hearing disablement.

Section 2 (m)¹⁴⁵ defines the term institution, which are formed for the betterment, support and guidance of specially abled persons.

¹⁴² "Cerebral palsy" means a group of non-progressive conditions of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, peri- natal or infant period of development; Person with Disabilities Act, 1995.

¹⁴³ "Disability" means-

(I) Blindness;

(ii) Low vision;

(iii) Leprosy-cured;

(iv) Hearing impairment;

(v) Loco motor disability;

(vi) Mental retardation;

(vii) Mental illness; Person with Disabilities Act, 1995.

¹⁴⁴ "Hearing impairment" means loss of sixty decibels or more in the better year in the conversational range of frequencies; Person with Disabilities Act, 1995.

¹⁴⁵ "Institution for persons with disabilities" means an institution for the reception. Care, protection, education, training, rehabilitation or any other service of persons with disabilities; Person with Disabilities Act, 1995.

Section 2 (n)¹⁴⁶ defines “leprosy cured person”, whose activities or mobility of their hands are not normalized as of abled bodied persons.

Section 2 (o)¹⁴⁷ defines the word “locomotor disability”, which means non movement of lower body parts.

Section 2 (q)¹⁴⁸ defines “mental illness”, means that person who are mentally ill or not able to know about the things easily as of abled bodied persons.

Section 2 (t)¹⁴⁹ relates to the word “person with disability”, which means that person who suffered from disability or not able to do certain activities.

¹⁴⁶ *"Leprosy cured person" means any person who has been cured of leprosy but is suffering from-*

(i) Loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) Manifest deformity and paresis; but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) Extreme physical deformity as well as advanced age which prevents him from undertaking any gainful occupation, and the expression "leprosy cured" shall be construed accordingly; Person with Disabilities Act, 1995.

¹⁴⁷ *"Loco motor disability" means disability of the bones, joints muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy; Person with Disabilities Act, 1995.*

¹⁴⁸ *"Mental illness" means any mental disorder other than mental retardation; Person with Disabilities Act, 1995.*

¹⁴⁹ *"Person with disability" means a person suffering from not less than forty per cent. of any disability as certified by a medical authority; Person with Disabilities Act, 1995.*

Central Coordination Committee is formed under this Act by the Central government for performing certain functions or activities for the benefit of specially abled persons. This committee makes strategies or plans to restrict the cases of disability in future and aware the general public towards the causes of disability. Ensure measures for providing equal surroundings and equal environment for them. Committee makes a check upon other institutions who are working for the specially abled persons to check their working, aims and achievements.¹⁵⁰

State Coordination Committees are also made under this act by state governments of different states for the sake of specially abled persons. These committees are performing their part of functions as assigned by the appropriate governments for safeguarding the rights of specially abled persons.¹⁵¹

Further local or state governments are under duty to work for specially abled persons and put measures for the prevention of disability in future. They have to perform functions or activities for providing equal opportunities to these people in all spheres of their life as of abled bodied persons. Local or state government also have a duty to conduct periodic surveys, conduct research work or inquires to know about the reasons behind disability, so this would be restricted or controlled in future.¹⁵²

¹⁵⁰ Person with Disabilities Act, 1995, s.3.

¹⁵¹ Person with Disabilities Act, 1995, s.13.

¹⁵² Person with Disabilities Act, 1995, s.25.

Right to Free Education to the children upto the age of 18 years are also provided under this Act and there are separate provisions to arrange special classes for specially abled children as per their need. State governments must organize vocational training programs for specially abled persons from time to time to ensure independent living.¹⁵³ Further government has to arrange special educational facilities including part-time classes after 5th standard, separate vocational training programs for the children of the age of 16 years, who faces physical challenges in their life.¹⁵⁴

Apart from this other provisions are also provided under this Act including transport and education facilities in form of free books, study material and uniforms for them.¹⁵⁵ In public sector, a special provisions has been made by respective government in form of 3% reservation to get seats or admission in educational institutions, by reviewing this after every 3 years.¹⁵⁶

Separate provisions are also made for providing better healthcare facilities including medical services at low prices and assisting aids to them.¹⁵⁷ In order to facilitate traffic rules, auditory signals at red light, engraving on road surface and railway platforms for easy walk of visually impaired persons is to be made.¹⁵⁸

¹⁵³ Person with Disabilities Act, 1995, s.26.

¹⁵⁴ Person with Disabilities Act, 1995, s.27.

¹⁵⁵ Person with Disabilities Act, 1995, s.30.

¹⁵⁶ Person with Disabilities Act, 1995, s.33.

¹⁵⁷ Person with Disabilities Act, 1995, s.38.

¹⁵⁸ Person with Disabilities Act, 1995, s.45.

For providing free legal aid services and to look after the complaints of specially abled persons there is need of separate commissions at local level. Our judiciary is already overburdened and abled persons spend lots of their time to get justice and in this scenario it would be difficult for specially abled persons to approach judiciary for the redressal of their complaints.

Other miscellaneous provisions of this Act covers relaxation in tax paying and giving unemployment allowances to whom who are registered under special employment exchange, which are set up for guiding the specially abled persons for getting jobs. Government also set rehabilitation centers in their limits for rehabilitation of specially abled persons.¹⁵⁹

3.3.2. Mental Healthcare Act 2017: This Act came into effect on 1987, for providing better healthcare facilities to persons suffering from mental problems. In 2017 this Act was amendment for the addition of other provisions for the sake of mentally ill persons. Separate authorities, boards or committees are also formed under this Act for making new schemes and policies for mentally ill persons.

Section 2 (e)¹⁶⁰ defines “care giver” who takes care of mentally ill person and perform their part or duty by helping them.

¹⁵⁹ Person with Disabilities Act, 1995, ss.66, 67, 68.

¹⁶⁰ “care-giver” means a person who resides with a person with mental illness and is responsible for providing care to that person and includes a relative or any other person who performs this function, either free or with remuneration; Mental Healthcare Act, 2017.

Section 2 (p)¹⁶¹ defines “mental health establishment”, which are set up for providing healthcare facilities to mentally ill persons.

Section 2 (s) ¹⁶² defines word “mental illness” which means mind of that person is not working properly to judge or know about the things as a normal being or not able to took their decisions or give opinions as a normal person.

Separate healthcare organizations are established by the central government, for improving the status of mentally ill persons and to give the report regarding their mental status.¹⁶³

¹⁶¹ “mental health establishment” means any health establishment, including Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy establishment, by whatever name called, either wholly or partly, meant for the care of persons with mental illness, established, owned, controlled or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organization or any other entity or person, where persons with mental illness are admitted and reside at, or kept in, for care, treatment, convalescence and rehabilitation, either temporarily or otherwise; and includes any general hospital or general nursing home established or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organization or any other entity or person; but does not include a family residential place where a person with mental illness resides with his relatives or friends;

¹⁶² “mental illness” means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, specially characterized by sub normality of intelligence; Mental Healthcare Act, 2017.

¹⁶³ Mental Healthcare Act, 2017, s.3.

Apart from this, Act also provides rehabilitation services to mentally ill persons who do not have any natural care takers.¹⁶⁴ They have equal rights as of normal person to live their life with dignity and to live in a good environment or surroundings. They cannot be compelled to wear the uniforms of any care center or rehabilitation center, where they are living or admitted for their treatment and it is a duty of appropriate government to provide good food, sanitation facilities and protect them from any kind of abuse.¹⁶⁵

Government also ensure free legal aid services for them by establishing mental care authorities at state and center level. These care authorities perform their functions for safeguarding the interest and rights of mentally ill persons by providing equal access of any services as per their need and run an awareness programs to aware the general public about the causes of mental illness.¹⁶⁶ The Act also mandates for the establishment of mental health review board.¹⁶⁷

3.3.3. Rehabilitation Council of India Act, 1992: This Act came into existence in the year of 1992 for providing rehabilitation services or facilities to specially abled persons. Rehabilitation means providing or giving a place of residence to those persons who have no shelter or belongs to venerable section.

¹⁶⁴ Mental Healthcare Act, 2017, s.18.

¹⁶⁵ Mental Healthcare Act, 2017, s.20.

¹⁶⁶ Mental Healthcare Act, 2017, s.27.

¹⁶⁷ Mental Healthcare Act, 2017, s.73.

They have no family person or relative for their care. They need the support of other people to live their life or to do their activities. This act was amended in the year of 2000 and effect of this amendment was that the term “handicapped” was widened. As a result it has a same meaning as given under the Person with Disabilities Act, 1995.¹⁶⁸

3.3.4. Workmen Compensation Act, 2017: This Act was enacted in the year of 1923 and amended in 2017 for providing compensation to workman during the course of their employment. It is duty of every employer who comes under this Act for providing adequate compensation to their workmen in case of any loss to their body or parts of body, some injury or disease. Workmen means a person who do work of manual labor by entering into contract with employer or employed/assigned by the employer to do certain work for getting wages or remuneration.¹⁶⁹

3.3.5. National Trust for Welfare of Person with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999: This Act was enacted for the benefit of persons suffering from certain diseases defines under this Act. The term autism means a person who has not the same capabilities of communication and other abilities.

¹⁶⁸ Rehabilitation Council of India Act, 2000.

¹⁶⁹ Workmen Compensation Act, 2017.

The Act also defines boards who are appointed for the welfare of persons suffering from these diseases. Persons who have less control upon their body movement and mentally ill persons are covered under this Act. ¹⁷⁰

¹⁷⁰ (a) "autism" means a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behavior;

(b) "Board" means Board of trustees constituted under section 3;

(c) "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 pre-natal, pre-natal or infant period of development; "Mental Retardation" means a condition of arrested or incomplete development of mind of person which is specially characterized by sub-normality of intelligence;

(h) "Multiple Disabilities" means a combination of two or more disabilities as defined in clause (i) of Section 2 of the Person with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);

(i) "notification" means a notification published in the official Gazette;

(j) "persons with disability" means a person suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disability;

"severe disability" means disability with eighty percent or more of one or more multiple disabilities; Section 2 of National Trust for welfare of person with autism, cerebral palsy, mental retardation and multiple disability Act, 1999.

3.3.6. Employees State Insurance Act, 1948: This Act came into effect on 1948, with certain benefits to the employees in case where some incident occurs during their employment period and for that the life of employees are in risk, that's why through insurance, the risk during employment is safeguarded. This Act applies upon every factory included government aided factories and seasonal factories also.¹⁷¹

As per the Act, "Employment injury", means that injury which occurs during the course of employment and harm his/her body parts as a result of this some disease occur during their course of employment or also include other incident which happened during their work period within or outside India.¹⁷²

"Employee", includes the persons who are engaged in employment by the principle employer to do a work of factory or employed by other employer, agent, person, contractor as a capacity or under the instructions of principle employer and employed on a temporary basis or by contract for the establishment, working, selling and buying of products of factory etc.¹⁷³

The word, "factory", means that place or premises where more than 10 persons are employed for the work of factory or some manufacturing work but does not includes the work of mine, which is cover under the Mines Act.¹⁷⁴

¹⁷¹ Employees State Insurance Act, 1948, s.1.

¹⁷² Employees State Insurance Act, 1948, s.2 (8).

¹⁷³ Employees State Insurance Act, 1948, s.2 (9).

¹⁷⁴ Employees State Insurance Act, 1948, s.2 (12).

The term “permanent partial disability”, means disablement of permanent nature, which cause or effects the working of employee or he/she not able to do their work as they are doing prior to that disablement and this also reduces their work capacity. For example- If the employees main work is with hands and they loses their hand or hands in some accident during their course of employment, then it cause permanent partial disablement, which means employee is not able to do their work as he/she is doing prior to that accident but can do other work which will take more time to work.¹⁷⁵

Chapter IInd of this Act relates to the appointment of Standing Committee and to appoint medical benefit council to advice and guide regarding health related measures which needs to the employees. Local and regional boards are also appointed for the working in local area and for providing the benefit of these beneficial schemes to local level employees.¹⁷⁶ Benefits which are given to employees who are insured under this Act, includes-

- Period wise payment to employees who are insured under this Act in case of their sickness or illness during the course of their employment and due to the employment or work.
- Period wise payment to women employees during their maternity period.
- While facing disablement due to the employment.
- Payment to dependents of employees who die because of some accident caused because of employment work.
- For the payment or benefit purposes decision are taken by medical board who examine the risk or some tragedy with some employee.¹⁷⁷

¹⁷⁵ Employees State Insurance Act, 1948, s.2 (15A).

¹⁷⁶ Employees State Insurance Act, 1948, ss.8, 9, 10.

¹⁷⁷ Employees State Insurance Act, 1948, ss.46-59.

The employer cannot reduce the wages of employees because of their disablement or in case of their illness which occurs due to the course of employment cannot discharge the services of employee just because of their disablement or some sickness, which occurs during the course of employment. Separate Employees Insurance Courts are also established at local level to solve the disputes of employee between employer. Employees who covers under this Act can file a complaint in this court within three years of occurrence of any incident.¹⁷⁸

3.3.7. All India Services (Special Disability Leave) Regulations, 1957: These type of regulations are made under this Act of 1957 for providing assistance and services to employees, in case they face difficulty or suffered from any kind of disability which occurs because of work. Under this Act employees are liable to get disability leave if they face injury which causes disability.¹⁷⁹

3.3.8. Payment of Gratuity Act, 1972: This Act applies upon every “*factory, mine, oilfield, plantation, port or railway company*”, where ten or more persons are employed for preceding twelve months. Gratuity is a kind of extra money which is given in lump sum upon the retirement of employee to appreciate their work.¹⁸⁰ Section 4 of this Act relates to payment of gratuity, which is given to employees who work or give their services for more than five years.

¹⁷⁸ Employees State Insurance Act, 1948, s.74.

¹⁷⁹ All India Services (Special Disability Leave) Regulations, 1957.

¹⁸⁰ Payment of Gratuity Act, 1972, s.1.

This amount is given upon the retirement of employee or to person who suffered disablement due to their work and it cannot be denied to any employee (who fulfill conditions of this act) irrespective of their disablement.¹⁸¹

3.3.9. Legal Services Authority Act, 1987: This Act provides free legal services to Indigent persons, means to weaker persons who are not in a capacity to pay their court fee, and then they can file application before court under Order 33 Rule 1 of CPC. This Act was enacted for the easy services of justice system, so that no one can be denied or deprived from their right to justice.¹⁸² Under this Act the legal services for specially abled persons re also provided who are not in a position to pursue their case for attaining justice. On their behalf a guardian can be appointed from court to pursue their cases.¹⁸³

3.3.10. The Rights of the Person with Disabilities Act 2016: For improving the provisions of the old Act, this new Act came into existence in 2016. By this Act, the reserving provisions for the benefit of physically challenged persons would increase by 1% in jobs and 2% more seats for getting admissions in higher education.¹⁸⁴

¹⁸¹ Payment of Gratuity Act, 1972, s.4.

¹⁸² Legal Services Authority Act, 1987, s.1.

¹⁸³ Legal Services Authority Act, 1987, s.12 (d).

¹⁸⁴ The Rights of the Person with Disabilities Act, 2016, ss.32, 34.

But besides these several provisions, the issues of specially abled persons are perpetual. We have so many exemplary cases in which specially abled persons approach the justice system for getting their rights and also face delay and latches for their rights. Many rights are denied by the private institutions, organizations or companies because of the applicability of these statutes.

3.4 Schemes for the Benefit of Specially Abled Women:

Many schemes have been run by the Indian government for shielding the rights of specially abled women. These schemes are:

- Deendyal Disabled Rehabilitation Scheme
- Scheme for Implementation of Persons with Disabilities Act, 1995
- Schemes of Inclusive Education for Disabled at Secondary Stage
- Sarva Shiksha Abhiyan
- Rajiv Gandhi National Fellowship Scheme for Students with Disabilities
- Scheme of National Overseas Scholarship for Students with Disabilities
- Scheme of Pre-Matric Scholarship for Students with Disabilities Gyan Prabha Schemes of National Trust
- Scholarship Scheme from Trust Fund and Scholarship Scheme from National Fund is implemented for the upliftment of all persons with disabilities including women.¹⁸⁵

¹⁸⁵ Schemes for the benefit of Specially abled women, *available at:* www.enabled.in (Last Visited on September 14, 2020 at 09:00 p:m)

Beside all these schemes there is a slight change in the position of the specially abled person, especially of specially abled women. In spite of plethora of schemes on table, actual condition of specially abled persons and particularly women has always remain a question of concern.

At state level separate schemes are also set up by state governments for providing assistance to specially abled persons in their states. In Punjab, Department of Social Security, Women & Child Development, works for the welfare of women and children and started its functioning since 1955 and grants various form of assistance services like scholarships, institution related services, rehabilitation services, financial assistance, employment related services comes under the functioning of this department¹⁸⁶. As per the census of 2011, State of Punjab have 277.43 lacs population and from this 6.54 lac are specially abled persons. Many NGO's are also working in Punjab for the upliftment of specially abled persons to grant assistance which is also provided by Punjab government. Following are some NGO's which are working specially for the specially abled persons in Punjab:-

- A. Guru Ram Dass Kushat Ashram Bhikhiwind Road, Amritsar
- B. Doaba Kushat Ashram, Nawashahr
- C. Satluj Kushat Ashram, G.T Road, Phillaur, Jalandhar
- D. Jeevan Jyoti Special School for Mentally Retarded, Nabha, Patiala Adarsh Kushat Ashram, Leprosy Colony, Hoshiarpur

¹⁸⁶ Department of Social Security of Women & Children Punjab, available at: www.sswcd.punjabgov.in (Last Visited on December 10, 2021 at 05:20 p:m)

- E. Lajpat Rai Kushat Ashram, Raikot Road, Jagraon, Ludhiana
- F. Kushat Ashram Leprosy Colony, Ludhiana
- G. Radhey Sham Kushat Ashram, Beas, Amritsar
- H. Shri Ram Mandir Colony, Tarntaran
- I. Bhagat Singh Kushat Ashram, Dasuya Road, Hoshiarpur
- J. District Anti Leprosy Association, Jalandhar

These NGO's work specially for specially abled persons and from Rs.50,000/- to One lac grant annually is provided by government of Punjab for their assistance¹⁸⁷.

Separate schemes are also launched by government of Punjab for the upliftment and betterment of these people. Under the "Nirmaya Scheme", specially abled persons of Punjab can get special benefits along with the benefits provided by Central government and these also covers the health insurance policy for them, which covers health insurance upto one lac and facility of free OPD services, pathology services, medicine and other tests facility, in government hospitals of Punjab. Further government of Punjab also set Sambhav centers at local level for providing assisting devices and aids at low prices. Free transportation facilities in bus, also provided by government of Punjab for specially abled persons, who have disability card¹⁸⁸. A recent new scheme is launched by Punjab government in 2021 (Punjab Divyangjan Shaktikaran Yojna) for the benefit of specially abled persons. This scheme covers the following benefits:-

¹⁸⁷ NGO's of Punjab, *available at:* www.punarbhava.in (Last Visited on December 06, 2021 at 01:42p:m)

¹⁸⁸ Schemes of Government of Punjab, *available at:* <https://pulsapunjabgov.in> (Last Visited on December 08, 2021 at 10:10 p:m)

- Free Concessional Travel: For providing free travelling facilities in government buses of Punjab to visually impaired persons and also for their accompanying attendant.
- Smart Ration Card Scheme under National Food security Act, 2013: Specially abled persons can get ration at low price from the fair price shops opened by government of Punjab at local level.
- Health Insurance: Under this scheme specially abled persons can enrolled themselves without any charges.
- Sarbat Sehat Bima Yojna Punjab: Under this scheme specially abled persons can get facility of free treatment upto Rs. Five lac, in case of illness.
- Shop Keeping: For providing the tenders of small shops at bus stop, tourist places or in educational institutions, preference will be given to specially abled persons for empowering them in the field of self employment and for their independence living.
- Earning of Livelihood: Special training or vocational training will be provided by the training institutions set up at local level in the districts of Punjab.
- Free Transport and Hostel Facilities: By this free transport facilities are provided to specially abled students and preference will be given to them for getting hostels in educational institutions.
- Free Coaching: For cracking the competitive exams, free coaching will be provided by government of Punjab under this scheme.
- The Ashirwad Scheme: Rs.21,000/- will be provided under this scheme to specially abled girls at their marriage.

Beside these schemes many other benefits for the empowerment of specially abled persons are run by government of Punjab.¹⁸⁹

3.5 NGO's Working for Specially Abled Persons:

NGO's are non-profit organizations working for the persons who are in need and help them to live their life easily. These organizations get the aid from government and private associations and use for providing services and assistance to needy persons. Apart from this a social awareness about these matters is also one of the key functions in order to sterilized people towards specially abled persons. As per the working of these NGO's are concern many of these work for special persons like women, children, old age persons and for specially abled persons. In India many NGO's are working for specially abled persons and following is a list of such NGO's:-

3.5.1. Samarthanam NGO: This NGO formed in the year of 1997 and work for specially abled persons by providing them equal opportunities in education, jobs etc. It also promotes the skilled training programs for specially abled persons and separate rehabilitation centers are also established by them to focus upon the education of specially abled persons so that they can live independently at social, economic and cultural level. Training programs are also conducted from time to time to teach them about the technological aspects. Main objectives/aims of this NGO are as follows:-

¹⁸⁹ Divyangjan Shaktikaran Yojna, Notification No. 11/5/2017-1SS/6SS/92 dated January 09, 2021, available at: <https://sswcd.punjab.gov.in> (Last Visited on December 12, 2021 at 05:20 p.m.).

A) Work upon inclusive education: Inclusive education means all children receive same education, guidance, motivation, assistance and support as abled bodied persons are getting. Its main motto is, “*Barrier free residential school*” which means provide a facility of residential and school at same level, so that specially abled children cannot face difficulty while getting education. This type of school is established at Bangalore which provides free education services to specially abled persons at primary and secondary level. It provides free of cost services in teaching, tuition, accommodation and in other activities like online teaching and assistance. Separate hostels are also built up for specially abled girls and boys which also organize other activities for them like yoga classes, meditation, gym facilities etc.

B) Skilled and training programs: Skilled and training programs are organized for their economic independence in which technical guidance is provided to specially persons so that they can start their own work for independent living. Help is provided to choose the program as per their interest and for getting job as per their capability and skills. This organization organize their programs mostly in rural areas to guide the youth living in rural areas. As per their data training is provided to 21707 youth and 69% placements were done by their NGO by following three steps- Mobilization, training and placements.

C) Rehabilitation: This facility is also provided by this NGO to women who are suffering from distress and to their children. Vocational training is provided to guide them and courses like English speaking, cooking, computer operating, making bags, paper, purse etc. by them so that suffering women can cover up

their problems and live their life independently and peacefully.

D) Health facilities: Nutritional food is provided to specially abled persons by this NGO and they called this as “*Vidyaprasad*” which contains nutrition which develop the mind of children in a better way, so that they grasp the things easily.

E) Other activities/cultural programs and sports activities: Other activities are also conducted by this NGO which includes singing, dancing, classical, RAP etc. They also have a Blind Cricket team which won many matches at international level.¹⁹⁰

3.5.2. Hans Foundation: This organization formed in the year of 2009 and work for underprivileged and needy communities which include specially abled persons. Memorandums of Understanding are also signed by this organization with several state governments for providing assistance to needy persons. Funding facility is also provided by this foundation to other NGO’s who are working for the underprivileged communities and provides facilities of nutritional food, healthcare facilities, education, training, job facilities etc. This foundation launched “*Cochlear Implant Program*” in December, 2013 which includes services of device, surgery and rehabilitation. It means by this program this foundation provides a facility of assistance aids at lower price and facility of surgery and also accommodation facility after their surgery up to recovery period. Because this type of assisting aids are very costly to buy and many persons are not in a position to buy this.

¹⁹⁰ Samarthanam NGO, *available at:* <https://www.samarthanam.org> (Last Visited on March 01, 2023 at 03:20 p.m).

Other medical facility is also provided by this foundation which is for “*Congenital Heart Disease*”. This disease is responsible for 10% death of infants and treatment of this disease is very costly. But this foundation provides this medical facility at lower costs.¹⁹¹

3.5.3. Sightsavers: This is an international organization working in many countries for helping visually impaired persons and started working in India from 1966. It has main three components:

a) Protect Sight: It means by providing awareness and nutritional food to every children their sight can be safeguarded. Awareness like symptoms of less sight, reasons to specify sight loss, how this can be prevented.

b) Equal opportunities: Other main component is providing equal opportunities to all low sight persons so that they can achieve their goals easily and live their life with dignity and equality.

c) Collaboration: It means by giving knowledge and counseling to low sight vision persons for living their life and for providing guidance to them for their better living.

Mission of this organization is to safe the eye health by providing eye healthcare services and by providing awareness towards better eye sight and inclusive education to all irrespective of their low sight and social inclusion which means equal and same environment as other persons are living.¹⁹²

¹⁹¹ Hans Foundation, *available at:* <https://www.thehansfoundation.org> (Last Visited on March 01,2023 at 03:25 p:m).

¹⁹² Sightsavers NGO, *available at:* <https://www.sightsaversindia.in> (Last Visited on March 01, 2023 at03:30 p:m).

3.5.4. Narayan Seva Sansthan: This organization established in 1985 at Udaipur, Rajasthan. This provides a free treatment services to polio patients and help them in their surgeries so that they can walk or run or stand at their own. Also conduct various training programs, marriage ceremonies for specially abled persons so that they can live or enjoy their family life. Main pillars of this organization are- “Better health, empower them and enrich them”. For this purpose economic rehabilitation facilities are provided by them which includes free certificate courses to specially abled persons so that they can attain social independence in their life and also promotes Corporate Social Responsibility services through their awareness camps.¹⁹³

3.5.5. Association of people with disability (APD): This organization formed in 1959 in Bangalore for providing equity, justice and dignity to all irrespective of their gender, class, community or disability. By this organization separate rehabilitation and therapy centers are also set up for the rehabilitation of specially abled persons and providing therapy to them which help and teach them to live in a society. This therapy services includes physiotherapy, hydrotherapy, speech and visual therapies. By Speech therapy assistance is provided to vocal impaired persons and guide them how to speak and how to tell others about their needs and in visual therapy guidance is given to visual impaired persons to walk without the help of others. Massage and physiotherapies are provided for their active growth. This organization also runs vocational and other courses for the guidance and upliftment of specially abled persons.

¹⁹³ Narayan Seva Sansthan, *available at:* <https://www.narayanseva.org> (Last Visited on March 01, 2023at 03:34 p:m).

These courses includes computer training, hospitality, horticulture and other separate carrier courses which provides help to get jobs as per their convenience.¹⁹⁴

3.5.6. Give India: Give India is also a non-governmental organization which was established in 2000 at Bangalore for the mainstreaming of children and for providing equality to specially abled persons. Their mission is to accommodate the needy persons who are denied by the society and not in a ability to do their activities or fulfill their needs as of abled bodied persons. Many policies are started by this organization by which people can spent fewer amounts and help the needy persons. This includes donation of Rs.1500/- per month to help one specially abled person, donation of Rs.330/- for celebrating the birthday of specially abled child and Rs.990/- by contributing upon the medical expenses of mentally challenged persons.¹⁹⁵

3.5.7. Sarthak: This organization was set up by Dr. Jitender Aggarwal, who is dentist by profession and thinks to help specially abled persons and establish their organization in New Delhi and after passing time, many other centers were formed for providing assistance to specially abled persons at local level. And now this organization have 23 primary centers and two centers in Punjab at Bhatinda and Ludhiana.

¹⁹⁴ Association of people with Disability, *available at:* <https://www.apd-india.org> (Last Visited on March 01, 2023 at 03:37 p:m).

¹⁹⁵ Give India, *available at:* <https://www.giveindia.org> (Last Visited on March 01, 2023 at 03:43 p:m).

Many effective steps are taken by this organization, which includes online job portal facility for specially abled persons, where specially abled persons can register themselves and as per their ability and qualification suitable jobs are provided by this organization.¹⁹⁶

3.5.8. LEpra: This organization formed in 1989 with the help of UK Lepra society, which specially formed for providing assistance to leprosy patients. This organization adopt SET strategy which works as Survey firstly about the leprosy suffered persons, reasons of this disease and educate people about the this disease, its symptoms and cure and after all this its treatment who need this. By awareness programs guidance is provided against this disease to people living in rural and slums areas. And also guide people not to discriminate with leprosy patients and this is a curable disease and can be cured if detected and also curable by hygiene.¹⁹⁷

3.6 Specially Abled Persons in Employment Sector:

For the employment of specially abled persons, there is a need to employ them and provides more opportunities for their employment. Employment can improve their standard of living and also reduce their dependence upon others. Because of less opportunities in employment specially abled persons are depended upon their families for their livelihood and also face many denials in their life and also adjust their living against their wishes.

¹⁹⁶ Sarthak, *available at:* <https://www.sarthakindia.org> (Last Visited on March 01, 2023 at 03:55 p:m).

¹⁹⁷ Lepra, *available at:* <https://www.lepra.org.uk> (Last Visited on March 01, 2023 at 03:40 p:m).

But there are many barriers, which faced by the specially abled persons while approaching for jobs. Mostly they face discrimination in employment sector on the basis of their physical capacity. Employer or society thinks that they cannot work properly or independently as abled bodied persons can do. No doubt there is a difference in the capacity of specially abled persons and abled bodied persons, but it does not mean specially abled persons cannot work.

Our Indian Constitution also provides Equality to all under Article 14 of the Constitution. According to this provision all individual living in India are equal and have equal rights to do their work and enjoy their rights. The Rights of the Person with Disabilities Act 2016, also provides separate rules and rights to specially abled persons for their independent living. This Act provides 4% reservation policies in employment sector for specially abled persons and mandates a duty upon employer to provide equal environment to all their employees including specially abled employees. But after all these provisions specially abled persons face many denials and hardships for getting their rights. Then they were forced to knock the door of judiciary after denials of their rights.

There is a need to set a system or channel for “Identification of Work” for specially abled persons as per their capabilities and skills, so that they can live their life as per their whims and wishes. There are Ministries or departments at Central level, which are responsible for the Employment:

1. Ministry of Labor and Employment
2. Ministry of Personnel, Public Grievances and Pension
3. Ministry of Housing and Urban Poverty Alleviation
4. Ministry of Micro, Small and Medium Enterprises

5. Ministry of Rural Development¹⁹⁸

3.7 Conclusion:

The discussion makes it clear that there is a difference in implementation of the provisions related to rights of specially abled persons. No doubt, legislation make many laws in favor of specially abled persons but not implemented in proper way. Specially abled persons are ignored in many spheres of their life, their right to equal opportunities are denied because of their physical incapacities. For the upliftment of specially abled persons and for their independent living there is need of better opportunities for them, without opportunities, how they engaged in jobs or employment. Government has to built a proper channel from a local level to provide assistance to them towards guidance about the way to choose a better employment as per their skills and capabilities. Need to advance the better healthcare policies for them and to do the formalities of documentation. After reviewing the literature, it founds that specially abled persons mostly face the problem in making their Identity cards, which are very much needed to do many formalities. As per, The Rights of the Person with Disabilities Act 2016, there is a local level medical practitioner, who will examine the specially abled persons and prepare their disability certificates, but in many districts of Punjab these officers are not appointed and not provide these facilities to specially abled persons and they are forced to avail this facility from other district. Many other hurdles are also faced by them. What is being done by our Law makers and Governments are quite appreciable but still there is a need to go a long way, so that we can make the lives of these people much easier.

¹⁹⁸ Specially abled persons in employment sector, *available at:* www.dnis.org/Employment.pd (Last Visited on March 01, 2023 at 04:00 p.m).

CHAPTER-4

**ROLE OF INDIAN JUDICIARY
TO SAFEGUARD THE RIGHTS
OF SPECIALLY ABLED
PERSONS**

“We have a moral duty to remove the barriers to participation & to invest sufficient funding & expertise to unlock the vast potential of people with disabilities”.

... ..Prof. Stephen W. Hawking

4.1 Introduction:

The present chapter relates to the countenance of our judiciary towards the specially abled persons. From the previous chapter it is clear that the specially abled persons have been ignored by the governments to a greater extent. Where the Executive fails in providing relief to people, then Judiciary plays an improved role. Pronouncements of judges become the precedent and clear a path for effective laws. The various judgments pronounced by the judiciary of India reveal the fact that specially abled persons have always received motherly treatment from judiciary.

The Mandal Commission Case is a key factor in the history of laws for the upliftment for weaker sections. This commission was set up in 1979 for identifying the socially and financially backward classes which clears the way to reservation in promotion for backward classes, including reservation in promotion also for specially abled persons without any discrimination.¹⁹⁹

The rights of specially abled persons are frequently violated, and in order to address these issues, the government and court must be aware of their feelings, attitudes, wants, demands, and priorities.

¹⁹⁹ *Indra Sawhney & Others v. Union of India* (AIR 1993 SC 477).

They share the same obligations and rights outlined in the Indian Constitution, yet they nonetheless struggle to live honorably in society and use their rights without encountering discrimination on a daily basis.

4.2 Judicial Decisions on Hearing Impaired Persons:

People with modest to substantial hearing loss, including the deaf and the hard of hearing, are frequently referred to as "hearing impaired" people. They are frequently discriminated against and shown mercy by society, and some of them seek justice when their rights are violated.

In "*Dalco Engineering Pvt Ltd v. S. P Pandey*"²⁰⁰, the appellant is a registered company under Companies Act, 1956 and respondent was working as a telephone operator in this company. In the year of 2000 his services were terminated by the company because of the reason of hearing impairment which increased to 85%. After the termination, respondent approached to Hon'ble Court where the court directs to appellant company to provide all the benefits to respondent as he is eligible and against the decision of Hon'ble High Court, appellant company comes before the Hon'ble Supreme Court of India. The apex Court also gave decision in favor of respondent and direct the company to obey the provisions of Person with Disabilities Act 1995 and not to discriminate with disabled persons on the ground of their disability.

In the case of "*Miss Rajashree Khound v. State of Assam*"²⁰¹, the Petitioner's name was in the serial no.6 in the general merit list for Jorhat Medical College.

²⁰⁰ *Dalco Engineering Pvt Ltd v. S. P Pandey* (AIR 2010 SC 1576).

²⁰¹ *Miss Rajashree Khound v. State of Assam* (2012) 4 GauIT 1068.

However when she appeared before the Principal, Jorhat Medical College, for admission in terms of her selection, she was verbally informed that as she was found suffering from hearing impairment of 69% in the left and 79% in the right ear. Therefore, she cannot be admitted. The Medical Board also declared her 'unfit' for admission in MBBS course due to 'bilateral sensory neuronal deafness'. The petitioner filed a writ petition in the Guwahati High Court. Justice Anima Hajarika held that 'to deny a student the right to education on the plea of his or her physical disability being the impediment for availing the course of study will be an impermissible negative interpretation of the welfare legislation.

Specially abled persons have to face struggle for their rights after fulfilling all the eligibility criteria merely of the reason of disablement and after interference by court and waiting for years for their rights they attain their rights.

4.3 Judicial Decisions on Visually Impaired Persons:

When someone has vision impairment, their eyesight cannot be rectified to a "normal" level. Loss of visual acuity, in which the eye no longer sees objects as clearly as normal, can result in vision impairment. It might also be brought on by a loss of visual field, which prevents the eye from seeing as widely as it normally can without moving the eyes or the head. Because of their impairment, people are treated differently by society, and navigating daily life is challenging for them.

In the case of "*M. Venkateswarlu v. Andhra Pradesh State*"²⁰² the Hon'ble High Court of Andhra Pradesh viewed that the petitioner was suffered from defective distant vision while working as a driver in respondent transport.

²⁰²*M.Venkateswarlu v. Andhra Pradesh State* (2016) 3 ALT 141.

Respondents compulsory retired him from his job because of this disability and declare unfit for further job. After this petitioner demands his wages and also demand other jobs as of his capacity. But the respondents denied his all rights and then the petitioner approached the court for getting his rights and justice. Court directs the respondents to shift the petitioner to another job as of his abilities and also direct for paying the full wages of his off duty with 8% interest.

In the case of “*National Federation of Blind v. Union Public Service Commission*”²⁰³, the Public Interest Litigation was filed for issuance of writ of Mandamus to the Union of India & Union Public Service Commission for providing facilities to the visually impaired persons in civil services examination for writing in Braille script or with the help of a scribe; and also for reservation in Group A & B posts in government and public sector undertakings. The reservation of 3% is already provided as per Person with Disabilities Act of 1995, in Group C and D posts in government sector, but beside this National Federation demands for reservation in Group A and B posts. Court also sees a necessity of this as visually impaired person holds a large number of population of India and if we do not thinks about their rights then how they survive and this would be a clear violation of their basic rights. They have same rights as of normal being and cannot be ignored because of their physical challenges. They also need more support, love and care for survival in the society. Then, court issued directions to Union Public Service Commission to provide opportunities to them in Group A and B posts.

²⁰³ *National Federation of Blind v. Union Public Service Commission* (AIR 1993 SC 1916).

In “*Rajive Raturi v. UOI*”²⁰⁴, petitioner is visually impaired person and working in Delhi Human Rights Organization. Petitioner filed this petition for the sake of specially abled persons who face challenges in their daily routine. As per contentions of petitioner, half of the population of India suffering from visual impairments and there is no proper provisions for safeguarding their rights. Additionally, the government has not paid attention to their interests and further Hon’ble Court notices the following loopholes:-

- i. As there is no safe environment where they can move freely.
- ii. No proper facilities for independent use.
- iii. Non affordable services.
- iv. Non accessible buildings, roads or public places.

And there is still need of:-

- i. Auditory signals on roads, so visually impaired people can cross road easily.
- ii. Slight Incline at Zebra crossing so they realize about that.
- iii. Guiding blocks at Zebra crossing
- iv. Warning blocks at footpath.
- v. Separate parking space for them.
- vi. Audio announcement measuring devices at public places or in public transport.
- vii. Proper route maps and scheduled on Braille.
- viii. Proper accessible entry and exit point for them at bus stop, railway stations and airports.
- ix. Separate waiting and ticketing area for them.

²⁰⁴ *Rajive Raturi v. UOI* (2018) 1 JT 1.

Further, petitioner submits that these facilities are available at International level, so why not in our country. As per the UN General Assembly and other conventions, India as a member state to these is bound to implement these provisions in India, but in actual specially abled people are struggling to get these services or facilities. The Hon'ble Court issued directions for the proper implementation of these provisions:-

- i. To make at least 20-50 government buildings that are common in use would be accessible at the earliest possible manner in 50 cities.
- ii. 50% accessible government buildings in center and states.
- iii. This 50% accessible buildings must provided in 10 most important cities of States/UT's upto December 2019.
- iv. Accessibility of airports upto December 2016.
- v. Accessibility of Railway Stations upto March 2018.
- vi. 10% of buses of government must ensure accessibility upto March 2018.
- vii. Proper and accessible ICT ecosystem and government sites upto March 2017.

In "*Krishna Namboodari v. Director of Urban Affairs*"²⁰⁵ case, petitioner is suffering from visual impairment and working in Attingal Municipal services. During his services petitioner was transferred from Attingal to Kollam, where the surroundings and environment was not accessible for petitioner as they need extra care and facilities at their workplaces. He challenged this transfer order before the Hon'ble High Court of Kerala and court quashed this transfer orders and direct the Municipal authorities to appoint the petitioner in suitable area and also direct for keeping in view their special needs and requirements.

²⁰⁵ *Krishna Namboodari v. Director of Urban Affairs*, available at: WP (C) 25768, Kerala High Court, decided on February 17, 2009.

“Delhi Development Authority v. Omvati Kalshan”

²⁰⁶, is an appeal before Delhi High Court by DDA against the decision of single bench of High Court. In this case single bench pass an order in favor of Omvati who is suffering from low eye sight. She was a regular employee in DDA and during the period of her services face low vision and applies for the promotion but denies because of the reason of her disability. She also produce her fitness certificate stating that she is eligible for the performance of duties of welfare officer but DDA gave her the job of receptionist, then comes before the Hon’ble High Court where court pass order in favor of her. The present appeal of DDA was dismissed by double bench and direct the DDA to provide her promotion in job as per capabilities and by not judging her on the basis of disability.

In “*Amita v. Union of India*”²⁰⁷, petitioner rejected by Banking services authority of Chennai as she suffered from visual impairedness. She applies for a position as a probationary officer, but the banking authorities in Chennai believe she is not qualified and capable for the position. After court intervention, she was hired again, and despite meeting all the requirements, she must wait years for justice.

“*Neetu Harsh v. State of Rajasthan*”²⁰⁸, is an another case of a victim of denial from the appointment of Civil Judge post. In this instance, the petitioner has low eyesight (80%), applied for the civil judge cadre, passed the preliminary exam, and was offered the job, but the authorities withheld the primary cutoff for PH candidates.

²⁰⁶ *Delhi Development Authority v. Omvati Kalshan* (2008) 2 LLJ 407.

²⁰⁷ *Amita v. Union of India* (2005) 3 S.C.T.785.

²⁰⁸ *Neetu Harsh v. State of Rajasthan* (2017) 4 S.C.T.505.

She then went to Court to ask for clarification about the cutoff for PH candidates. Following the court's intervention, it was discovered that just one seat had been occupied by the authorities, leaving the other two vacant and unoccupied. Additional authorities that could have explained why the other two seats weren't filled were not forthcoming.

Another instance of discrimination involved a blind woman who was denied access to virtual services because there were no audio or voiceover options available and did not finish her exam. **Amazon Services** complained that her visual handicap made this position unsuitable for her, but the court upholds her rights and orders respondents to provide specially abled persons with specific services that meet their needs.²⁰⁹

We discovered violations of hearing-impaired people's rights in the aforementioned situations, and these people have been fighting for their rights for years. Instead of considering their abilities, employers evaluate individuals based on their physical challenges. And in the end, some turn to the legal system, and many people lose faith in their ability to lead fulfilling lives on their own.

²⁰⁹ Amazon Discrimination Case, *available at*: <https://nfb.org.press-room.blind> (Last Visited on August 04, 2022 at 07:00 a:m).

4.4 Judicial Decisions on Multiple Disabled Persons:

Multiple disabilities are when two or more incapacitating conditions coexist and have an impact on a person's ability to learn or perform other critical life activities. These impairments could include motor and sensory components. These can include a mix of both physical and mental impairments, as well as two separate types of physical impairments. A person with this illness may be affected so badly and they need special educational and developmental accommodations.

In Edward "*Swalin D'Cunha v. Commissioner for Person with Disabilities*"²¹⁰, petitioner is suffering from mental illness and working in Shipping Corporation of India (SCI). During the period of service, petitioner fell sick because of mental illness and took a leave and this happened twice. Then examination was done by Medical doctor of SCI, who declares that petitioner is capable of shore job and not for earlier work. Company direct the petitioner to give resignation for the appointment at shore job, but this is just a cleverness to terminate the petitioner from the services of SCI. After this clever step of company petitioner approach Commissioner of PWD, but commissioner gave decision in company's favor as petitioner has given resignation. Then, matter comes before the Hon'ble Bombay High Court, where court after considering the provisions of Section 47 of Disabilities Act 1995 conducted enquiry and finds that petitioner is fit for shore job and not for sailing. Court gave directions to company to provide appointment to petitioner for shore job and further held that no one can be discriminated because of their physical challenges.

²¹⁰ *Swalin D'Cunha v. Commissioner for Person with Disabilities* (2010) 7 S.C.T.630.

In “*Smita Priyadarshni v. State of Bihar*”²¹¹, petitioner is another victim who face denial while getting admission in MBBS course. She cleared entrance exam of MBBS and got seat in Bihar but for improving her score she again gave Patna Board Exam and also secure good score. At the time of counseling she founds that there is no seat for PWD in Patna Medical Board. Then she request authorities as per provisions of Person with Disabilities Act 1995 but denies by board. Due to the PWD Act of 1995, which allows for horizontal reservation for them in General and Scheduled Cast PWD, the court issued directives to the examination authority to offer her seat.

In “*Prajwala v. Union of India*”²¹², case Supreme Court of India discussed about the provisions of Section 43 of Person with Disabilities Act 1995, which states about the schemes for providing preferential allotment of land for building separate research centers, schools, commissions, skilled institutions for providing benefit to specially abled persons. However, most states do not apply these regulations and do not provide them a special location under this clause, which causes issues for PWDs. By filing this petition, the petitioner calls the court's attention to the fact that most states do not have local commissions that can address their grievances or other difficulties. Following this, the Supreme Court of India ordered the governments to provide these goals in each state for the benefit of specially abled persons.

²¹¹ *Smita Priyadarshni v. State of Bihar* (2006) 6 S.C.T. 612.

²¹² *Prajwala v. Union of India* (AIR 2009 SC 2288).

“Manuja Agarwal v. State of Rajasthan”²¹³, is an another case of non- compliance of provisions of Person with Disabilities Act 1995. Petitioner was denied from providing seat in MBBS course after completing all the requirements for the same. State of Rajasthan have not implemented the provision of 3% reservation for PWD but after interference of court petitioner got the seat in said course.

In the case of *“Social Jurist, a Lawyers’ Group v. Union of India”*²¹⁴, Section 30 of the Act of 1995 was the cardinal issue. This section places a duty on the government to frame a comprehensive education scheme for children with disabilities. However, neither the Central Government nor any State Government/UT has prepared such a scheme. The inadequacy of such a scheme not only prevent children with disabilities to attend school but also often create situations for school going children with disabilities to stop attending schools. The PIL was filed seeking directions to the government to frame an education scheme in accordance with Section 30 with provisions for: transport facilities, removal of architectural barriers in schools, supply of books, uniform and other things, scholarship grants, restructuring the curriculum for the benefit of the disabled children, modification of the examination system etc. After the High Court issued notices in January 2003, during the pendency of the petition, Government of India framed an education scheme in accordance with Section 30, containing specific provisions for transport facilities, removal of architectural barriers, supply of uniform, books, grants in aid etc. The Court therefore disposed of the matter in terms of the said notification.

²¹³ *Manuja Agarwal v. State of Rajasthan* (2002) 3 Rajasthan LR 131.

²¹⁴ *Social Jurist, a Lawyers’ Group v. Union of India* (2002) 6 AD Delhi 217.

In “*Anju Talukdar v. State of Assam*”²¹⁵, as per the law, at least 3% of seats in educational institutions shall be reserved for persons with disabilities. However, in the matter of admissions to paramedical courses in the three medical colleges of Assam, the medical authorities decided to reserve seats only for persons with disability in the lower limbs. This is clearly contrary to the law and in violation of the rights of other persons with disabilities. The Court admitted the matter and, as an interim measure, the medical authorities were directed to accept admission forms from all categories of persons with disabilities. The Court also called upon several experts in the field of medical sciences to give their expert opinions.

“*Km. Soni Devi v. State of UP*”²¹⁶, is case challenged before the Hon’ble High Court of Allahabad, where petitioner scores 67% marks and other PWD candidate score 59.5%. But seat has given to other candidate because of more disability sufferance. Court after considering all facts and circumstances came to the conclusion that seat shall be given as per marks.

In the case of “*J & K Board of Professional v. Vasundhara Sharma and others*”²¹⁷, J & K Board allegedly breached Section 32 of the The Rights of the Person with Disabilities Act of 2016 by refusing to admit the respondent who had a handicap within the reserved category of specially abled persons. According to the petitioner board's pleadings, they are only able to reserve 3% of their seats at their institution for specially abled people.

²¹⁵ *Anju Talukdar v. State of Assam* (2008) 19 S.C.T. 116.

²¹⁶ *Km. Soni Devi v. State of UP*, available at: CMWP 4311, Allahabad High Court, decided on February 13, 2012.

²¹⁷ *J & K Board of Professional v. Vasundhara Sharma and others* (2020) 2 J.K.J 200.

However, under the new Act of 2016, Section 32, this reservation was expanded from 3% to 5% seats. According to the seats available up to 5%, the respondent is responsible for the admission in NEET-UG2019, the court decided.

In the case of “*Bhavya Nain v. High Court of Delhi*”²¹⁸, the Hon’ble High Court of Delhi viewed that the petitioner faces mental illness and applied to Delhi Judicial Services 2018, but her candidature is rejected because of her disability. Authorities think her mental disorder prevents her from providing judicial services, yet her incapacity is not long-lasting. She provides a medical disability certificate attesting to her capacity to work well while having a 45% Bipolar Affective Disorder diagnosis. She then files a writ in the High court following this denial. The petitioner is entitled to judicial services, according to the court, and is also eligible to receive them under the reserved category of Section 34 (1) of The Rights of the Person with Disabilities Act of 2016, which provides accommodations for physically challenged people with Autism, intellectual disabilities, hearing loss, and mental illnesses.

In the case of “*Court on its own motion v. State of Himachal Pradesh & Others*”²¹⁹, Honorable High Court of Himachal Pradesh believed that the petitioner's disability-related written appeal was given Suo Moto consideration by the court. Respondents in this instance turned down the petitioner's request for admission under the reserved category for people with disabilities. Respondents rejected the petitioner's application for admission to the University of Himachal Pradesh on the grounds that the seats had already been filled in accordance with a 3% quota.

²¹⁸ *Bhavya Nain v. High Court of Delhi* (2020) 2 S.C.T. 590.

²¹⁹ *Court on its own motion v. State of Himachal Pradesh & Others* (2016) 3 S.C.T. 145.

However, The Rights of the Person with Disabilities Act of 2016, Section 32 provisions really give this quota a maximum of 5%. In accordance with the new statute of 2016, the court instructed all government-aided universities to publish the new provisions.

In the case of “*Randhir Singh v. UOI*”²²⁰, the Hon’ble Supreme Court of India viewed that the petitioner was an Ex Army person and joins the services in Delhi Police Force as a Driver. But the respondents were not paying the full wages to the petitioners who were joined under this category. Under Article 39 (d) of the Constitution all working persons are entitled for equal pay and wages. Their right to “equal pay for equal work” cannot be denied or discriminated. All people who work are entitled to full wages in accordance with their job, and this right cannot be violated on the grounds of sex or disability.

In “*Rashmi Thakur v. High Court of Madhya Pradesh*”²²¹, case advertisement dated 02.08.2017 for the appointment of Civil Judge Class-II at M.P was challenged by the petitioner because there is only 2% seats were reserved for Orthopedic disables and no other seats were reserved for other categories. The representation of petitioner before the board was rejected. After this she approached to Court where Court discussed in detail about the provisions of The Rights of the Person with Disabilities Act 2016, which reserved 5% seats for PH candidates.

²²⁰ *Randhir Singh v. UOI* (AIR 1982 SC 879).

²²¹ *Rashmi Thakur v. High Court of Madhya Pradesh* (2018) 2 S.C.T. 810.

Court further discussed about the discrimination, denial, apathy faced by PH persons only because of their physical incapacities and directions were issued to concerned appointing department to issue proper advertisement keeping in view the rights of reserved categories.

There is a need of proper channel, which make the check upon the implementation of provisions of new Act for specially abled persons. From the above-said cases it shows that most of the companies, states, institutions etc. are not aware about the provisions of The Rights of the Person with Disabilities Act 2016 and this affect the rights of specially abled persons. In order to prevent harassment of specially abled persons, the central government must strictly enforce these regulations and, in the event of a violation, must provide a penalty or fee.

4.5 Judicial Decisions on Physically Challenged Persons:

As per the provisions of The Rights of the Person with Disabilities Act 2016, Physical Disability includes “Locomotor Disability” which covers- “Leprosy Cured Person, Cerebral Palsy, Dwarfism, Muscular Dystrophy and Acid Attack Victims”.

In the case of “*Javedc Abidi v. Union of India and others*”²²², the Hon'ble Supreme Court of India viewed that the petitioner was suffered from an orthopedic disability and while traveling by air faces lots of hardships at the airport because of the non availability of a wheelchair at the airport. After facing these hardships petitioner filed a petition in the Supreme Court for the implementation of his rights which are granted by the Disabilities Act of 1995.

²²² *Javedc Abidi v. Union of India and others* [(1999) SCC 467].

After taking into consideration all the material facts of the case court direct the airport authorities of India to provide proper assistance to physically challenged persons at the airport and also provide all the needful facilities. Court also grants the concession in air traveling fares to the persons who are suffering from more than 80% disability. Court further direct for the proper implementation of the provisions of the Disabilities Act 1995.

In the case of “*Javed Abidi v. Union of India and others*”²²³, the Hon’ble High Court of Delhi viewed that a great physicist Stephen Hawking visit India for seeing the monuments established in Delhi. At his visit, he found a lack of proper and affordable facilities for physically challenged persons in the monuments of Delhi. After realizing these problems Hawking filed a PIL in Delhi High Court for assessing affordable facilities for disabled persons. Court gave directions to the National Capital Territory (NCT), Municipal Corporation of Delhi (MCD), Delhi Development Authority (DDA) and University Grant Commission (UGC) for the proper implementation of provisions and facilities related to physically challenge. Court further directs the concerned authorities for the availability of ambulifts, wheelchairs, audio system at public places so that disabled person can enjoy their visit as a normal person.

In case of “*P. Divya v. The Secretary to government*”²²⁴, the Hon’ble High Court of Madras viewed that petitioner was suffered from an orthopedic disability and after completing her 12th exams wants to get admission in the M.B.B.S course. She applied for her admission under the special category available for physically challenged persons.

²²³ *Javed Abidi v. Union of India and others*, available at: CW 812, Delhi High Court, decided on January 21, 2008.

²²⁴ *P. Divya v. The Secretary to government* (2011) 9 S.C.T. 298.

She completed all the formalities of admitting institution but on the day of counseling, the institution refused her to give the admission. Then the petitioner filed a writ petition in court for seeking her rights under the special category. Court directs the respondent authorities for providing a seat or admission under the reserved category available to the petitioner under Section 39 of the Person with Disabilities Act of 1995.

In the case of “*Nipun Malhotra v. Government of NCT of Delhi*”²²⁵, the Hon’ble High Court of Delhi viewed that petitioner was suffered from a locomotor disability and because of her disability she faces while traveling by bus. Then filed a writ petition for the facility of lower height floor buses. Court gave directions to the government of Delhi for purchasing 2000 standard floor buses for the use of the public, especially taking into consideration the physically challenged persons and the court said that the physically challenged persons also have the same rights as a normal person and cannot be ignored and discriminated from their rights.

In the case of “*Delhi Transport Corporation v. Rajbir Singh*”²²⁶, the Hon’ble High Court of Delhi viewed that petitioner Corporation denies the provisions of Section 47 of Disabilities Act 1995 and terminate the services of the respondent because of his disability. Then the respondent filed a case in the lower court, which gives the decision in favor of the respondent. Then the petitioner corporation filed a case in the high court for quashing the order of the lower court.

²²⁵ *Nipun Malhotra v. Government of NCT of Delhi* (2018) 254 DLT 12.

²²⁶ *Delhi Transport Corporation v. Rajbir Singh* (2003) 4 S.C.T. 667.

Court dismissed the pleadings of the petitioner and gave a decision in favor of the respondent by granting full wages to him for the period of his termination from the job and also directs the petitioner corporation for providing a similar or capable job to the respondent up to reaching the period of his retirement.

In the case of “*Renjith J.V v. State of Kerala*”²²⁷, the Hon’ble High Court of Kerala viewed that the aided schools and colleges also come under a duty to provide 3 to 4% reservation in vacancies for physically challenged persons. Their right to reservation as under old and new Act for physically challenged persons cannot be violated on any ground and they are entitle for appointment as according to the provisions of new and old Act.

In the case of “*Ranjit Kumar Rajak v. State Bank of India*”²²⁸, Petitioner was a public employee and applied for the post of Probationary officer in State Bank of India but he was declared unfit for bank’s examination because of kidney transplantation and declares this disablement.

After the interference by court relief was granted to him and court also discussed the basic provisions of equality under Article 14, 16, 21 of Indian Constitution, which states about equality to all including specially abled persons and Article 27 of Convention of Rights of Person with Disability and Optional Protocol casts a duty upon member states to provide equal opportunities in work to specially abled persons and to protect their rights.

²²⁷ *Renjith J.V v. State of Kerala* (2020) 5 KLT 324.

²²⁸ *Ranjit Kumar Rajak v. State Bank of India* (2009) 20 S.C.T. 363.

In other cases like, “*Indra Sawney and others v. Union of India*”²²⁹ and in “*Anand Bihar and others v. Rajasthan State Road Transport Corporation Jaipur and another*”²³⁰, the same issue of equal opportunities in employment was discussed and justice is provided as per equal opportunities.

In case of “*Poonam Manchanda v. Union of India*”²³¹, petitioner was suffering from 70% physical disability and hired as an assistant accounts officer in 1999, promoted to account officer under a reservation, but was then denied promotion under the reserved category for people with special needs for subsequent promotions. After filing a lawsuit, this right was granted, and she fought for it for two to three years in court.

Inclusive education is important for enhancing the status of specially abled persons. This includes same standards and classrooms for specially abled in education. By providing more opportunities in employment, their life become easier. In order to help them overcome their daily obstacles and prepare them for independent living, empowerment is essential.

Education is a basic requirement for supplying these amenities, and if it isn't, they will have other difficulties finding occupations that are comparable to their qualifications or needs. Beside this, they also need financial support, guidance towards choosing better path in their life.²³²

²²⁹ *Indra Sawney and others v. Union of India* [(1992) 3 supp 217].

²³⁰ *Anand Bihar and others v. Rajasthan State Road Transport Corporation Jaipur and another* [(1991)1 SCC 371].

²³¹ *Poonam Manchanda v. Union of India*, available at: CWP 13575, Punjab & Haryana High Court, decided on March 07, 2019.

²³² Inclusive Education, available at: www.unicef.org (Last Visited on August 23, 2022 at 06:30 a.m).

Rights of Person with Disabilities Act of 2016 incorporates more provisions for employment opportunities for specially abled persons. It includes accommodation facilities, equal and healthy environment, accessible space, buildings, workplace etc. This Act provides more reservation upto 4% in jobs and 5% in education system.²³³ In spite of these plethora of laws, there is still a need of better laws for the betterment of specially abled persons.

In another important case of “*Sayed basher-ud-din Qadri v. Nazim Ahmed Shah and Ors*”²³⁴, the petitioner is a person who suffered from cerebral palsy. Despite his physical challenges, petitioner did graduation as B.Sc degree from University of Kashmir. After getting degree, petitioner applied for the post in School Education, Srinagar as a teaching guide and scored a first position for the same.

But after this, at the time of appointment, authorities did not issue an appointment letter to him, merely due his disability. Then, he filed a writ petition before the Hon’ble High Court of Jammu and Kashmir but could not get justice and approached Supreme Court of India, where court direct the education authorities of J & K to provide the petitioner a position of teacher guide and also direct the authorities to provide remuneration or benefits for the period of disengagement.

²³³ The Rights of Person with Disabilities Act 2016, s.32, 34.

²³⁴ *Sayed basher-ud-din Qadri v. Nazim Ahmed Shah and Ors* [(2010) 3 SCC 603].

In another case, “*Daya Ram Tripathi v. State of Uttar Pradesh*”²³⁵, the appellant is a specially abled person and suffered from orthopaedic problem and faces permanent disfunctioning of the left leg. He appeared in Uttar Pradesh Civil Services Exam and secured a good position for the appointment in Executive Branch. But Authorities offered him other posts as Economic survey or as manager rather to be posted in Executive Branch. Authorities contended that there is no reservation in Executive Branch for specially abled persons as government of Uttar Pradesh has stopped this and there is only 2% reservation in Managerial Economic Branch. However, the appellant finds these to be appropriate and approaches the High Court of Uttar Pradesh, which rules there are no reservations in that branch. When the appellant passes the exam and is eligible for all perks associated with the position, the court instructs the authorities to offer the same head and position. They are entitled to the same privileges and services as people with able bodies, and the state government of Uttar Pradesh cannot end their reservation by letter.

In “*Binu v. State of Kerala*”²³⁶, the Petitioner is facing physical challenges and work as a clerk cum typist in the government sector for daily wages. During the services one order was passed by Government of Kerala to appoint the PWD employees permanently who appoint temporary during the period of January 1997 to December 1997. This Opportunity of permanent employment was denied to petitioner as working on daily wages, but court ordered that everyone is equal and have same rights and cannot be discriminated on the ground of waging criteria and reappointment of petitioner is allowed as permanent employee.

²³⁵ *Daya Ram Tripathi v. State of Uttar Pradesh* [(1986) (Supp) SCC 497].

²³⁶ *Binu v. State of Kerala* [(2003) 2 KLT 297].

In “*Lance Dafadar Joginder Singh v. Union of India*”²³⁷, the Appellant, during his services in the Indian Army suffered from an accident which results disability and because of this he was discharge from the services. After being discharged, he applied for pension benefits and was turned down by the Honorable High Court due to the delay. He then appealed to the Honorable Supreme Court. In this decision, the Supreme Court ruled that we must consider their capacity rather than their limitations and look at their claim. Specially Abled Persons cannot be denied their rights, and it is everyone's responsibility to guarantee that they have access to services and justice.

In “*Saroj Dehariya v. State of Madhya Pradesh*”²³⁸, Petitioner gave Civil Judge-II examination of 2018 and denied by registrar of entry to examination because of the reason that there is no reservation under this examination for specially abled persons except the SC category. After the interference of court it founds that as per advertisement of 2018, there were 190 posts for Civil Judge-II entry and following seats were reserved-

- i. Un-Reserved- 95
- ii. Other Backward Classes- 27
- iii. Scheduled Cast- 30
- iv. Scheduled Tribes- 38

Total= 190

²³⁷ *Lance Dafadar Joginder Singh v. Union of India* [(1995) Supp 3 SCC 232].

²³⁸ *Saroj Dehariya v. State of Madhya Pradesh*, available at: WP 22358, Madhya Pradesh High Court, decided on July 23, 2021.

This advertisement also clears that 6% reservation be given to specially abled persons as per Section 34 of The Rights of the Person with Disabilities Act 2016. In the present case petitioner secure 224 marks out of 450 marks and is only candidate to fall under the category of SC(PH) category, because she is facing 68% of permanent locomotor disability. As per the reservation provisions and advertisement there are 4 seats reserved for physical challenged persons as 2-2 each and court orders the appointment board to follow the provisions of Act of 2016. Court further discussed about the hardships faced by the specially abled persons as they are facing double challenges, one is their physical challenges and other is denial by society or their mentality towards them that they are not competent to do work properly.

In “*Arati Prabhakar Dubewar v. Ayurveda Seva Samiti Sanchalit*”²³⁹, case petitioner who is facing physical challenges and applied for the job of reader in respondent Samiti but denied because of the reason of age limit. In respondent Samiti age limit for PWD candidate was 45 years but petitioner is aged about 45 years 8 months 2 days. Court also gave decision in favor of respondents because of the reason of age limit.

But in this case, it is clear that someone who is dealing with physical difficulties, needs a job to support herself, and works hard to get one should be offered an alternative career so that PWDs can live long and healthy lives. And someone who makes an effort while overcoming difficulties like these should be compensated for it.

²³⁹ *Arati Prabhakar Dubewar v. Ayurveda Seva Samiti Sanchalit*, available at: WP 4848, Bombay High Court, decided on September 21, 2010.

*“Anamol Bhandari v. Delhi Technological University”*²⁴⁰, is case of admission in Delhi Technological University (DTU) in B. Tech course. Petitioner received a score of 52.66%, however the minimum score is 55%, and applicants who are PWD or SC/ST are given a 5% and 10% relaxation, respectively. In this case, the court ruled that there would be no discrimination based on a person's physical ability and that PWDs are likewise entitled to the same relaxations as SC/STs. Instead of focusing solely on the basis of category, the government should take the appropriate steps to assure relaxation after examining individuals' financial and physical conditions.

*“Jeeja Ghosh v. Union of India”*²⁴¹, is petition filed by two specially abled women. From this petitioner no. 1 suffered from cerebral palsy and petitioner no.2 face other physical challenges. Both faced denial and misbehavior with them by Spice Jet aircraft authorities. Petitioner no.1 has to go to GOA for attending her conference but denies because of disability, as authorities thinks that she needs extra care and assistance and other passengers of flight will also face inconvenience. But Court direct the airport authorities not to discriminate with PWD only because of their physical challenges and also impose 10 Lac fine.

In *“Sarika v. State of UP”*²⁴², case petitioner challenges the advertisement no. A-2/E-1/2003, issued by UP Public Service Commission in which reservation was provided only for SC/ST, BC & for freedom fighters. No reservation was provided for PWD in this advertisement.

²⁴⁰ *Anamol Bhandari v. Delhi Technological University*, available at: WP (C) 4853, Delhi High Court, decided on September 12, 2012.

²⁴¹ *Jeeja Ghosh v. Union of India*, available at: WP (C) 98, Supreme Court of India, decided on May12, 2016.

²⁴² *Sarika v. State of UP*, available at: CMWP 55266, Allahabad High Court, decided on February 24,2005.

As petitioner is suffering from 70% Locomotor disability and challenged this advertisement before the Hon'ble Allahabad High Court. Court discussed about ignorance of the basic provisions of Person with Disabilities Act 1995, which states clearly 3% reservation in jobs for PWD and Article 38 of Indian Constitution also cast a duty upon state government to secure the status of people and promote welfare for social order.

The PWD are entitled to the same benefits and have the same rights and obligations as everyone else, thus the government cannot disregard them. By making this ruling, the court orders the UP government to give PWDs full participation and equal opportunity in group A and B posts, and they are no longer allowed to be disregarded under any circumstances.

In "*Azharuddin Ghosi v. State of Rajasthan*"²⁴³, case petitioner challenged the advertisement issued for the appointment of Teacher Grade-II in the year of 2013, in which no seats were reserved for PWD's. Petitioner comes under the category of physical handicapped and also qualified with B.Ed degree and fulfills all the requirements of job. Respondents contended that there was no seat for PWD for the year of 2013. But court direct respondents for appointing petitioner as per Section 36 of Person with Disabilities Act 1995, which states about carry forward of vacancies, if not filled for the year and in this case vacancies were not filled in the previous year which create carry forward for the next year. By the interference of court petitioner was appointed for the job of Teacher Grade-II.

"Aswathy. P v. Union of India"²⁴⁴, is case, where petitioner is suffering from Cerebral Palsy disease and applied for MBBS seat under reserved quota for specially abled persons.

²⁴³ *Azharuddin Ghosi v. State of Rajasthan*, available at: WP (C) 1011, Rajasthan High Court, decided on January 18, 2018.

²⁴⁴ *Aswathy P v. Union of India*, available at: WP (C) 27225, Kerala High Court, decided on January 25, 2021.

Her disability is 63.3%, which would be between 40 and 80% according to the regulations for admittance under the reserved PH group. But instead of passing the test and fulfilling the criteria of merit and score she has given a place at Manjeri Government College, which is situated at long distance from her home and family. As a result, the Hon'ble High Court received the current petition, and after the court's intervention, she was given a seat.

“*Snighatanu Saha v. State of Tripura*”²⁴⁵, case is also related to denial in admission for higher education. Despite having a 40% locomotor handicap, the petitioner was not admitted to the MBBS program since her impairment was less severe than the range of 50% to 60%, and no other applicant had yet to apply. Following the delivery of instructions to the Medical Council of India, the petitioner was given a seat and given additional instructions for the effective application of the Person with Disabilities Act 1995's requirements. Disability range is the sole argument offered by the respondent in this case for not providing a seat, which demonstrates their disregard for the rights of those with special needs.

Chief Justice of India, Markandey Katju and Justice F.M Ibrahim adjudicated the case of “*P. Rajaprabakaran (Minor) v. The Secretary to Government, Higher Education Department*”²⁴⁶, in which Petitioner, who is physically disabled due to residual polio, applied for admission to the M.B.B.S course for the academic year 2004-05 as against seats reserved for physically handicapped candidates.

²⁴⁵ *Snighatanu Saha v. State of Tripura*, available at: WP (C) 402, Guwahati High Court, decided on September 16, 2011.

²⁴⁶ *P. Rajaprabakaran (Minor) v. The Secretary to Government, Higher Education Department* (AIR2005 Mad 346).

His claim was rejected on the ground that his disability was assessed at 48% only whereas; the prospectus issued by the Director of Medical Education provided that candidates with 50% to 70% disability alone were entitled for consideration under the reserved quota. The Division Bench was of the opinion that the Petitioner is a person with locomotor disability. He is entitled to claim the benefits of the Act of 1995. He is eligible to apply for the M.B.B.S Course. The Court did set aside the impugned order of the Single Judge and disposed off the writ appeal.

Most people, especially women with special needs, did not contact the court system because of the delays. They must wait for justice for years, and many have to make changes as a result of the lengthy process of the court system. In comparison to female victims, there are more cases of male victims who seek justice. Since women need more encouragement and assistance while waiting for justice, and since society in some way discourages women from approaching the court system.

4.6 Conclusion:

In the end, the researcher discovered that there are still numerous instances of handicap discrimination, and that with court intervention, these individuals receive justice after years of waiting. Because of the delays and flaws in the legal system and the fact that the courts are inaccessible to people with disabilities, the majority of people were not approached to appear in court. According to Registry of Social Welfare reports from 2019, just 33% of courts are accessible to people with disabilities, and 67% of court complexes are not. These lack adequate ramps, separate restrooms, access to medical services at courthouses, and other

accessible amenities.²⁴⁷ Survivors must endure a protracted period of waiting for justice as well as other additional challenges. There are still many instances of these rights being denied, despite the fact that courts have frequently issued directives for the execution of these articles from The Rights of the Person with Disabilities Act 2016. Most government agencies still rely on outdated laws, and some have even dismissed people with disabilities by labeling them as frail and unqualified for the job. Most people adjust in their lives and lose faith in the judiciary as a result of this mindset.

²⁴⁷ Reports of Registry of Social Welfare, *available at*: <https://timesofindia.indiatimes.com> (Last Visited on July 26, 2022 at 08:00 a.m).

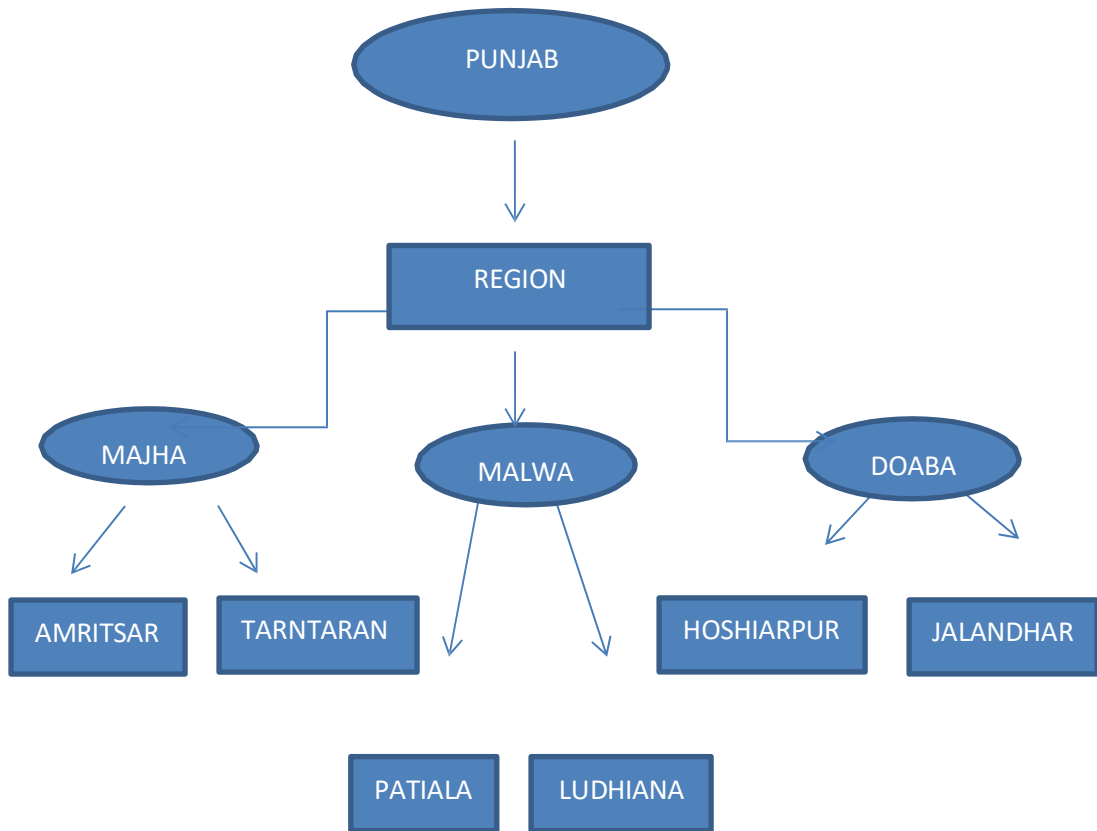
CHAPTER-5
EMPERICAL ANALYSIS
OF
SPECIALLY ABLED
WORKING WOMEN
IN PUNJAB

5.1 Introduction:

Specially abled women, who are working in Punjab face lots of hardships at their work place. The present chapter relates to the research findings and outcomes come forward after data collection. This includes the methods of research, sampling techniques, method of data collection, number of respondents, sources, outcomes etc. The present research work explain the meaning of disability which is to be known as specially abled persons, special creatures of God, physically challenged persons, handicapped persons, dependents etc. People think that these persons are not competent or not have ability to do their tasks or activities without the support of others, which means dependent upon abled bodied persons. But by providing proper facilities, guidance, support, proper implementing rights available for them, we can provide them a better or an independent life. This chapter explains about the results and analysis comes after completion of study and after collection of complete data.

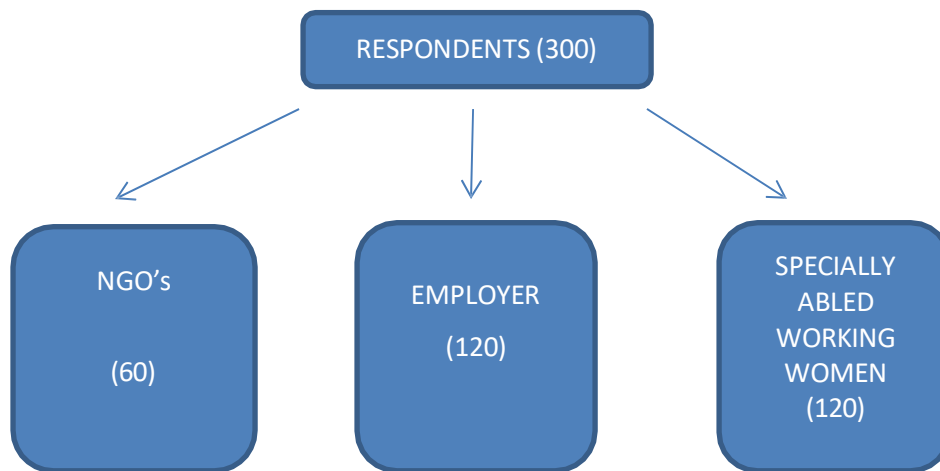
5.2 Research Methodology:

The present research work is an empirical and doctrinal study which used both primary and secondary type of methods for the collection of data. Data is collected from public and private organizations, institutions, offices, educational institutions, NGO's etc. In empirical study researcher choose Punjab State, in which six districts has selected and frames three set of questionnaire for the collection of data and for the doctrinal study information is collected by reviewing the literature which includes available books, articles, research papers, reports, directions, principles for the rights of specially abled persons.



5.2.1 Empirical Study: For this researcher opted questionnaire method for the collection of data. Three set of questionnaire has been prepared:

- a) Questionnaire for NGO's working specially in this field.
- b) Questionnaire for Employers.
- c) Questionnaire for Specially Abled Working Women.



5.2.2 Doctrinal Study: In this different research papers, articles, blogs, views, statements, principles, norms, legislations, statutes etc. are studied in context of Specially abled persons. For this library sources and internet sources are used.

5.2.3 Sampling Technique: For the collection of Quantitative data Convenient cum Purposive Sampling technique has been used, which comes under non-probability sampling technique. Results are analyzed by using “IBM SPSS-19” software to check the frequency/percentage of results and also to know about the Correlation between the variables.

5.3 Sample Selection:

For the selection of sample six districts of Punjab has been selected. These six districts are chosen from each region as from Majha, Malwa and Doaba. Number of respondents set up to 300 respondents which further divided as set of questionnaire. Sample for Questionnaire one is set up to 60 respondents which means 60 NGO's, for second set of questionnaire, sample is set 120 respondents which means 120 employers and for third

questionnaire sample is also set 120 respondents, which means 120 specially abled working women.

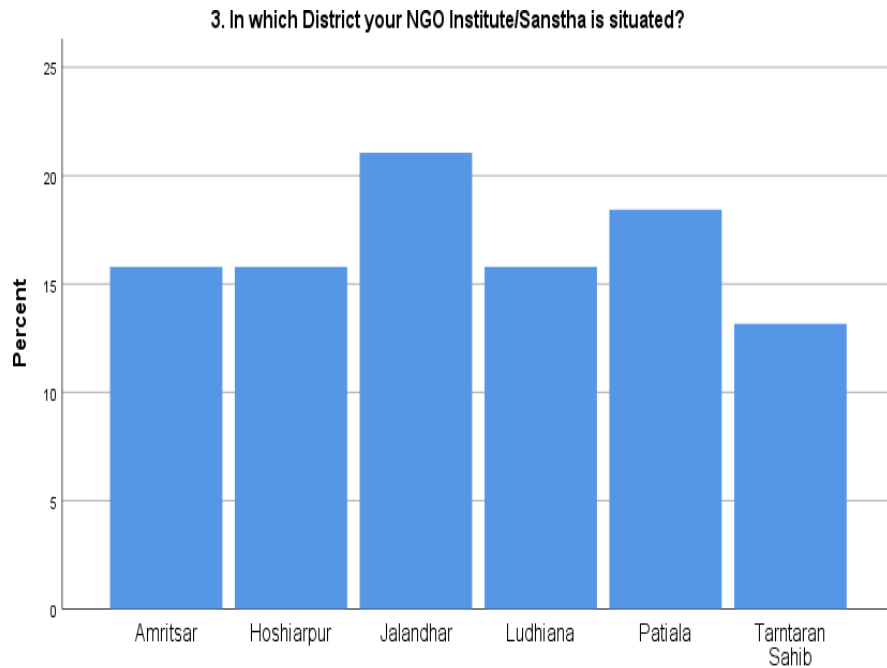
5.3.1 Questionnaire for NGO's Working for Specially Abled

Persons: First set of questionnaire is prepared for NGO's who are working for specially abled persons to know about the status of these people. In the responses table and figures shows the result in numbers and percentage form:-

Q:1 In which District your NGO Institute/Sanstha is situated?

Table 1

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Amritsar	6	15.8	15.8	15.8
	Hoshiarpur	6	15.8	15.8	31.6
	Jalandhar	8	21.1	21.1	52.6
	Ludhiana	6	15.8	15.8	68.4
	Patiala	7	18.4	18.4	86.8
	Tarnataran Sahib	5	13.2	13.2	100.0
	Total	38	100.0	100.0	



3. In which District your NGO Institute/Sanstha is situated?

Figure 1.1

The figure 1.1 relates to the question no.3 of first questionnaire framed for NGO's working in Punjab for specially abled persons. This shows that data is collected from NGO's situated in six selected districts of Punjab State.

Q:2 Registration status of your NGO/Institute/Sanstha

Table 2

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Others	4	10.5	10.5	10.5
	Social Welfare	34	89.5	89.5	100.0
	Total	38	100.0	100.0	

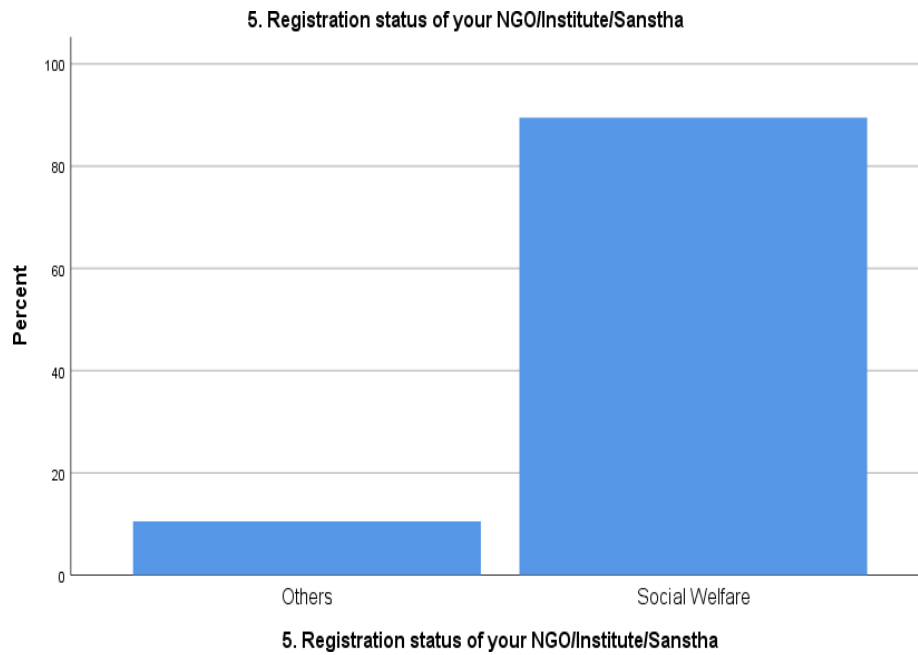


Figure 1.2

The figure 1.2 relates to the question no.5 of first questionnaire framed for NGO's working in Punjab for specially abled persons. This shows the registration status of these NGO's as working for social welfare purpose which includes the welfare of specially abled persons.

Q:3 What is your main area of interest?

Table 3

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Age Care	2	5.3	5.3	5.3
	All	24	63.2	63.2	68.4
	Disability	6	15.8	15.8	84.2
	Education	4	10.5	10.5	94.7
	Women	2	5.3	5.3	100.0
	Total	38	100.0	100.0	

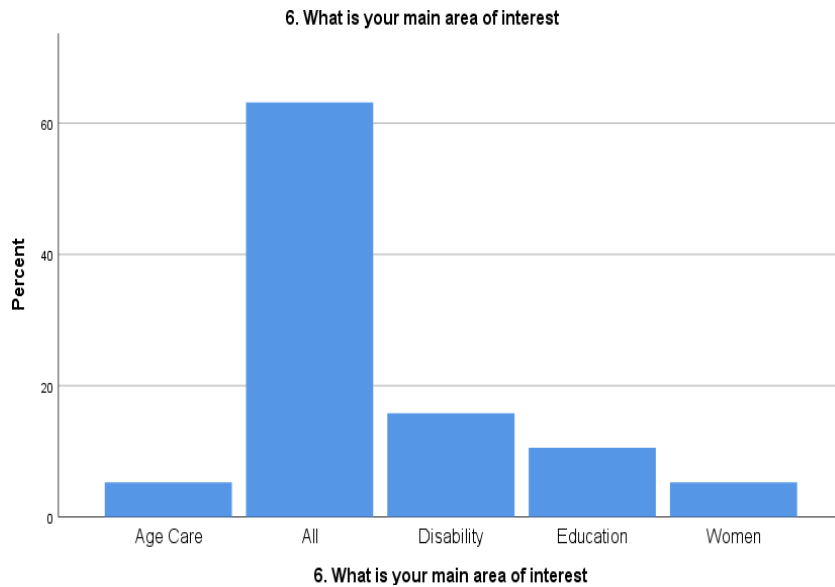


Figure 1.3

The figure 1.3 relates to the question no.6 of first questionnaire framed for NGO's working in Punjab for specially abled persons. This shows their area of interest and the results shows that most of the data collected from the NGO's who are working for these people.

Q:4 Which of the following disability they are suffering?

Table 4

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Intellectual	1	2.6	2.6	2.6
	Multiple	14	36.8	36.8	39.5
	No	14	36.8	36.8	76.3
	Physical	9	23.7	23.7	100.0
	Total	38	100.0	100.0	

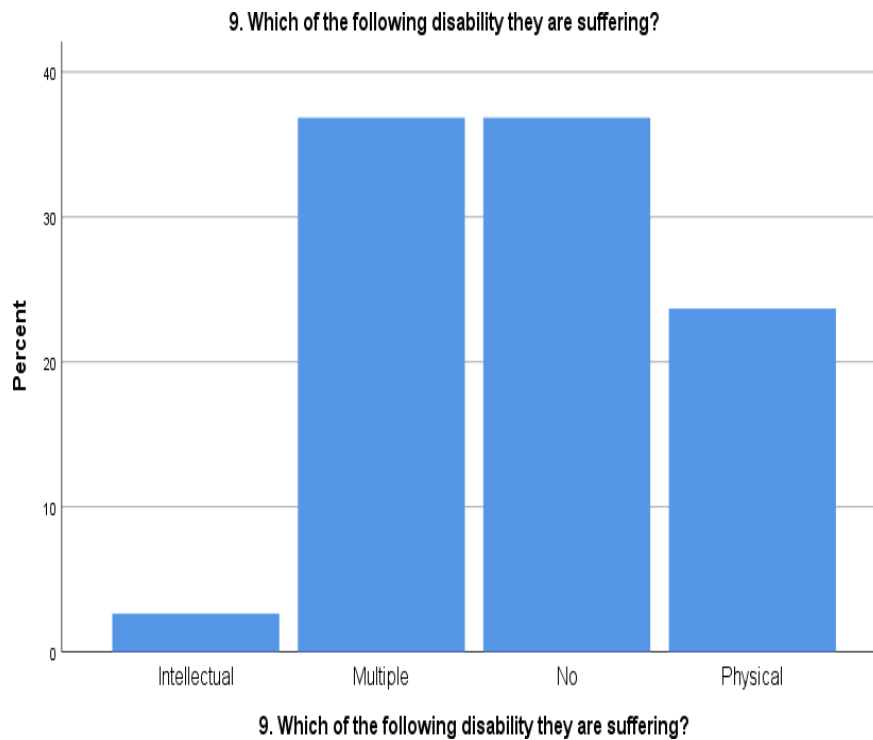


Figure 1.4

The figure 1.4 relates to the question no.9 of first questionnaire framed for NGO's working in Punjab for specially abled persons. This shows the type of disability as suffered by specially abled persons who are living or come to these NGO's. And from the results it clears that most of the people of Punjab are suffered from Multiple Disabilities.

Q:5 Is government giving any support for specially abled persons, who are residing in your NGO/Institute/Sanstha?

Table 5

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	33	86.8	86.8	86.8
	Yes	5	13.2	13.2	100.0
	Total	38	100.0	100.0	

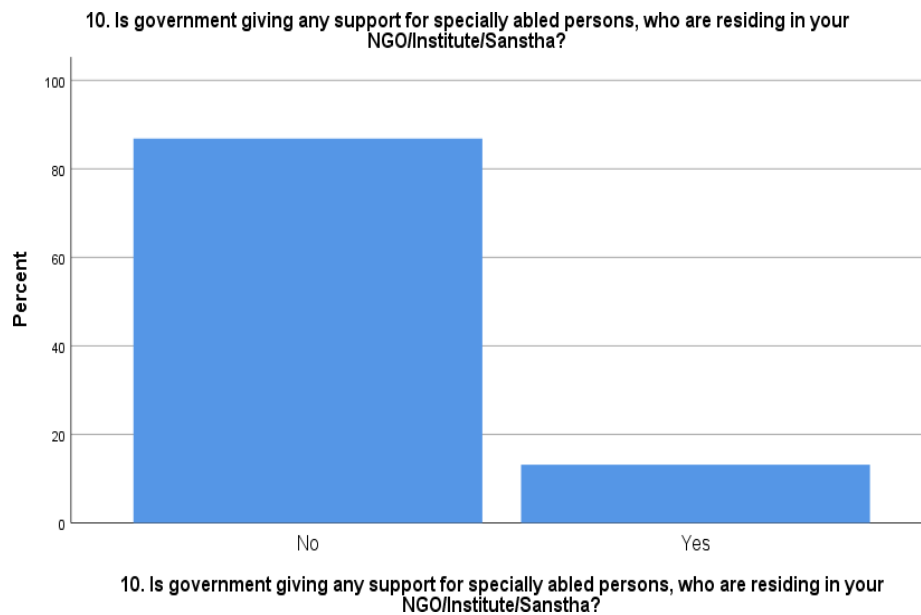


Figure 1.5

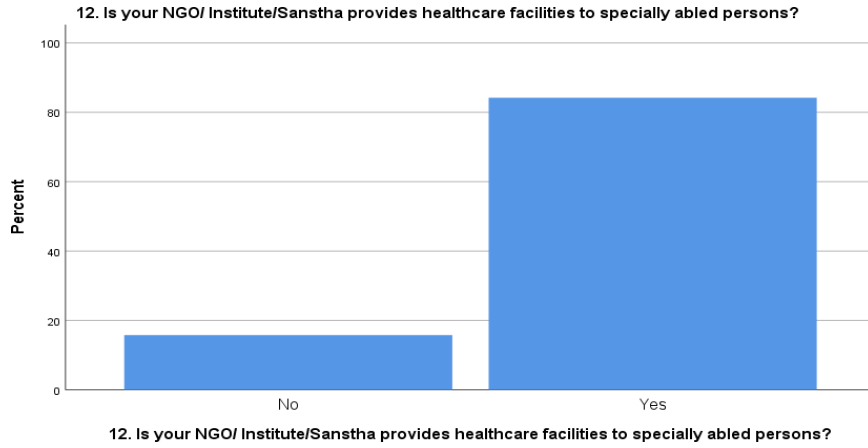
The figure 1.5 relates to the question no.10 of first questionnaire framed for NGO's working in Punjab for specially abled persons. The results of this part shows that the government are not providing the support to these people for their upliftment.

Q:6 Is your NGO/ Institute/Sanstha provides healthcare facilities to specially abled persons?

Table 6

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	6	15.8	15.8	15.8
	Yes	32	84.2	84.2	100.0
	Total	38	100.0	100.0	

Figure 1.6



The figure 1.6 relates to the question no.12 of first questionnaire framed for NGO’s working in Punjab for specially abled persons. The results of this part shows that the mostly NGO’s are providing the healthcare facilities to these people.

Q:7 Is your NGO/Institute/Sanstha provides educational facilities to specially abled persons?

Table 7

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	2	5.3	5.3	5.3
	Yes	36	94.7	94.7	100.0
	Total	38	100.0	100.0	

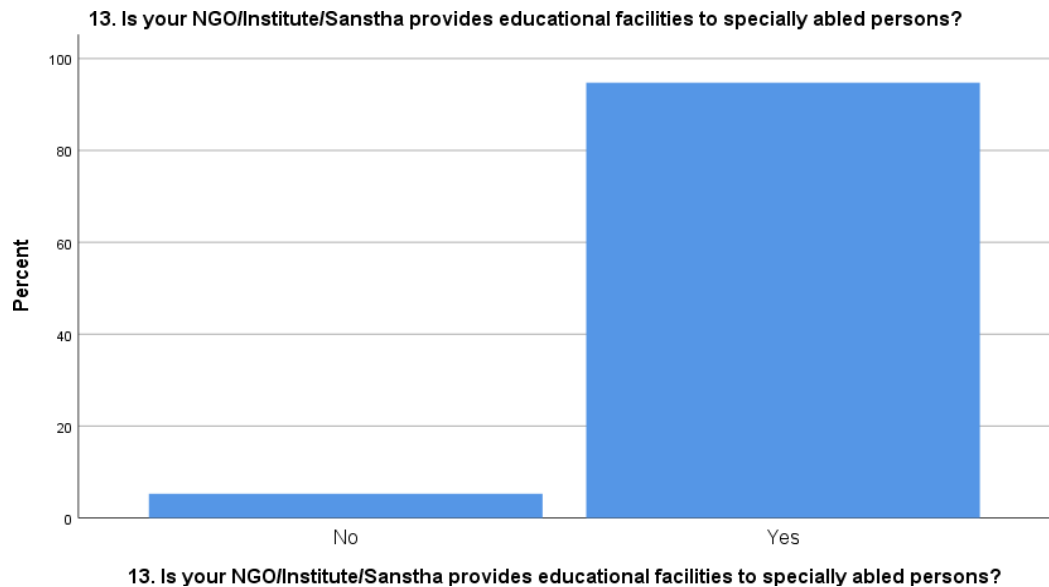


Figure 1.7

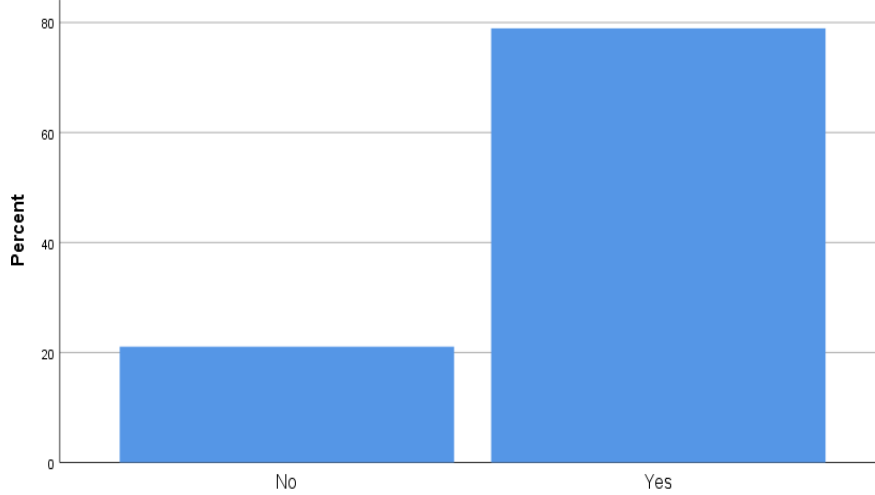
The figure 1.7 relates to the question no.13 of first questionnaire framed for NGO's working in Punjab for specially abled persons. The results of this part shows that the mostly NGO's are providing the educational facilities to these people.

Q:8 Is your NGO/ Institute/Sanstha hold awareness programs about the rights of specially abled persons?

Table 8

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	8	21.1	21.1	21.1
	Yes	30	78.9	78.9	100.0
	Total	38	100.0	100.0	

14. Is your NGO/ Institute/Sanstha hold awareness programs about the rights of specially abled persons?



14. Is your NGO/ Institute/Sanstha hold awareness programs about the rights of specially abled persons?

Figure 1.8

The figure 1.8 relates to the question no.14 of first questionnaire framed for NGO's working in Punjab for specially abled persons. The results of this part shows that the mostly NGO's are holding the awareness programs for these people.

Q:9 Is your NGO/Institute/Sanstha providing any skilled or training programs to specially abled persons?

Table 9

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	4	10.5	10.5	10.5
	Yes	34	89.5	89.5	100.0
	Total	38	100.0	100.0	

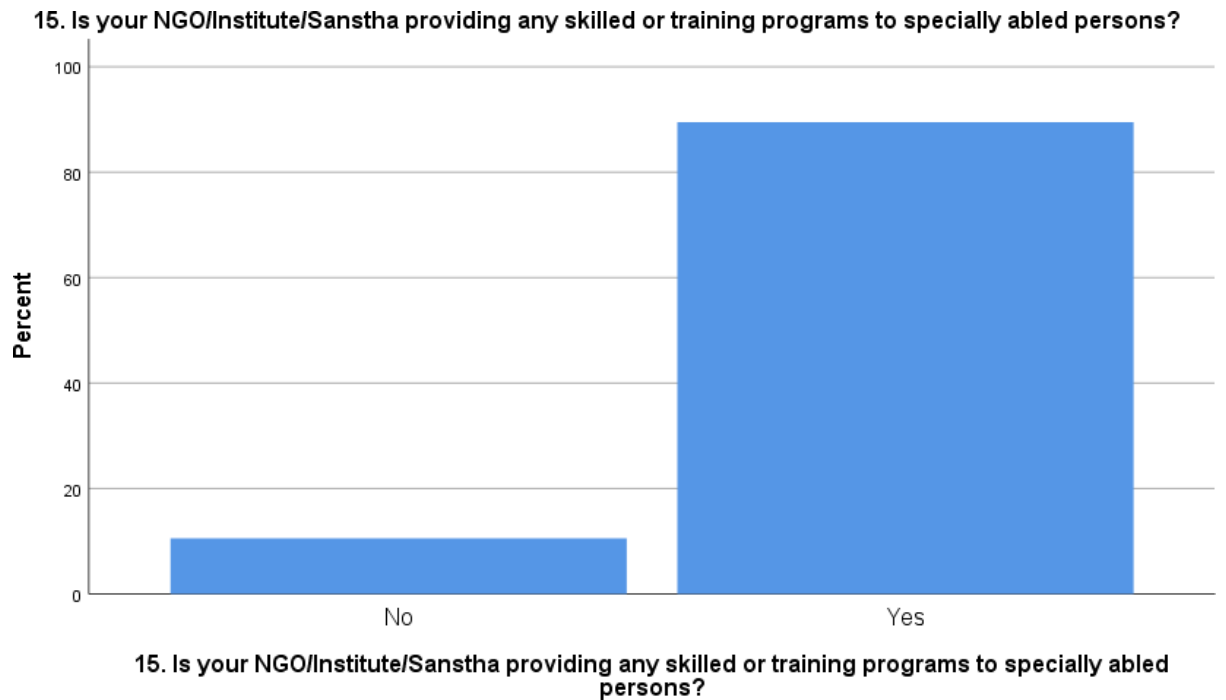


Figure 1.9

The figure 1.9 relates to the question no.15 of first questionnaire framed for NGO's working in Punjab for specially abled persons. The results of this part shows that the these NGO's are providing the skilled and training programs to these people.

Q:10 Is your NGO/ Institute/Sanstha helps specially abled persons for getting job?

Table 10

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	8	21.1	21.1	21.1
	Yes	30	78.9	78.9	100.0
	Total	38	100.0	100.0	

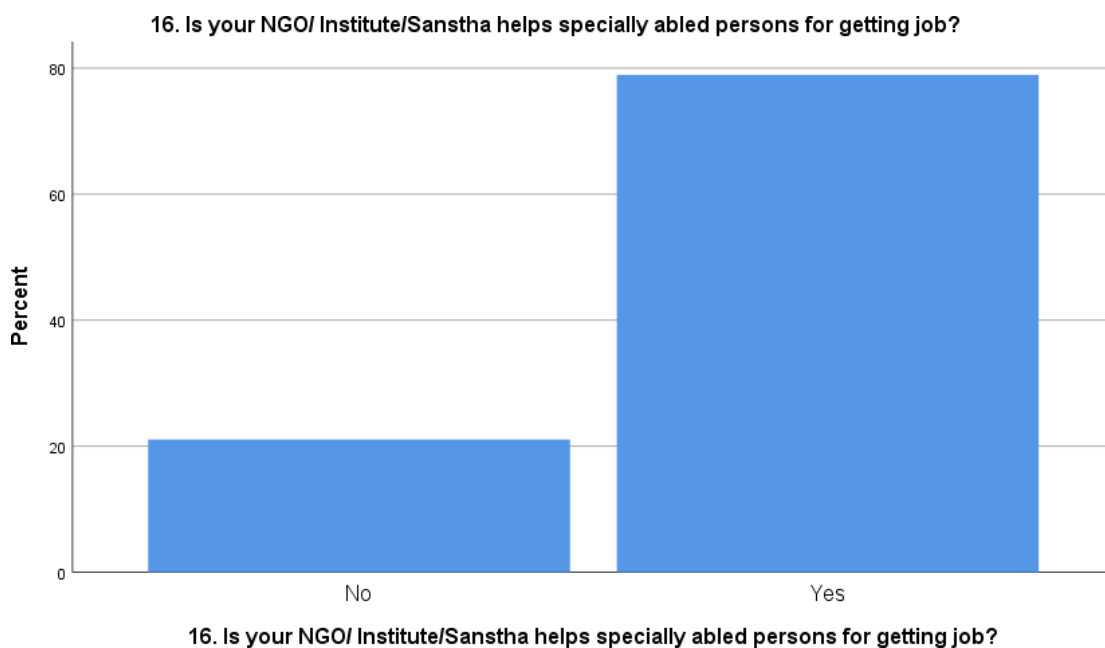


Figure 1.10

The figure 1.10 relates to the question no.16 of first questionnaire framed for NGO's working in Punjab for specially abled persons. The results shows that NGO's are also helping for getting jobs.

Q:11 Is there any separate washroom facilities at your NGO/ Institute/Sanstha for specially abled persons?

Table 11

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	12	31.6	31.6	31.6
	Yes	26	68.4	68.4	100.0
	Total	38	100.0	100.0	

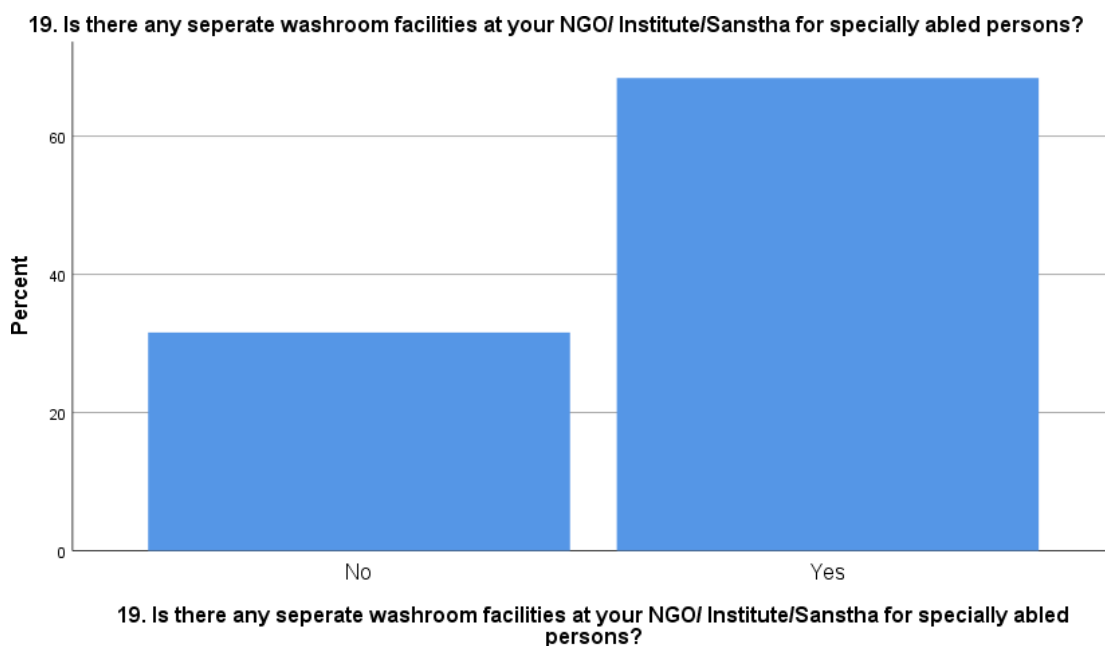


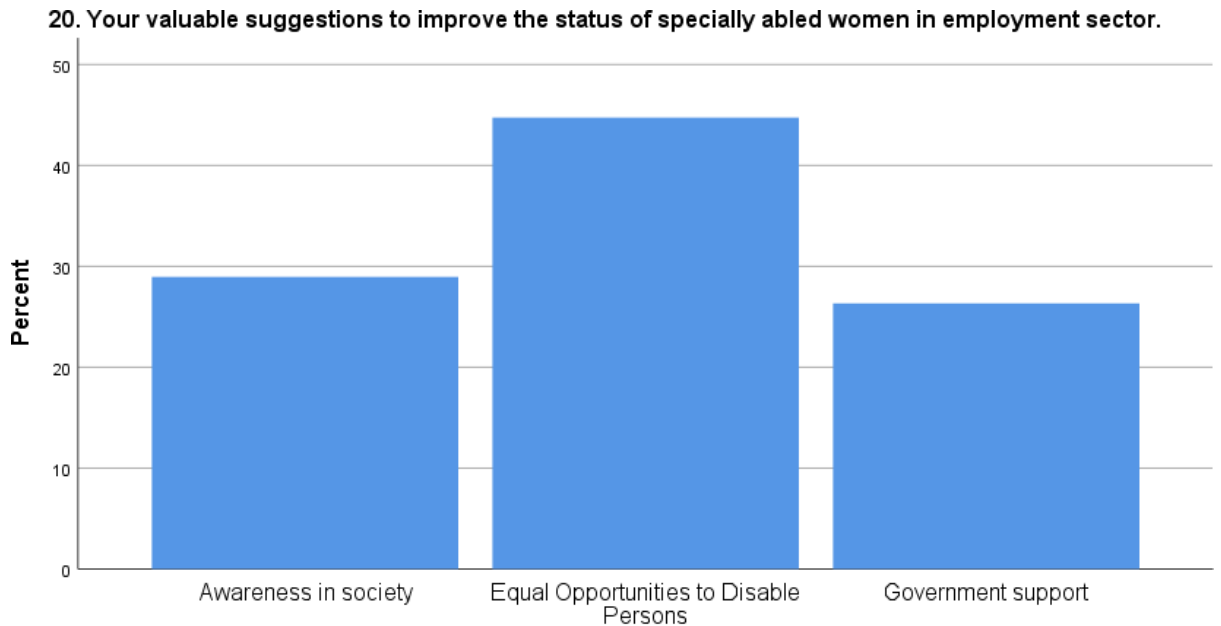
Figure 1.11

The figure 1.11 relates to the question no.19 of first questionnaire and this one relates to the separate washroom facilities at their NGO's and results shows that most of the NGO's have these facilities.

Q:12 Your Valuable suggestions to improve the status of specially abled women in employment sector?

Table 12

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Awareness in society	11	28.9	28.9	28.9
Equal Opportunities toDisable Persons	17	44.7	44.7	73.7
Government support	10	26.3	26.3	100.0
Total	38	100.0	100.0	



20. Your valuable suggestions to improve the status of specially abled women in employment sector.

Figure 1.12

This figure 1.12 shows the suggestions suggested by the respondents and mostly suggestions are come to provide equal opportunities to these people.

5.3.1.1 NGO's Working in Punjab for Specially Abled

Persons: For the first questionnaire data is collected from NGO's of six districts of Punjab state, who are working for the benefit of these people:-

I. District Amritsar: In Amritsar researcher collect data from different NGO's working for specially abled persons. For this data has been collected from following NGO's:

- All India Pinghalwara Charitable: This NGO is working since 1953 for the benefit of specially abled persons, women, children & other persons suffering from some disease etc. This NGO have many branches in other districts of Punjab and conduct many awareness programs

and other skilled training programs for the benefit of these people. Educational and Healthcare facilities are also provided by them and rehabilitation services are also available.

- All India Women Conference: Working since 1984 for the benefit of women and also conduct awareness programs in society for the benefit of women.
- Lok Kalyan Samiti: Working since 2002 for the benefit of human beings irrespective of their gender and caste etc.
- Arizona Foundation: Working since 2021 for social welfare and for providing assistance to needy persons.
- Human & Environment Development Society: Working since 2009 for social welfare and also for the protection of human rights and environment.

II. District Tarntaran Sahib: In Tarntaran data is collected from NGO's situated at Tarntaran District:

- Awake Education Foundation: This NGO working towards the better education policies and provide awareness regarding education rights and benefits of education.
- American Society for the Development of Mentally Disabled: Working since 2016 for the benefit of mentally retarded persons.
- Human & Environment Development Society: Working since 2009 for social welfare and also for the protection of human rights and environment.
- Bibi Bhani Seva & Sikhlayi Samiti: Working since 2016 for the benefit of women, girls who are denied by the society and provide training to capable them for their better living.
- Baba Jiwan Singh Educational Trust: Working since 1996

for social welfare, specially in education area and provide free education services to needy students.

III. District Hoshiarpur: In Hoshiarpur data is collected from NGO's situated at Hoshiarpur District:

- Careness & Awareness Welfare Society: This NGO is working since 2018 for social welfare with a aim to provide awareness to all needy persons about their rights and capabilities.
- Bhai Ghnanya Charitable Trust: Working since 1990 for the benefit of general public who are in need.
- Dera Loh Langar: Working since 2019 for the benefit of human beings and provide free food and rehabilitation services to them.
- Guru Nanak Naam Seva Society: Working since 2013 for social welfare.

IV. District Jalandhar: In Jalandhar data is collected from NGO's situated at Jalandhar District:

- Guru Nanak Anath Ashram: This NGO is working since 2004 for the benefit of persons who are denied by society and not a stage to live independently. Most of the living persons in this NGO are suffering from physical challenges. Medical and education services are also provided by them.
- Apaar NGO: This NGO is working since 2014 and situated in PIMS hospital. They have separate services for intellectual disabled children. Specially trained teachers guide them about their day to day activities.
- Pinghla Ghar: Working since 1959 and also have many specially abled females and guidance is provided towards their future.

- Apahaj Ashram: This NGO is working specially for specially abled persons and also rehabilitation services.
- Pahal NGO: Working since 1996 for social welfare and conduct awareness campaign for their better life.
- Darpan: Working since 2005 for the benefit of specially abled persons and provide assistance services qua to their education and employment rights.
- Ranjit Memorial Charitable Trust: Working since 2008 for social welfare.
- Nari Niketan Trust: Working since 1996 for the benefit of women.

V. District Ludhiana: In Ludhiana data is collected from NGO's situated at Ludhiana District:

- Harsukh Welfare Society: Working since 2013 for social welfare.
- Aid Beyond Boundaries Foundation: Working since 2021 for providing aid inform of money and assistance services to needy persons.
- All India Human Rights Council: Working since 2010 for the protection of human rights and also raise their voice in case of violation of human rights.
- Ek Jot Viklang Sanstha: Working since 2014 for specially abled persons and have rehabilitation services for them.

VI. District Patiala: In Patiala data is collected from NGO's situated at Patiala District:

- Harsukh Welfare Society: Working since 2013 for social welfare.
- Bhai Ghnanya ji Care Services & Welfare Society: Working since 2015 for the benefit of human beings by providing them care and welfare services.

5.3.2 Questionnaire for Employer/HOD: Second set of questionnaire is prepared for employer/HOD of public/private departments/institutions/organizations to know about the numbers and status of specially abled women employees. In the responses table and figures shows the result in numbers and percentage form:-

Q:1 In which District your office is situated?

Table 13

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Amritsar	22	18.0	18.0	18.0
	Hoshiarpur	20	16.4	16.4	34.4
	Jalandhar	20	16.4	16.4	50.8
	Ludhiana	20	16.4	16.4	67.2
	Patiala	20	16.4	16.4	83.6
	Tarntaran Sahib	20	16.4	16.4	100.0
	Total	122	100.0	100.0	

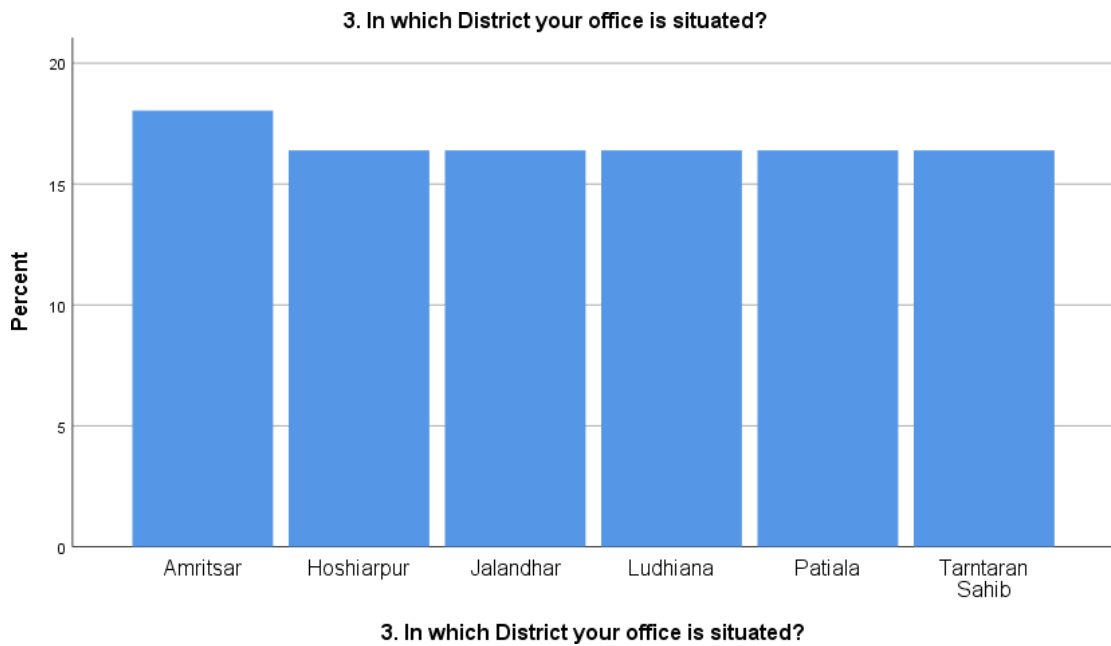


Figure 2.1

The figure 2.1 relates to the question no.3 of second questionnaire framed for employer/HOD of different departments of Punjab state. This shows that data is collected from six selected districts of Punjab State.

Q:2 Is your office public or private?

Table 14

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Private	40	32.8	32.8	32.8
	Public	82	67.2	67.2	100.0
	Total	122	100.0	100.0	

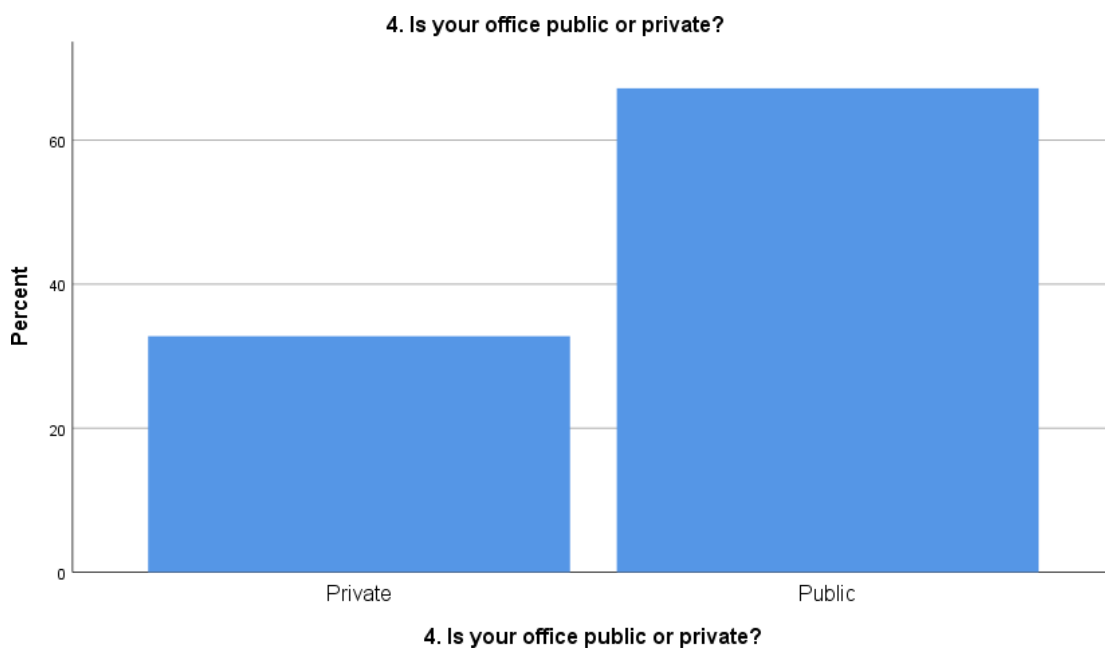


Figure 2.2

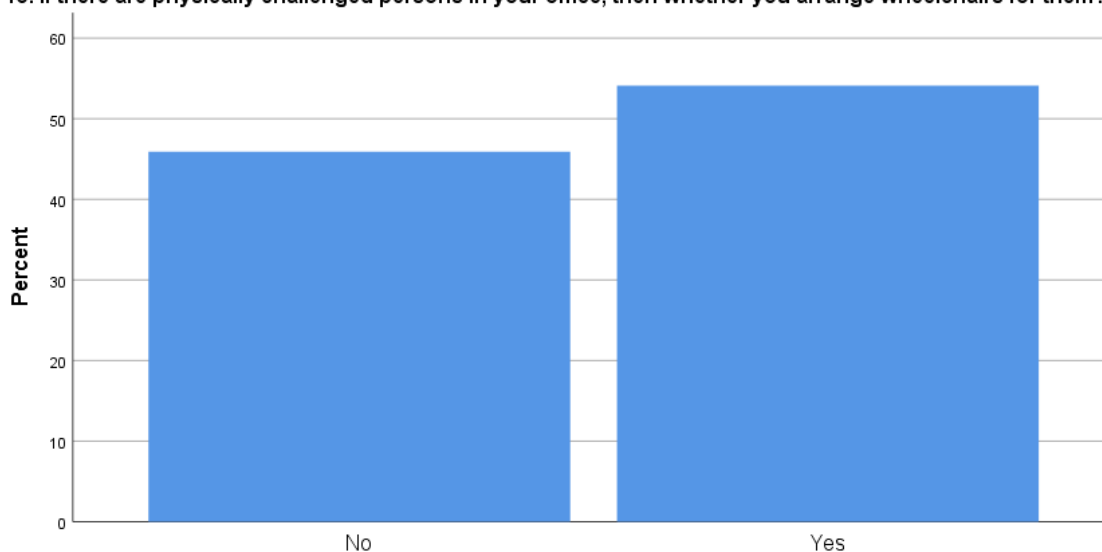
This figure 2.2 relates to the question number 4 of the questionnaire, which shows that data has been collected from public/private departments of Punjab state.

Q: 3 If there are physically challenged persons in your office, then whether you arrange wheelchairs for them?

Table 15

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	56	45.9	45.9	45.9
	Yes	66	54.1	54.1	100.0
	Total	122	100.0	100.0	

10. If there are physically challenged persons in your office, then whether you arrange wheelchairs for them?



10. If there are physically challenged persons in your office, then whether you arrange wheelchairs for them?

Figure 2.3

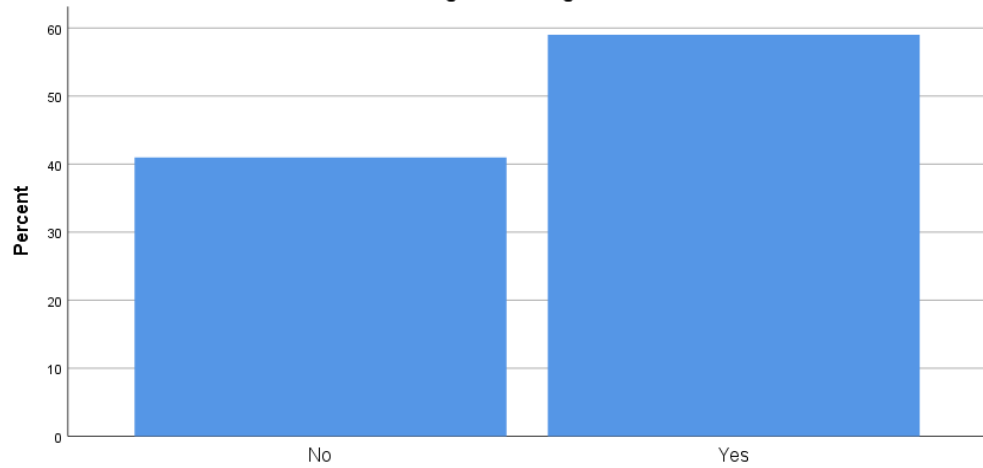
This figure 2.3 relates to the question number 10 of the questionnaire and this one relates to wheelchair facilities for them and the results shows that there are not separate wheelchair facilities for these people at everyone and government has to draw their attention towards this for proper implementation of these rules in both public/private sector/departments/institutions.

Q: 4 If you employ specially abled persons in your office, then whether you make special arrangements for their sitting and working?

Table 16

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	50	41.0	41.0	41.0
	Yes	72	59.0	59.0	100.0
	Total	122	100.0	100.0	

11. If you employ specially abled persons in your office, then whether you make special arrangements for their sitting and working?



11. If you employ specially abled persons in your office, then whether you make special arrangements for their sitting and working?

Figure 2.4

This figure 2.4 relates to the question number 11 of the questionnaire and this one relates to special arrangement facilities for them and mostly results come in favor of “Yes” which means public/private sectors are provided these facilities but there is still have some departments where these services are not available so need to do the efforts for the same.

Q: 5 Do you know about the schemes of government for specially abled persons?

Table 17

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	28	23.0	23.0	23.0
	Yes	94	77.0	77.0	100.0
	Total	122	100.0	100.0	

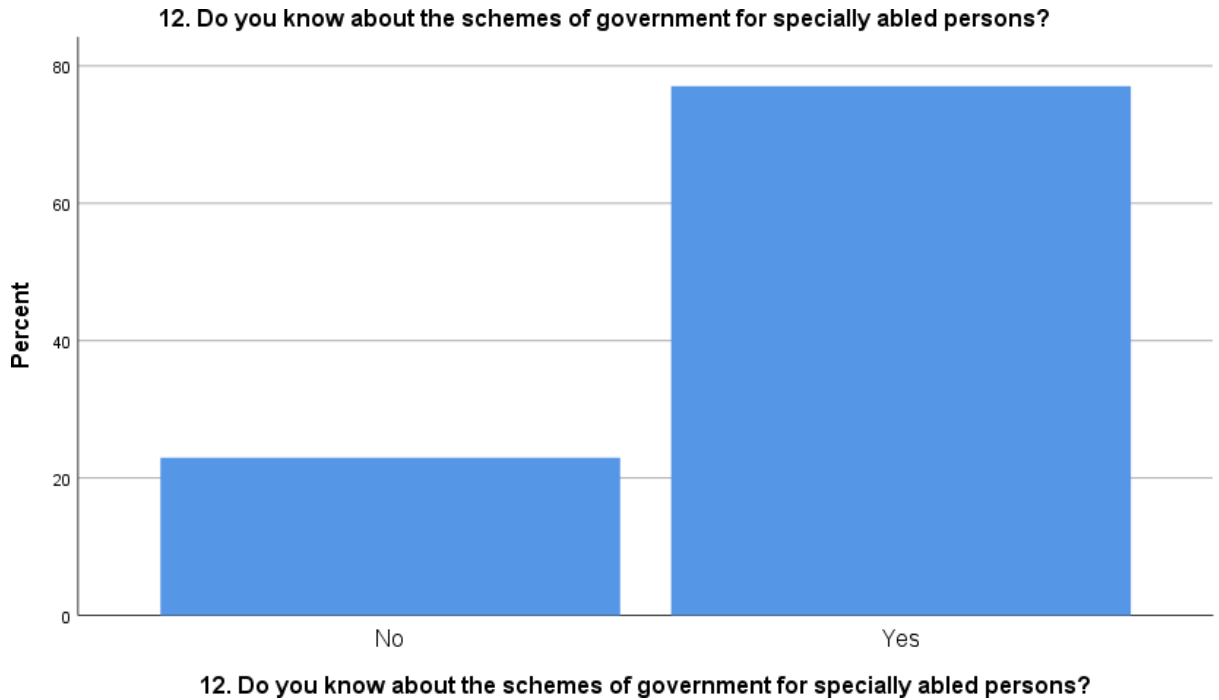


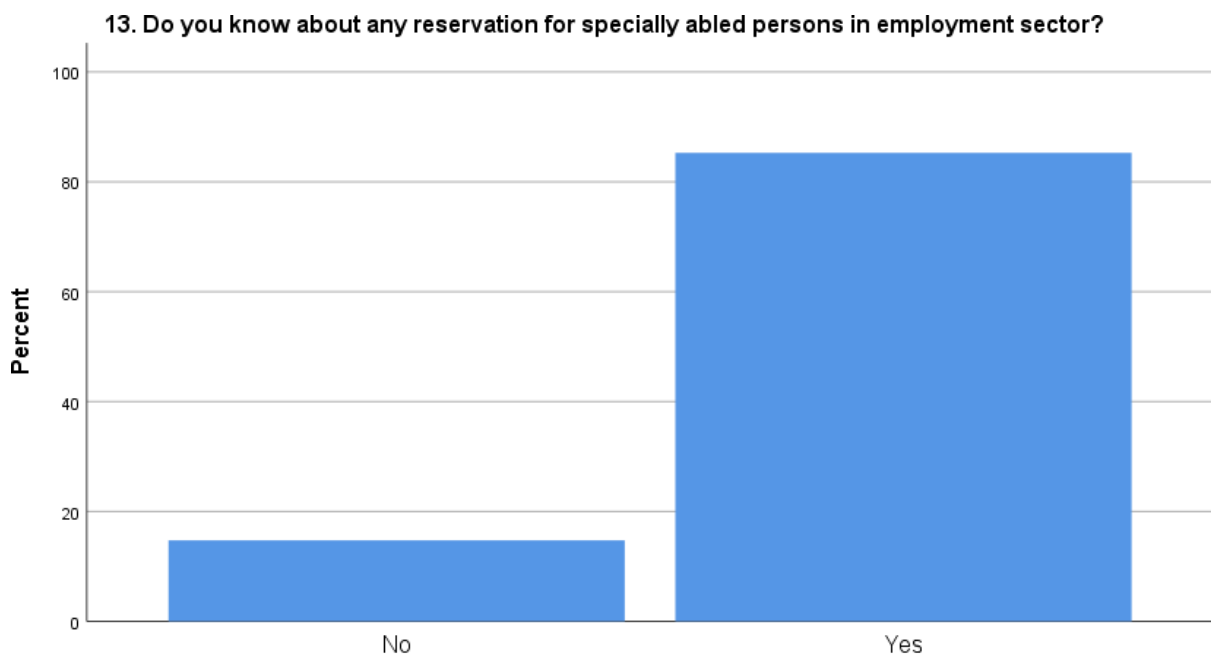
Figure 2.5

This figure 2.5 relates to the question number 12 of the questionnaire and this one relates to the awareness about the government schemes for these people and results shows that people know about these schemes.

Q: 6 Do you know about any reservation for specially abled persons in employment sector?

Table 18

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	18	14.8	14.8	14.8
	Yes	104	85.2	85.2	100.0
	Total	122	100.0	100.0	



13. Do you know about any reservation for specially abled persons in employment sector?

Figure 2.6

This figure 2.6 relates to the question number 13 of the questionnaire and this one relates to the awareness about the reservation policies in employment sector for these people and results shows that people know about these schemes.

Q: 7 Is there any proper facilities of ramps and elevators at your workplace?

Table 19

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	35	28.7	28.7	28.7
	Yes	87	71.3	71.3	100.0
	Total	122	100.0	100.0	

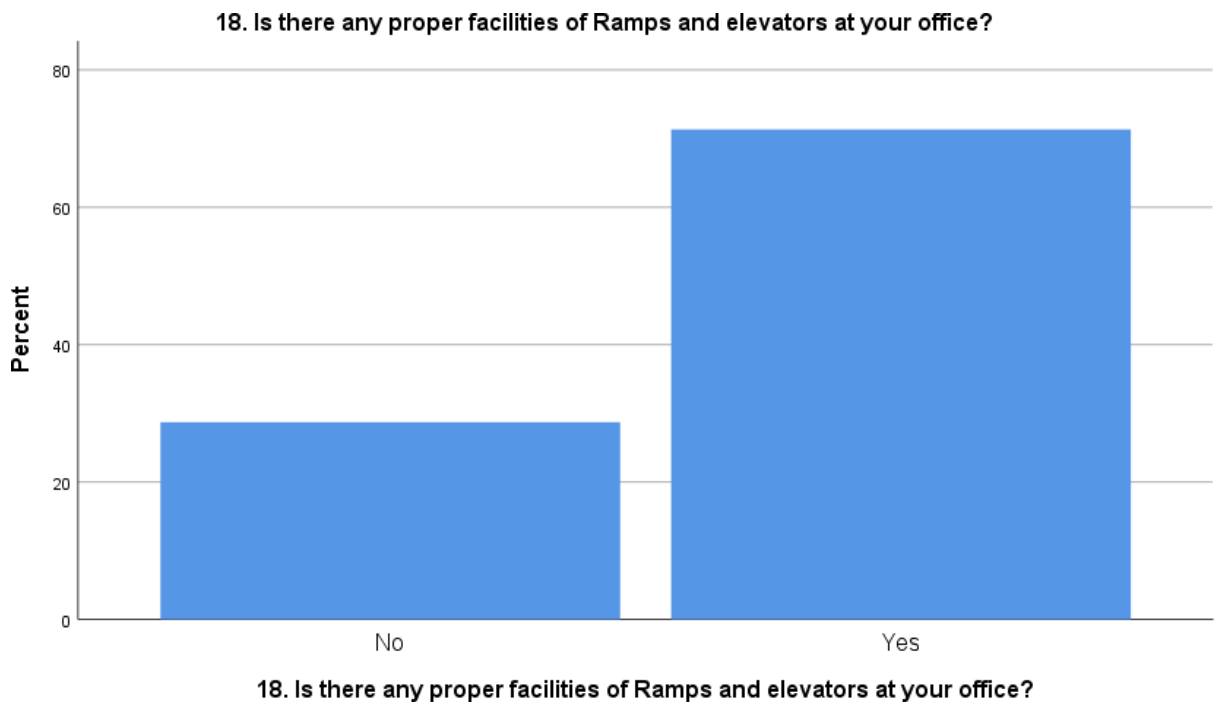


Figure 2.7

This figure 2.7 relates to the question number 18 of the questionnaire and this one relates to the facilities of ramps and elevators at workplaces and results shows that most of the public/private departments have these facilities.

Q: 8 Is there any separate washroom facilities at your office for specially abled persons?

Table 20

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	59	48.4	48.4	48.4
	Yes	63	51.6	51.6	100.0
	Total	122	100.0	100.0	

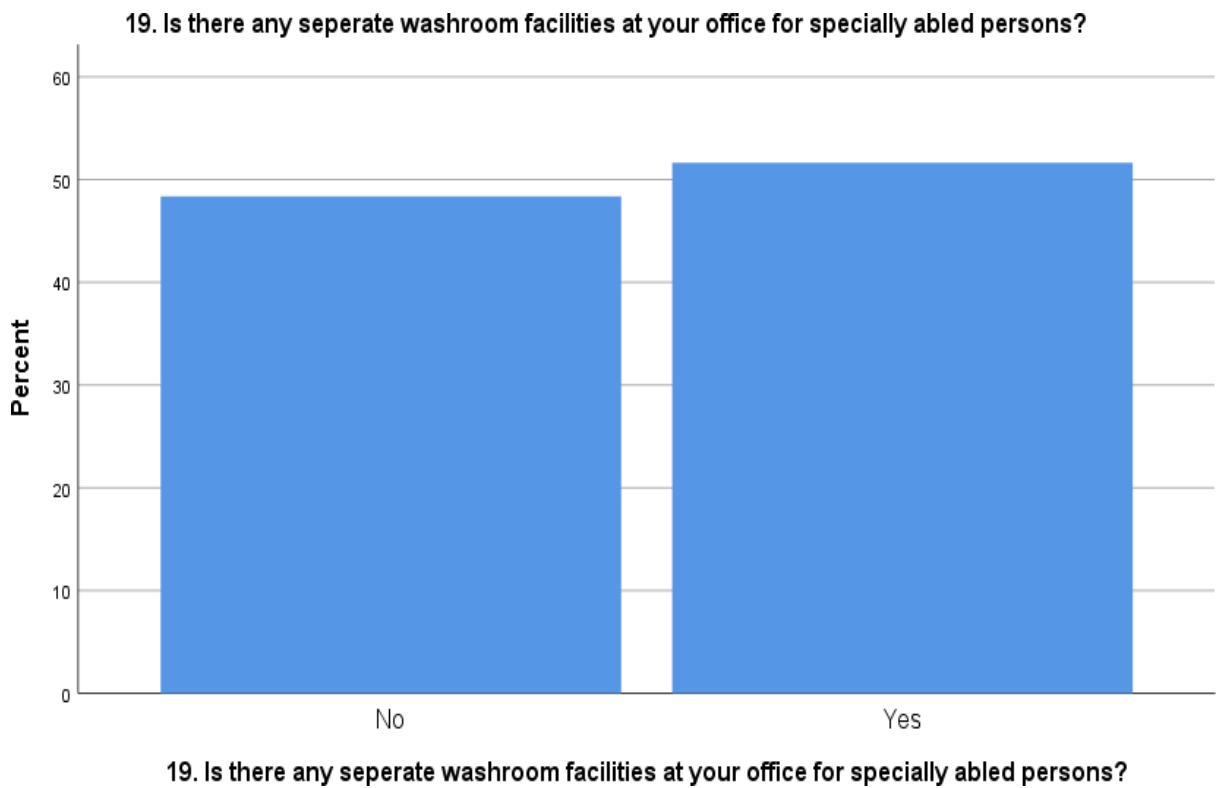


Figure 2.8

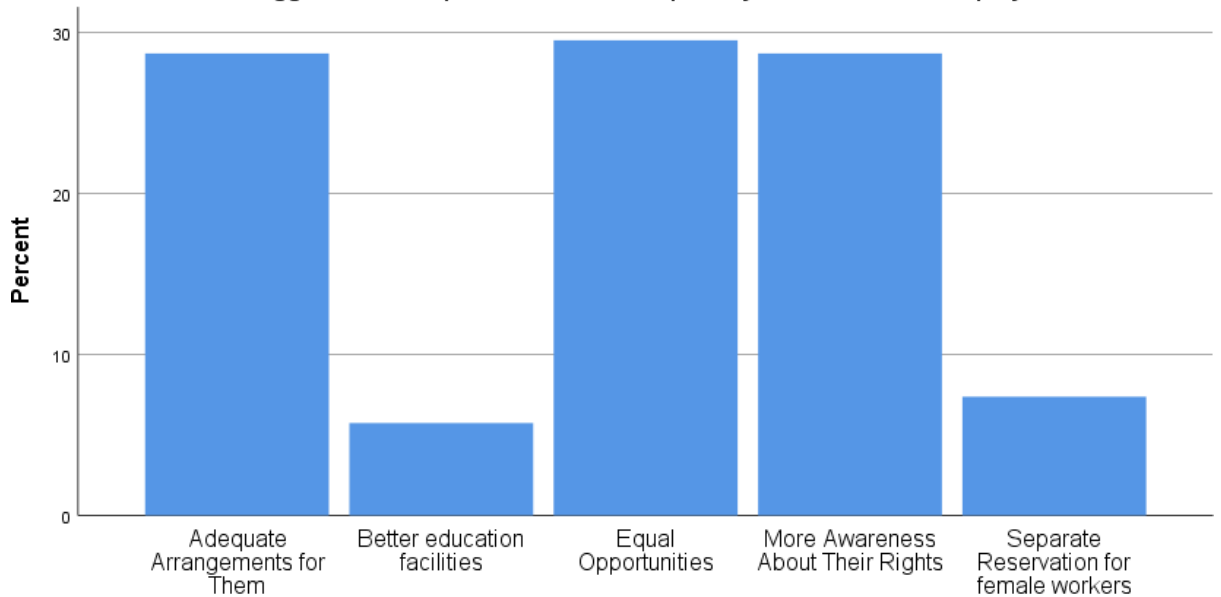
This figure 2.8 relates to the question number 19 of the questionnaire and this one relates to separate washroom facilities for them and mostly results come in favor of “Yes” which means public/private sectors are provided these facilities but there is still have some departments where these services are not available so need to do the effortsfor the same.

Q:9 Your Valuable suggestions to improve the status of specially abled women in employment sector?

Table 21

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Adequate Arrangements for Them	35	28.7	28.7	28.7
	Better education facilities	7	5.7	5.7	34.4
	Equal Opportunities	36	29.5	29.5	63.9
	More Awareness About Their Rights	35	28.7	28.7	92.6
	Separate Reservation for female workers	9	7.4	7.4	100.0
	Total	122	100.0	100.0	

20. Your valuable suggestions to improve the status of specially abled women in employment sector.



20. Your valuable suggestions to improve the status of specially abled women in employment sector.

Figure 2.9

This figure 2.9 shows the suggestions suggested by the respondents and mostly suggestions are come to provide equal opportunities, awareness regarding their rights and proper arrangements to these people.

5.3.3 Questionnaire for Specially Abled Working Women:

Third set of questionnaire is prepared for specially abled working women of Punjab state, who are working in different departments/institutions/organizations including both in public/private sector. In the responses table and figures shows the result in numbers and percentage form:-

Q:1 What is your age?

Table 22

		AGE			Cumulative
		Frequency	Percent	Valid Percent	Percent
Valid	18-30 years	54	43.2	43.2	43.2
	31-40 years	51	40.8	40.8	84.0
	41-50 years	19	15.2	15.2	99.2
	51-60 years	1	.8	.8	100.0
	Total	125	100.0	100.0	

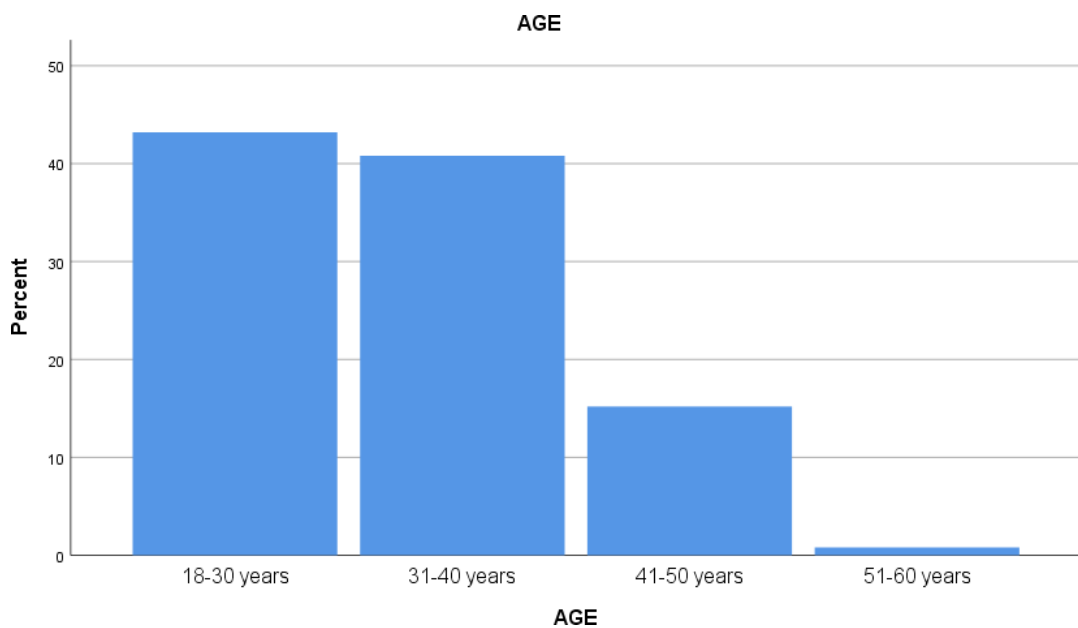


Figure 3.1

The figure 3.1 relates to the question no.2 of third questionnaire framed for specially abled working women of Punjab state, to know about their age group. This shows that mostly from the age group of 18-30 & 31-40 years of specially abled women are working. This figure shows the results in numbers and percentage form. Upper part shows the result in numbers and responses are collected from 54 respondents of the age group of 18-30 years of age and in percentage it comes into 43.2% of total respondents.

Q:2 Educational Qualification?

Table 23

EDUCATIONAL QUALIFICATION

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Graduate	25	20.0	20.0	20.0
	Higher Secondary	53	42.4	42.4	62.4
	Masters	12	9.6	9.6	72.0
	Matric	29	23.2	23.2	95.2
	Others	6	4.8	4.8	100.0
	Total	125	100.0	100.0	

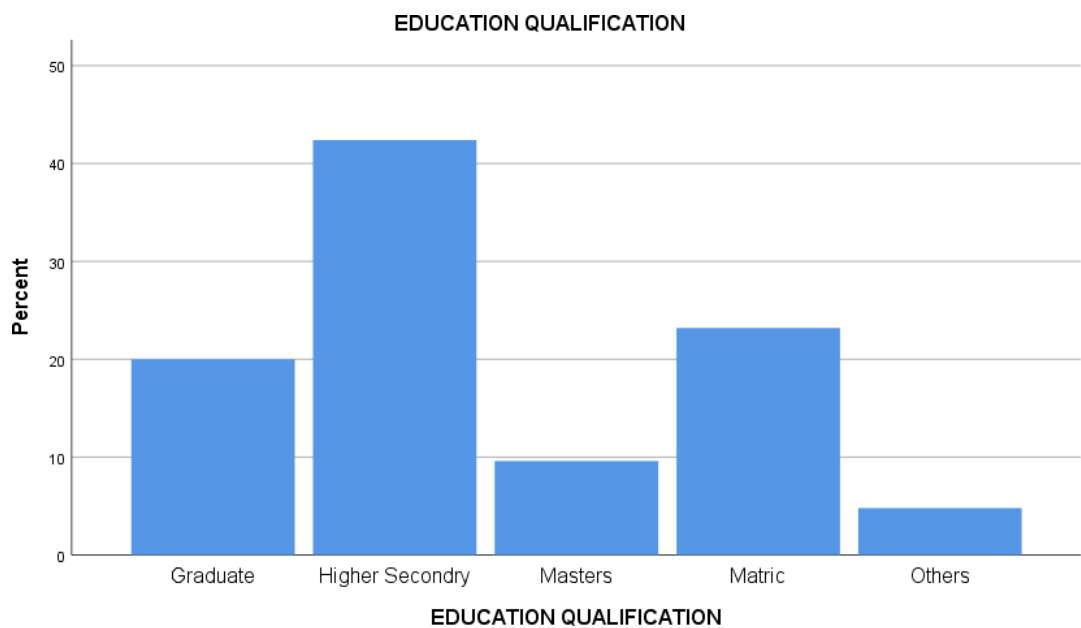


Figure 3.2

Table 23 relates to the question no.3 of third questionnaire framed for specially abled working women of Punjab state to know about their qualification. Upper part shows the result in numbers and responses are collected from 53 respondents having qualification upto higher secondary and in percentage it comes to 42.4 % of total respondents. This shows that most of the specially abled working women qualified higher secondary and only 20% of them qualified their graduation degree. So, there is a need to work upon their education and due to some loopholes like social awareness, less support of society and government, mostly specially abled women are less educated.

Q:3 In which State you are living?

Table 24

		STATE			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Other	1	.8	.8	.8
	Punjab	124	99.2	99.2	100.0
	Total	125	100.0	100.0	

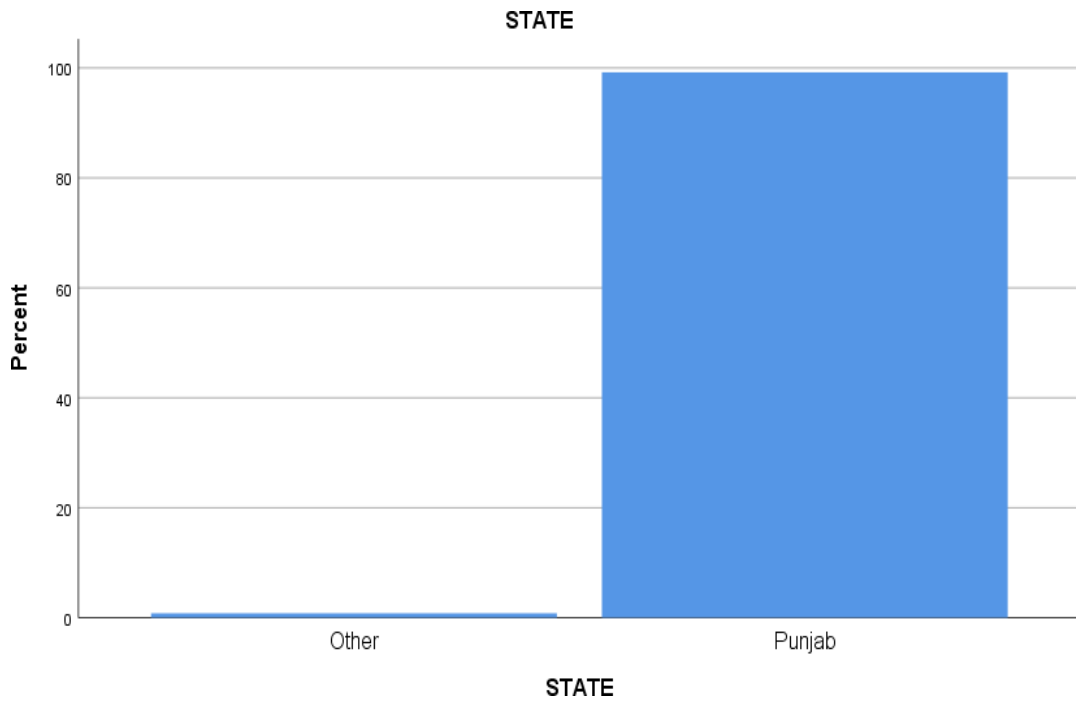


Figure 3.3

Table 24 shows that the data has been collected from Punjab State.

Q:4 In which district do you live?

Table 25

		DISTRICT			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Amritsar	20	16.0	16.0	16.0
	Hoshiarpur	20	16.0	16.0	32.0
	Jalandhar	20	16.0	16.0	48.0
	Ludhiana	20	16.0	16.0	64.0
	Other	4	3.2	3.2	67.2
	Patiala	21	16.8	16.8	84.0
	Tarntaran Sahib	20	16.0	16.0	100.0
Total		125	100.0	100.0	

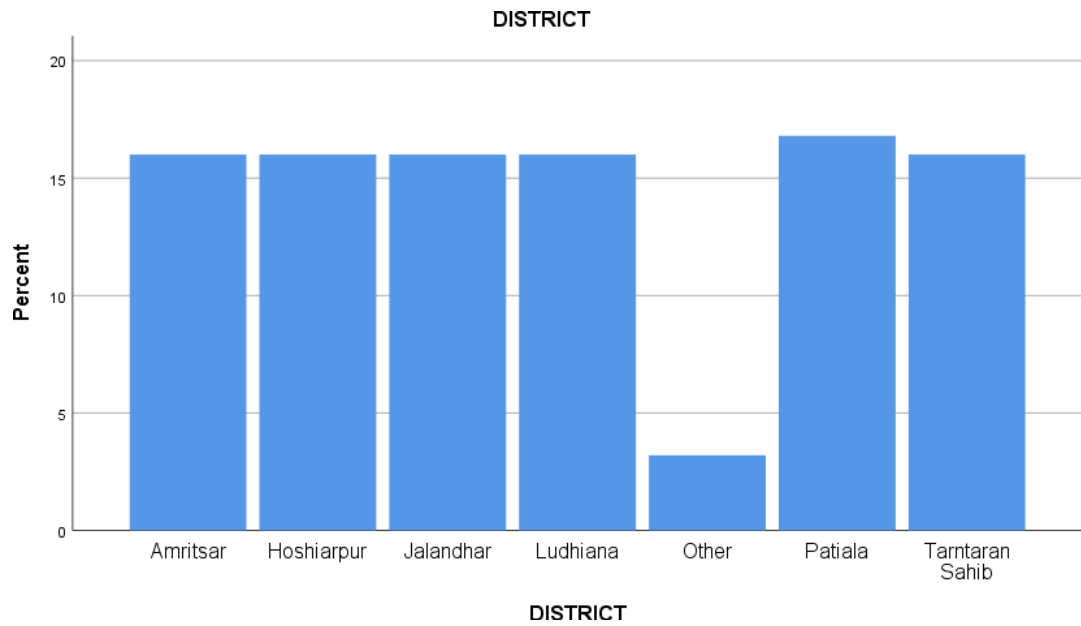


Figure 3.4

The figure 3.4 relates to the question framed for specially abled working women of Punjab state. This shows that data is collected from six selected districts of Punjab State.

Q:5 Which one of the disabilities you are suffering?

Table 26

		TYPE OF DISABILITY			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Intellectual	5	4.0	4.0	4.0
	Mental Behavior	2	1.6	1.6	5.6
	Multiple	10	8.0	8.0	13.6
	Other	14	11.2	11.2	24.8
	Physical	94	75.2	75.2	100.0
Total		125	100.0	100.0	

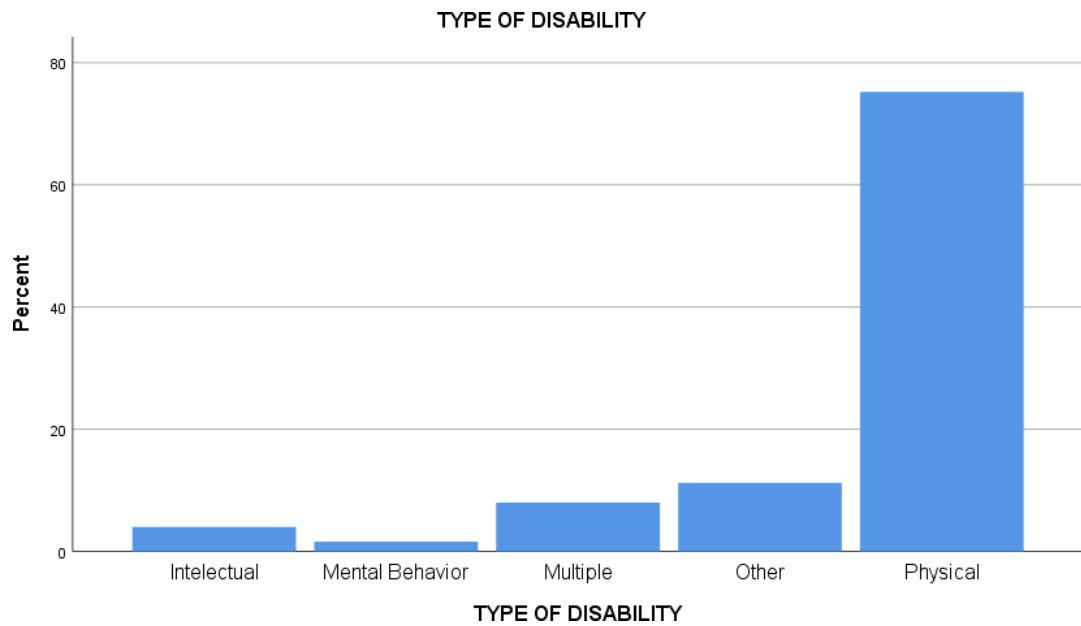


Figure 3.5

The figure 3.5 relates to the question framed for specially abled working women of Punjab state to know their disability. This shows that mostly specially abled working women of Punjab are suffered from Physical disability, which shows that with their physical hardships they are managing their work and do their work properly. So, this negate the views of people about question upon their physical capacities that they are not equally competent to work as of abled bodied persons.

Q:6 What was a cause of your disability?

Table 27

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	.8	.8	.8
By Accident	9	7.2	7.2	8.0
By Birth	86	68.8	68.8	76.8
By Disease	29	23.2	23.2	100.0
Total	125	100.0	100.0	

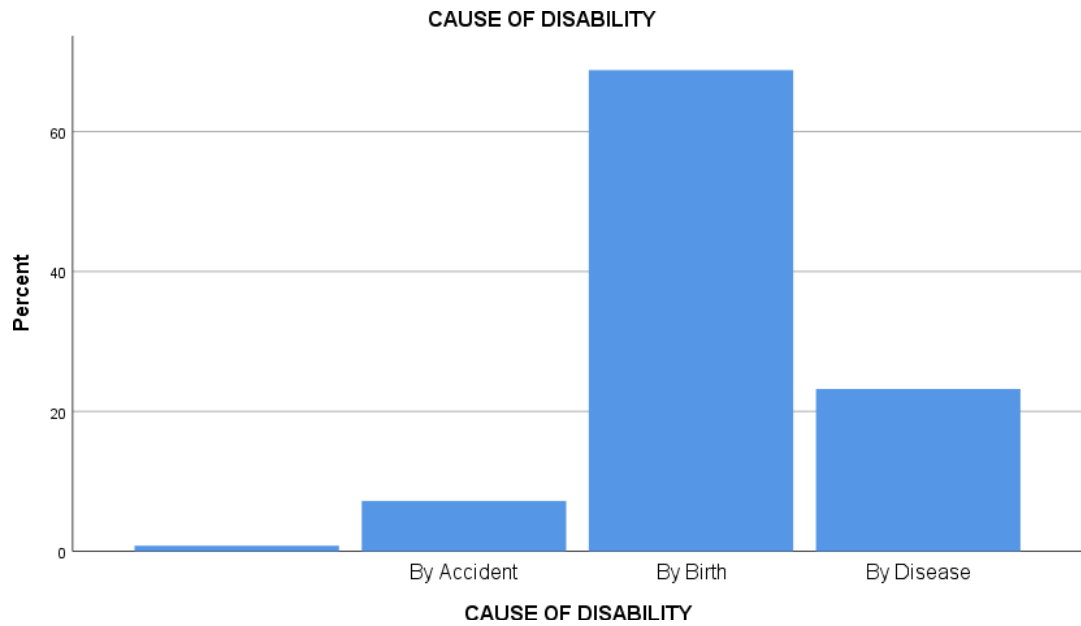


Figure 3.6

This figure 3.6 defines the cause of disability and from the result of this question it is clear that their disabilities are caused by birth, which means mother face some sought of deficiencies while pregnancy and we need to work upon their good health and diet during their pregnancy.

Q:7 What is your marital status?

Table 28

		MARITAL STATUS			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Divorcee	3	2.4	2.4	2.4
	Married	59	47.2	47.2	49.6
	Unmarried	62	49.6	49.6	99.2
	Widow	1	.8	.8	100.0
Total		125	100.0	100.0	

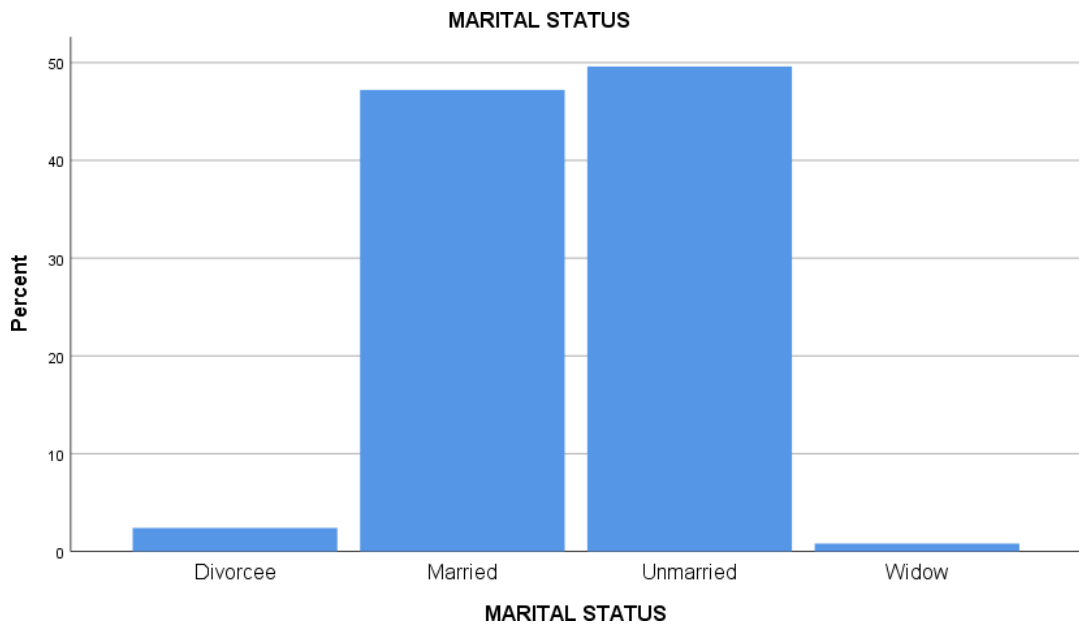


Figure 3.7

This figure 3.7 defines the marital status of working specially abled women and the results shows that half are married and half are unmarried.

Q:8 Has your family been supportive to overcome the trauma of disability?

Table 29

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid		1	.8	.8	.8
	No	10	8.0	8.0	8.8
	Yes	114	91.2	91.2	100.0
	Total	125	100.0	100.0	

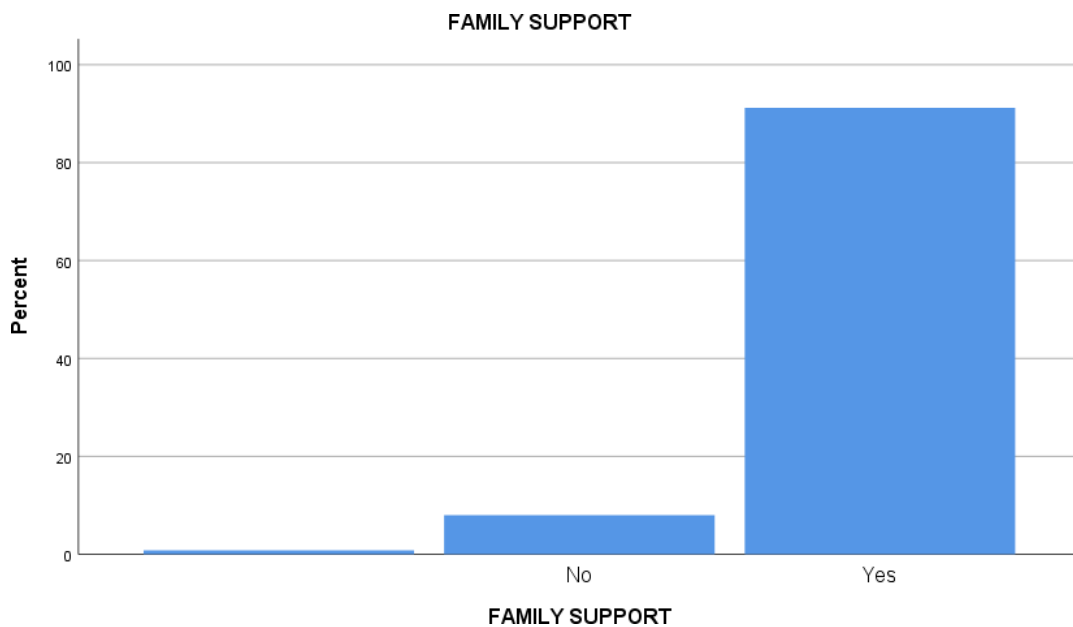


Figure 3.8

This figure 3.8 relates to the support of families of specially abled working women to overcome from their disability and 91.2% says yes which clears that their families are supportive.

Q:9 Did you face any difficulty when your matrimonial alliance was fixed?

Table 30

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid		2	1.6	1.6	1.6
	No	76	60.8	60.8	62.4
	Yes	47	37.6	37.6	100.0
	Total	125	100.0	100.0	

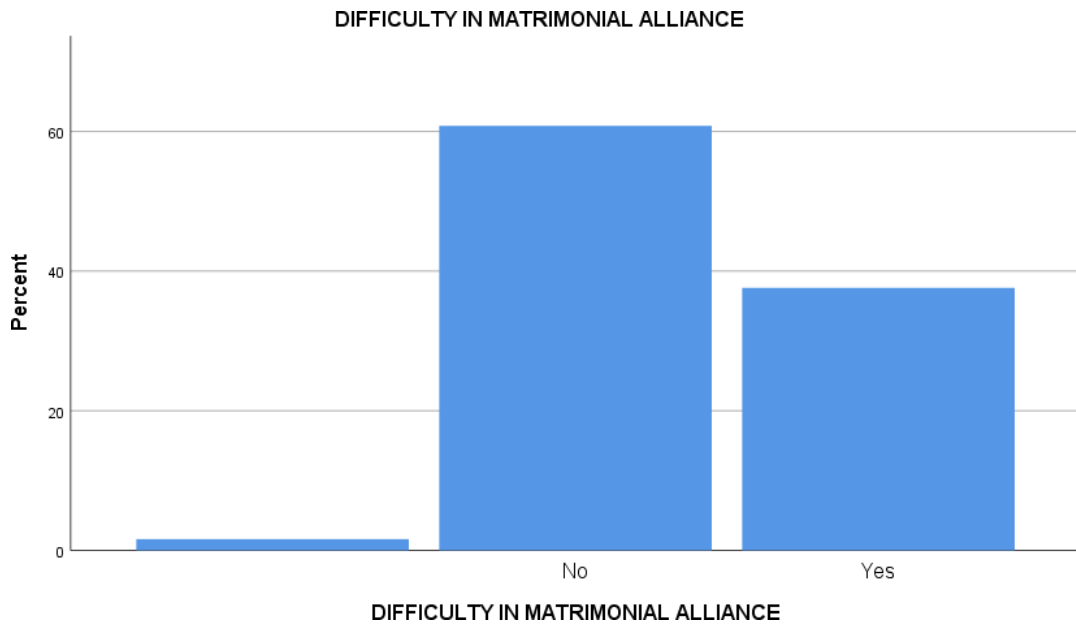


Figure 3.9

This figure 3.9 relates to the question formed to know about difficulties face by them while their matrimonial alliance or not and 60.8% specially abled women say “No” which means they have not face any difficulty in their matrimonial alliance.

Q:10 In which department you are working?

Table 31

		DEPARTMENT			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid		1	.8	.8	.8
	Private	62	49.6	49.6	50.4
	Public	62	49.6	49.6	100.0
	Total	125	100.0	100.0	

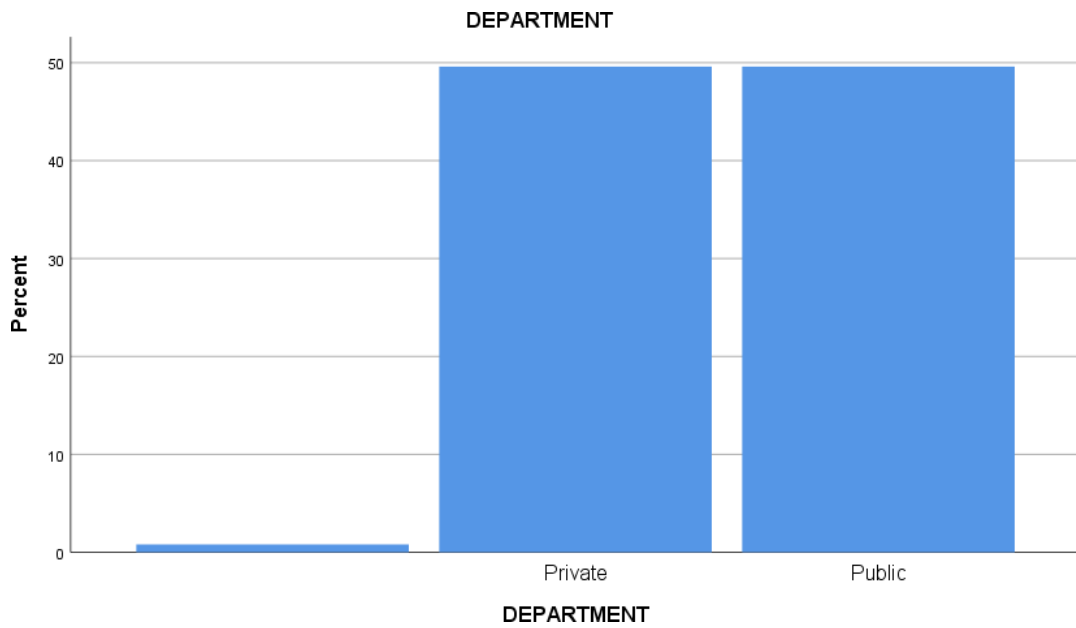


Figure 3.10

This figure 3.10 shows that data has been collected at 50-50 ratio from public/private departments of Punjab state.

Q:11 Your Designation?

Table 32

		DESIGNATION			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid		1	.8	.8	.8
	Assistant	8	6.4	6.4	7.2
	Executive	8	6.4	6.4	13.6
	Functional	65	52.0	52.0	65.6
	Junior	32	25.6	25.6	91.2
	Other	6	4.8	4.8	96.0
	Senior	5	4.0	4.0	100.0
	Total	125	100.0	100.0	

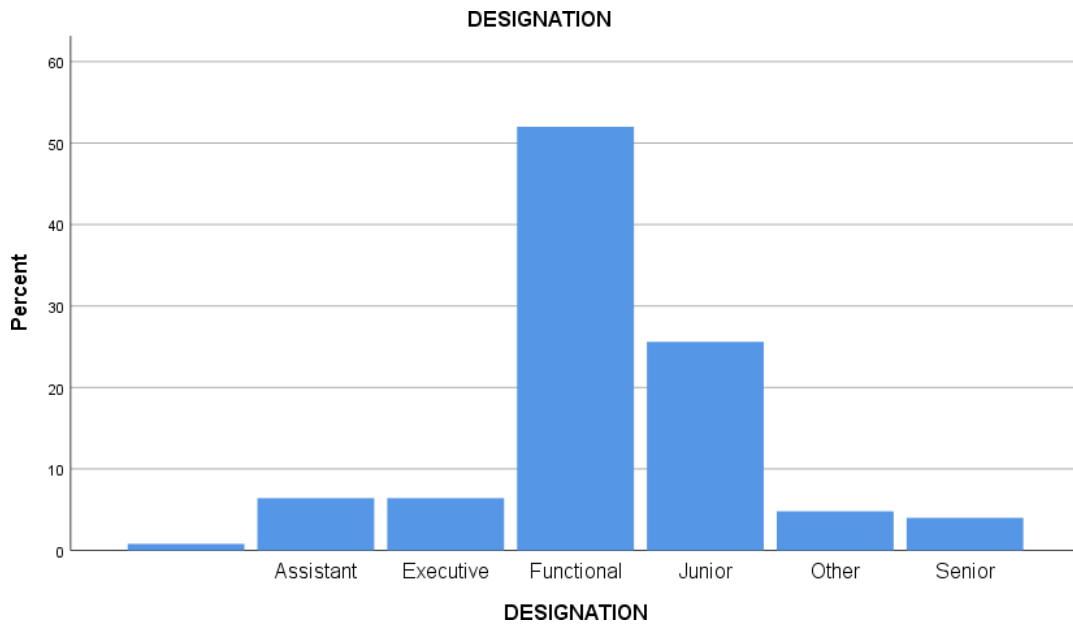


Figure 3.11

This figure 3.11 relates to the nature of their work or their designation. Results of this question shows that most of respondents are in functional work with their physical challenges, which again shows their equal capabilities as of abled bodied persons.

Q:12 Your Period of service in years?

Table 33

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1-5 (1)	80	64.0	64.0	64.0
	5-10 (2)	35	28.0	28.0	92.0
	10-20 (3)	9	7.2	7.2	99.2
	More than 20 (4)	1	.8	.8	100.0
	Total	125	100.0	100.0	

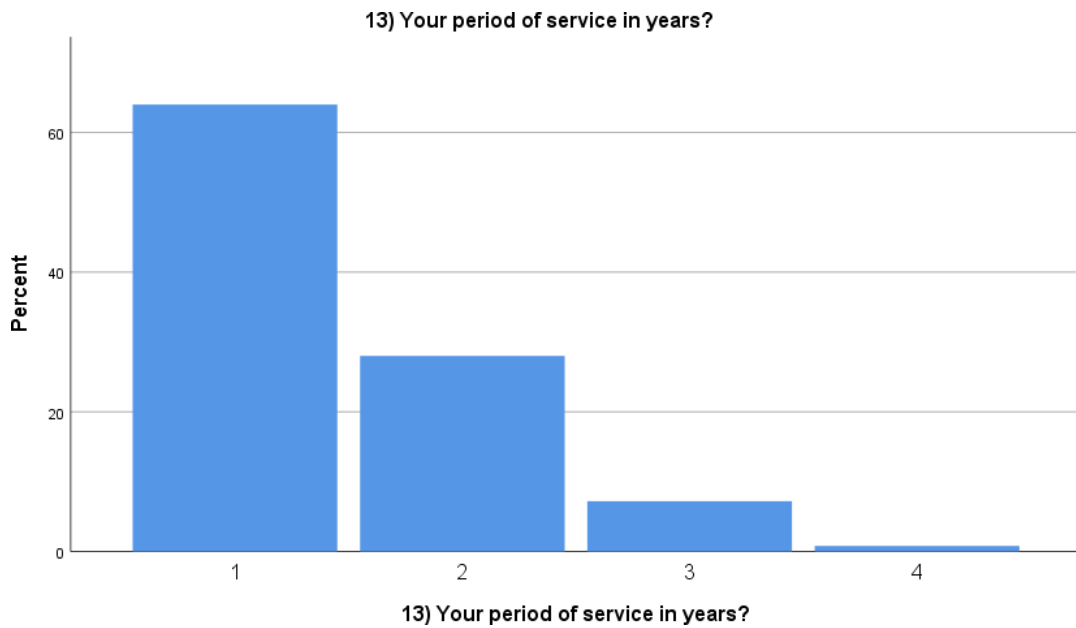


Figure 3.12

This figure 3.12 relates to the tenure of specially abled working women and for this coding is set up from 1-4 and the result shows that most of the respondents are of first code i.e. 1-5 years of tenure.

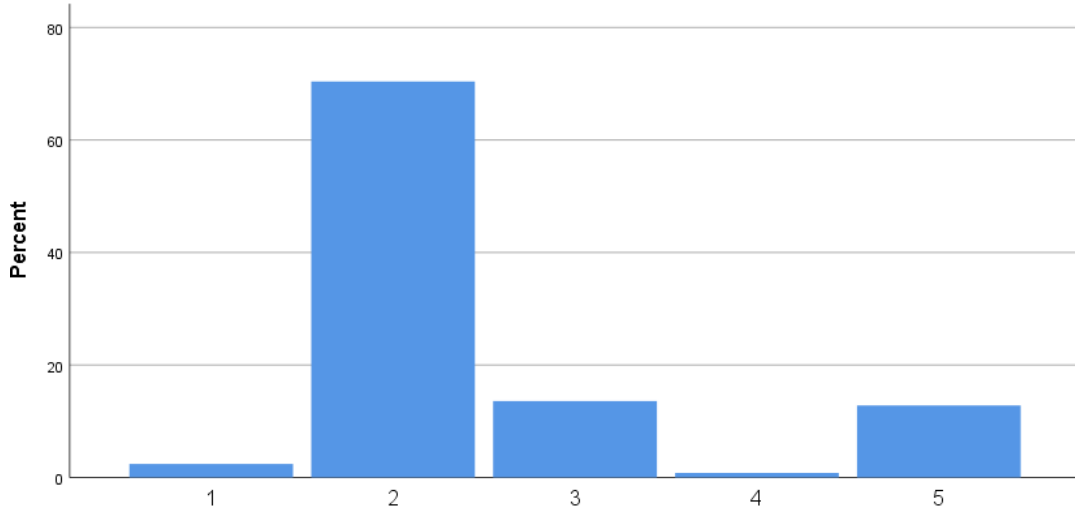
Q:13 Give your rating up to the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Strongly Satisfied, 5=Satisfied) qua satisfaction at workplace?

Table 34

Rate up to the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Strongly Satisfied, 5=Satisfied).

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	3	2.4	2.4	2.4
	2	88	70.4	70.4	72.8
	3	17	13.6	13.6	86.4
	4	1	.8	.8	87.2
	5	16	12.8	12.8	100.0
	Total	125	100.0	100.0	

14) Give your rating up to the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Strongly Satisfied, 5=Satisfied) qua satisfaction at workplace.



14) Give your rating up to the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Strongly Satisfied, 5=Satisfied) qua satisfaction at workplace.

Figure 3.13

This figure 3.13 relates to the scale of their satisfaction qua respective work and the result shows that they are not satisfied with their workplace. So, need to work upon equal and friendly environment at workplace for them.

Q:14 Expectations to improve your work skill?

**Table 35
EXPECTATIONS AT WORK PLACE**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Guidance	25	20.0	20.0	20.0
	Motivation	12	9.6	9.6	29.6
	Other	3	2.4	2.4	32.0
	Salary	44	35.2	35.2	67.2
	Support	41	32.8	32.8	100.0
	Total	125	100.0	100.0	

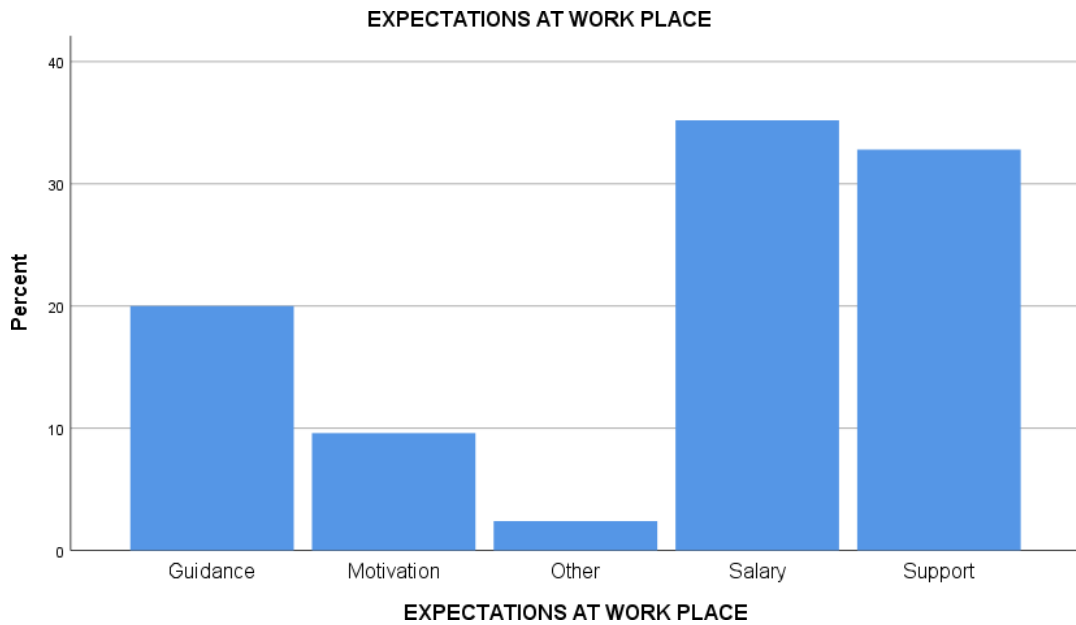


Figure 3.14

This figure 3.14 relates to the question framed to know about their expectations to improve their work skill and results comes mostly for improvement in support and salary, which means they are not satisfied with their scale of salary and need support of others including government to uplift their work skills.

Q:15 Relationship of your colleagues with you?

Table 36

		WORKPLACE RELATIONS			Cumulative
		Frequency	Percent	Valid Percent	Percent
Valid	Autocratic	59	47.2	47.2	47.2
	Democratic	24	19.2	19.2	66.4
	Friendly	34	27.2	27.2	93.6
	Sympathetic	8	6.4	6.4	100.0
	Total	125	100.0	100.0	

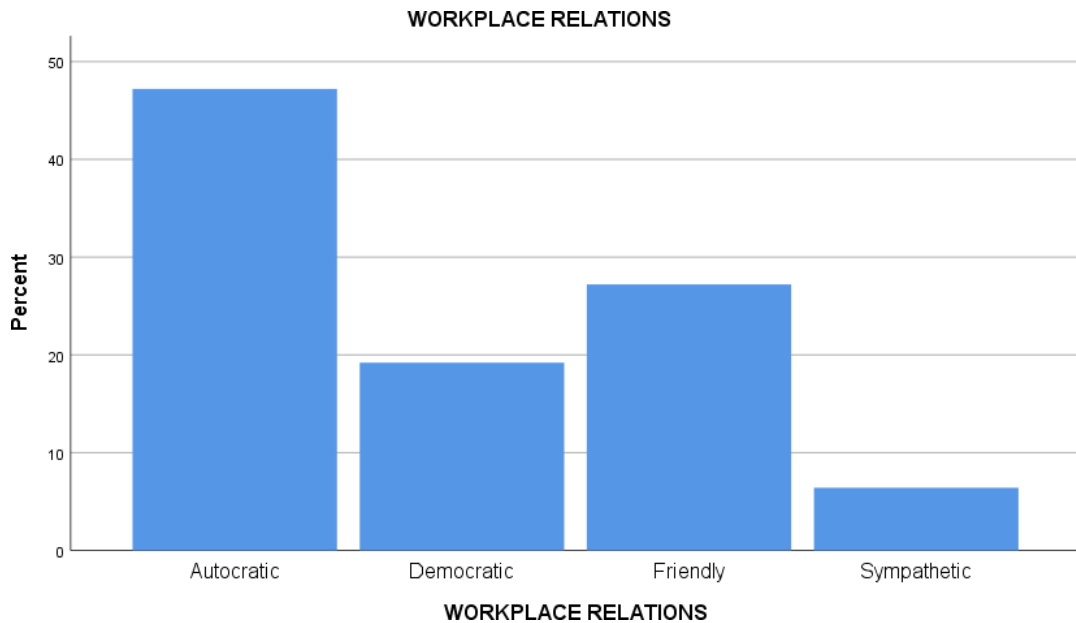


Figure 3.15

This figure 3.15 relates to the question set to know about the behavior of their colleagues with them and 47.2% respondent feels that the behavior of their colleagues are autocratic and 27.2% respondents feel friendly behavior. So, most of the respondents feel autocratic behavior which means power oriented behavior and of dominating character which needs to be changed for the healthy environment at workplaces.

Q:16 How many Abled bodied employees are working in your organization?

Table 37

NUMBER OF ABLED EMPLOYEES		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1-5	8	6.4	6.4	6.4
	5-10	49	39.2	39.2	45.6
	More than 10	68	54.4	54.4	100.0
	Total	125	100.0	100.0	

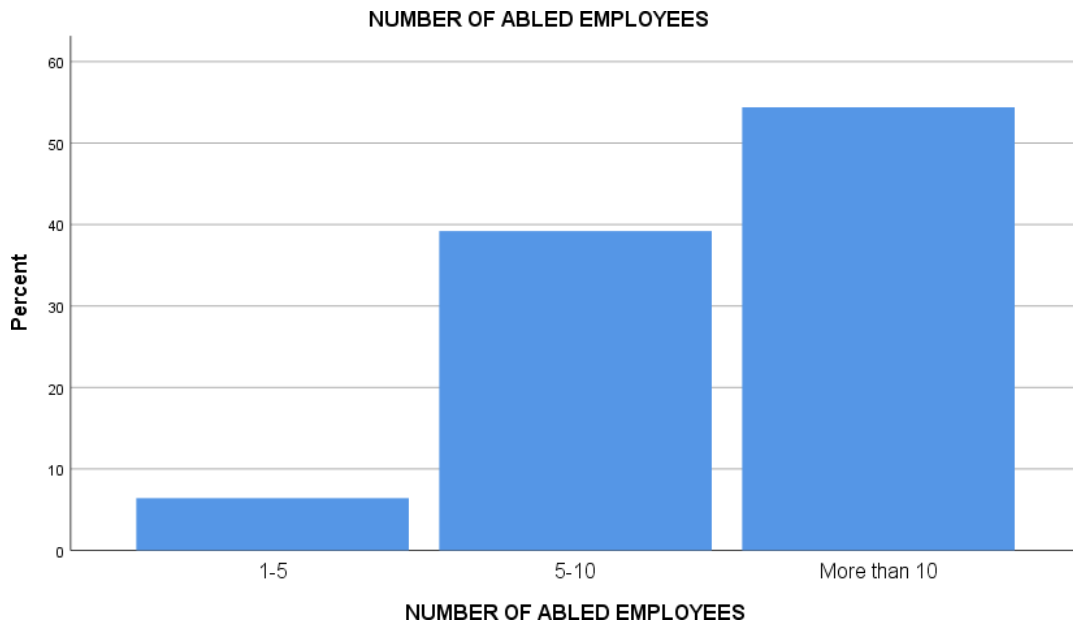


Figure 3.16

This figure 3.16 relates to the number of abled employees at the working place of respondents and the result shows that data has been collected mostly from that departments where more than 10 employees are working.

Q:17 How many specially abled women employees are working in your organization)?

Table 38

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1-5	114	91.2	91.2	91.2
	5-10	7	5.6	5.6	96.8
	More than 10	4	3.2	3.2	100.0
	Total	125	100.0	100.0	

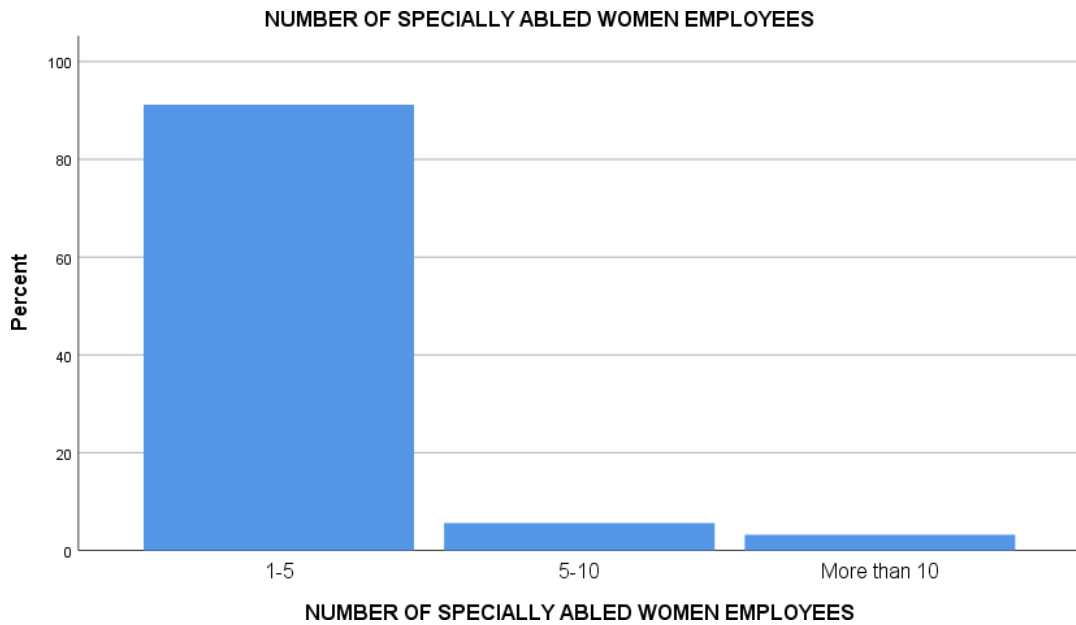


Figure 3.17

This figure 3.17 relates to the number of specially abled working women at the working place of respondents and the result shows that data has been collected mostly from that departments where most of the specially abled women are working.

Q:18 Do you know about the schemes of government for specially abled persons?

Table 39

AWARENESS OF GOVERNMENT SCHEMES

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	32	25.6	25.6	25.6
	Yes	93	74.4	74.4	100.0
	Total	125	100.0	100.0	

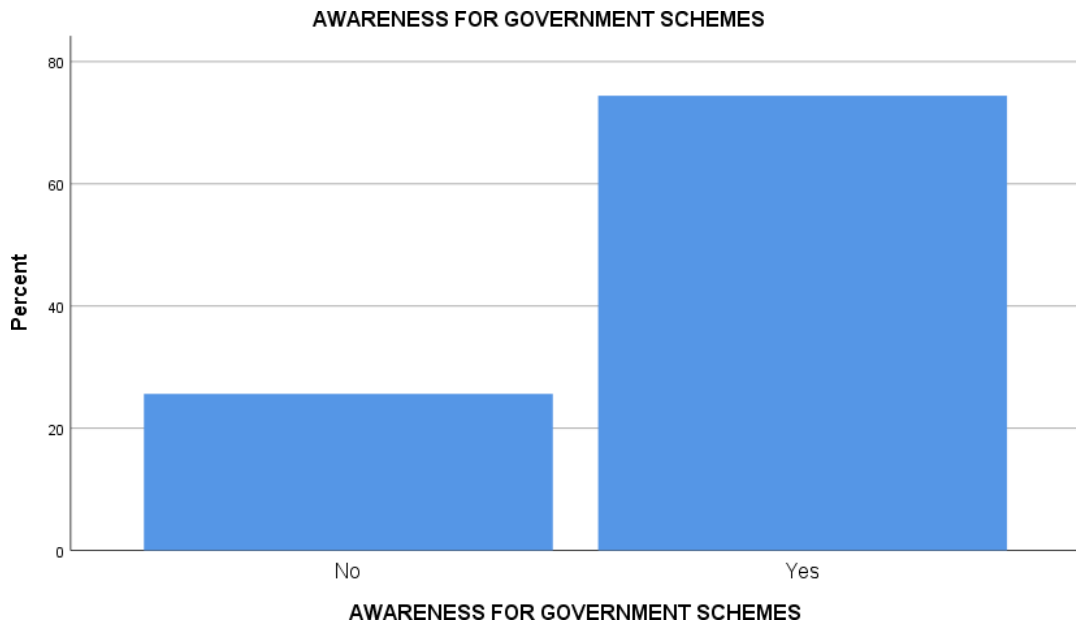


Figure 3.18

This figure 3.18 defines the knowingness of respondents about the government schemes for them and mostly respondents know about these schemes.

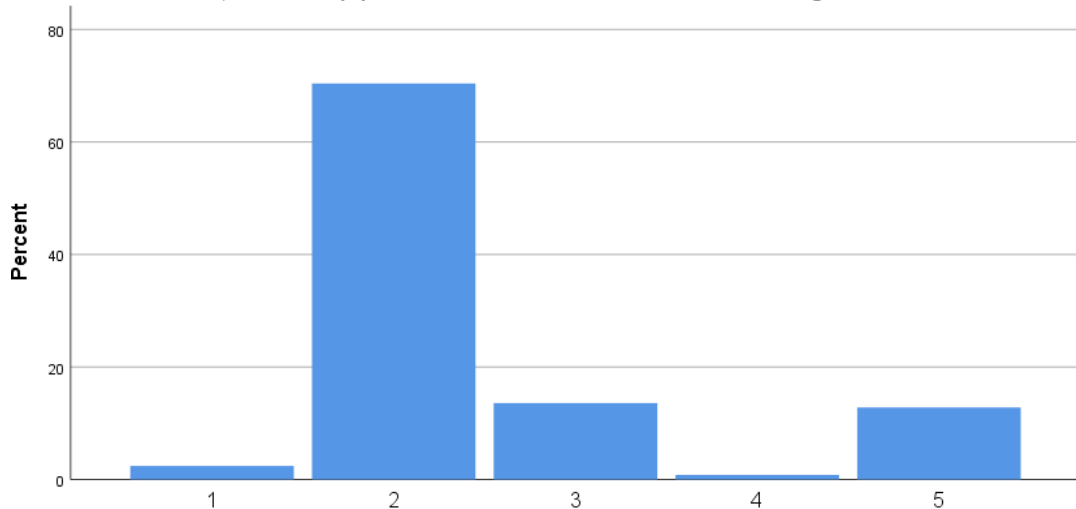
Q:19 Give your rating on the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Satisfied, 5=Strongly Satisfied) for the satisfaction level qua beneficial schemes of Government?

Table 40

Rating up to the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Strongly Satisfied, 5=Satisfied)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	3	2.4	2.4	2.4
	2	88	70.4	70.4	72.8
	3	17	13.6	13.6	86.4
	4	1	.8	.8	87.2
	5	16	12.8	12.8	100.0
	Total	125	100.0	100.0	

21) Give your rating up to the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Strongly Satisfied, 5=Satisfied) qua satisfaction level of beneficial schemes of government?



21) Give your rating up to the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Strongly Satisfied, 5=Satisfied) qua satisfaction level of beneficial schemes of government?

Figure 3.19

This figure 3.19 relates to the question set to know about the satisfaction level of respondents qua beneficial schemes of government and 70.4% respondents are dissatisfied with these schemes. So, need to work upon the implementation of these schemes.

Q:20 Do you know about any reservation for specially abled persons in employment sector?

Table 41

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	27	21.6	21.6	21.6
	Yes	98	78.4	78.4	100.0
	Total	125	100.0	100.0	

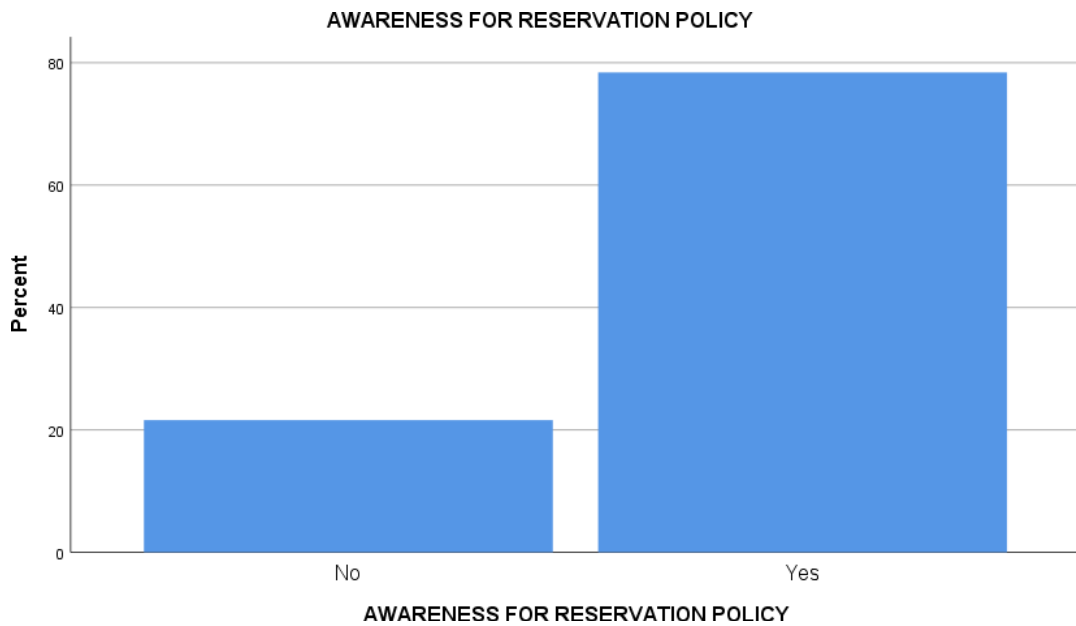


Figure 3.20

This figure 3.20 shows that mostly respondents know about the reservation policies for them.

Q:21 Are you getting accessible transport facilities?

Table 42

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	117	93.6	93.6	93.6
	Yes	8	6.4	6.4	100.0
	Total	125	100.0	100.0	

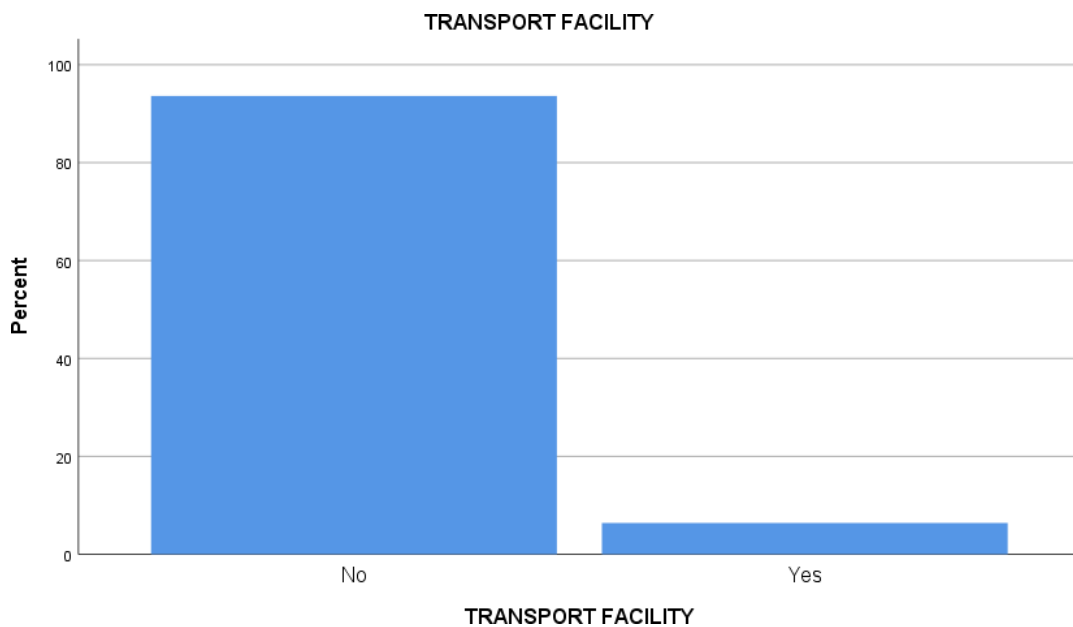


Figure 3.21

This figure 3.21 relates to accessible transport facilities and mostly results come in favor of “No” which clears that respondents are not getting accessible transport facilities in Punjab State.

Q:22 Are there any proper facilities of Ramps and elevators at your workplace?

Table 43

		FACILITY OF RAMPS AND ELEVATORS			Cumulative
		Frequency	Percent	Valid Percent	Percent
Valid	No	1	.8	.8	.8
	No	97	77.6	77.6	78.4
	Yes	27	21.6	21.6	100.0
	Total	125	100.0	100.0	

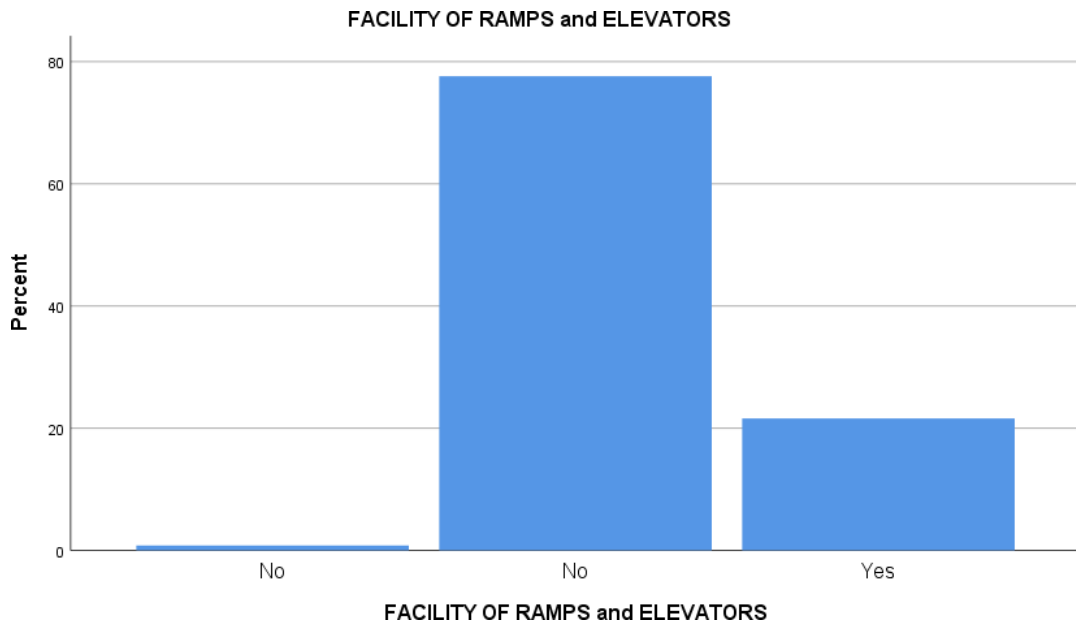


Figure 3.22

This figure 3.22 relates to proper facilities of ramps and elevators at their workplaces. Result shows that there are not proper facilities of ramps and elevators at their workplaces but as per the government provisions and rules these are mandatory for every public department for the facility of these people. Here the data is collected from private and public department as 50-50 ratio, which shows that in both sectors government need to work for the proper facilities of ramps and elevators at ground level for these people.

Q:23 Are there any separate washroom facilities at your workplace for specially abled persons?

Table 44

SEPERATE WASHROOM FACILITIES

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No	1	.8	.8	.8
	No	77	61.6	61.6	62.4
	Yes	47	37.6	37.6	100.0
Total		125	100.0	100.0	

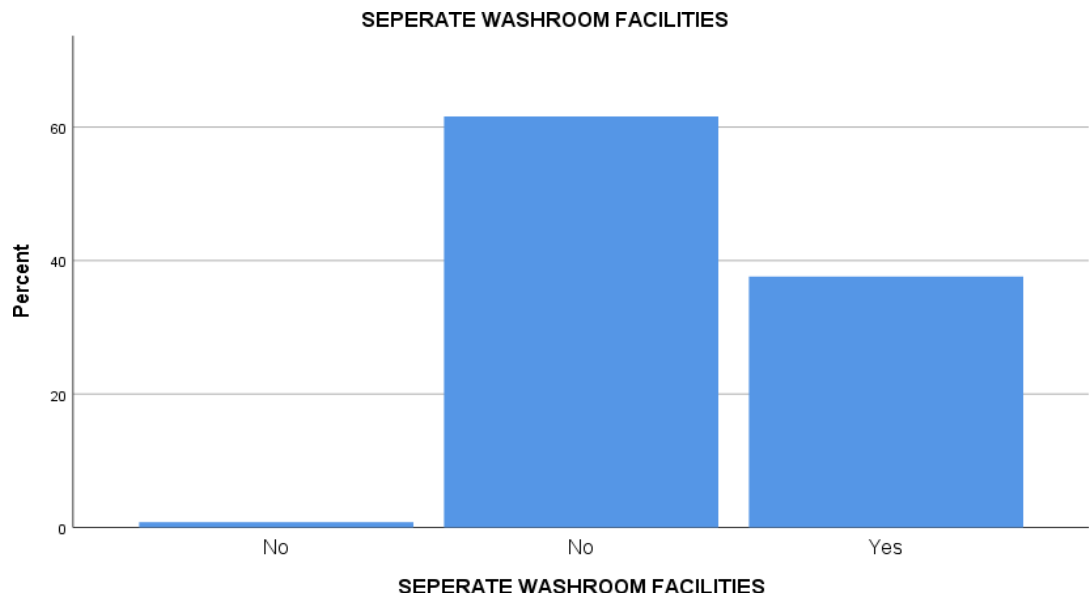


Figure 3.23

This figure 3.23 relates to separate washroom facilities for them and mostly results come in favor of “No” which clears that respondents are not getting separate washroom facilities as per the government rules and notifications.

Q:24 Are you satisfied with the healthcare facilities of government run for specially abled persons?

Table 45

		HEALTH CARE FACILITIES			Cumulative
		Frequency	Percent	Valid Percent	Percent
Valid	No	118	94.4	94.4	94.4
	Yes	7	5.6	5.6	100.0
	Total	125	100.0	100.0	

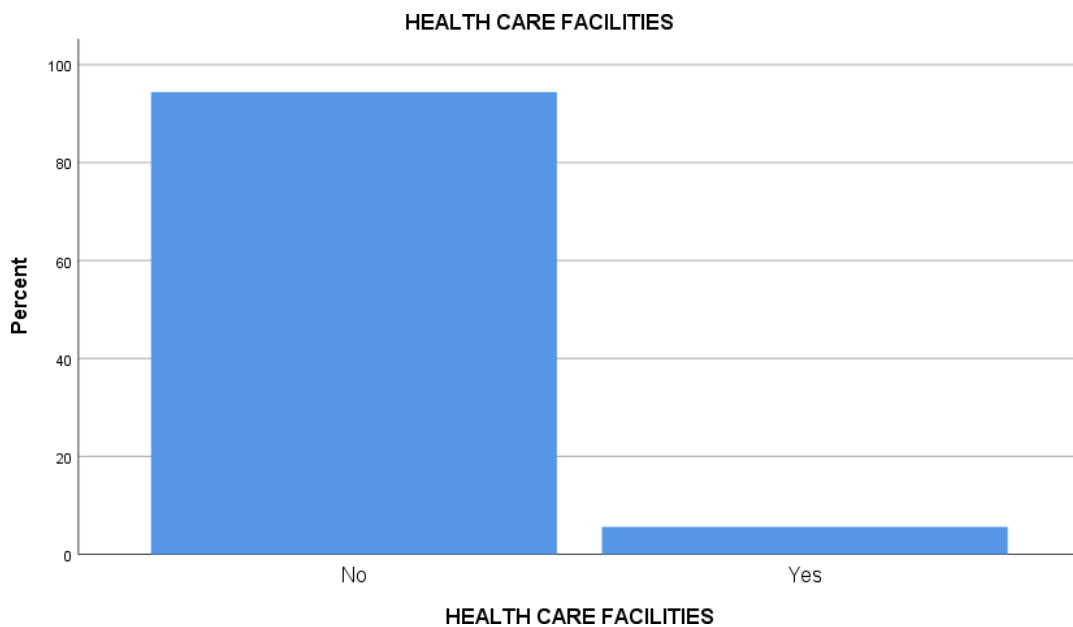


Figure 3.24

This figure 3.24 relates to healthcare facilities for these people by government and the results shows that they are not satisfied with the healthcare facilities for them and government need to work upon this matter.

Q:25 Valuable Suggestions (If any)?

**Table 46
SUGGESTIONS (If any)**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Better education facilities	30	24.0	24.0	24.0
	Good Salary & Equal Opportunities	24	19.2	19.2	43.2
	Guidance & Support of Society	36	28.8	28.8	72.0
	Proper Implementation of Beneficial Schemes.	14	11.2	11.2	83.2
	Separate Reservation Policies.	21	16.8	16.8	100.0
	Total	125	100.0	100.0	

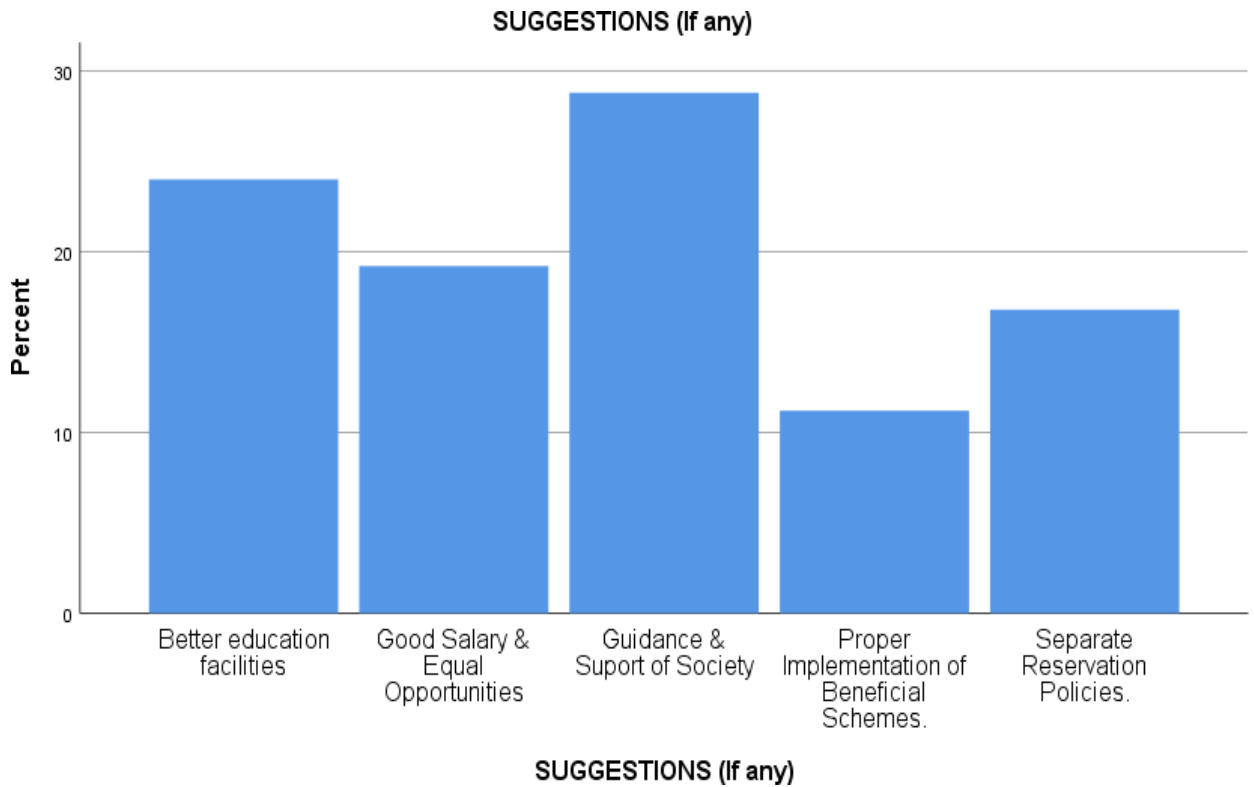


Figure 3.25

This figure 3.25 shows the suggestions suggested by the respondents and mostly suggestions are come to improve the education policies and support of society.

5.3.3.1 RESULTS WITH PEARSON CORRELATION:

1. Pearson test of correlation is used to examine the correlation between the Age of Specially Abled Working Women and their Satisfaction Level qua Beneficial Schemes of Government.
2. Pearson test of correlation is used to examine the correlation between the Education of Specially Abled Working Women and their Satisfaction Level qua Beneficial Schemes of Government.
3. Pearson test of correlation is used to examine the correlation between the tenure of Specially Abled Working

Women and their Satisfaction Level qua their workplace.

Table 47

Correlation Table for age and their satisfaction level qua beneficial schemes

		AGE	SATISFACTI ON LEVEL
Age	Pearson Correlation	1	.205*
	Sig. (2-tailed)		.022
	N	125	125
Satisfaction Level	Pearson Correlation	.205*	1
	Sig. (2-tailed)	.022	
	N	125	125

*. Correlation is significant at the 0.05 level (2-tailed).

As shown in table no. 47, Pearson Correlation is .205 and the significant is 0.02, which means p value is less than 0.05. Thus, we reject the null hypothesis and the alternate prevail and this shows the correlation between the age and satisfaction level of respondents.

Table 48

Correlation Table for Education level and their satisfaction level qua beneficial schemes

		EDUCATION	SATISFACTION LEVEL
Education	Pearson Correlation	1	.205*
	Sig. (2-tailed)		.022
	N	125	125
Satisfaction Level	Pearson Correlation	.205*	1
	Sig. (2-tailed)	.022	
	N	125	125

*. Correlation is significant at the 0.05 level (2-tailed).

As shown in table no. 48, Pearson Correlation is .205 and the significant is 0.02, which means p value is less than 0.05. Thus, we reject the null hypothesis and the alternate prevail and this shows the correlation between the education and satisfaction level of respondents.

Table 49

Correlation Table of Respondents Tenure and their satisfaction level qua Workplace

		TENURE OF SERVICE	SATISFACTION AT WORKPLACE.
TENURE OF SERVICE	Pearson Correlation	1	.306**
	Sig. (2-tailed)		.001
	N	125	125
SATISFACTION AT WORKPLACE	Pearson Correlation	.306**	1
	Sig. (2-tailed)	.001	
	N	125	125

** . Correlation is significant at the 0.01 level (2-tailed).

As shown in table no. 49, Pearson Correlation is .306 and the significant is 0.01, which means p value is less than 0.05. Thus, we reject the null hypothesis and the alternate prevail and this shows the correlation between the tenure of respondents and their satisfaction level at workplace.

As shown in the Table 47, 48 and Table 49 the p -value calculated are less than significance level of 0.05, thus we reject the null hypothesis and alternate hypothesis is prevailed. Therefore, Correlation in these variables are statistically significance and there are relationship between these variables. It is impossible to tell since, the factor were not examined in the present study as the correlation cannot determine the cause behind the variable.

5.4 Findings of the Study:

- I. As per the results of second questionnaire, it founds that number of specially abled working women in private sector is more as comparison of public departments.
- II. Most of the specially abled working women are suffering from physical disability, which is caused by birth, so here is need of better and nutritional diet for women so this can be reduced.
- III. Specially abled women who are working in private sector needs more salary for their better living.
- IV. Most of the Specially abled working women are qualified upto 12th standard, which shows the need to work towards their better education.
- V. Marital status of specially abled working women shows about 50-50 slab which means half of them are not married and other half also faced difficulties while their matrimonial alliance was fixed, which means need to aware the general public qua to their abilities and capabilities rather to see their physical incapacities.
- VI. Most of the specially abled women are doing functional work which shows that they are equally competent to do their work as of abled bodied persons.
- VII. They enjoyed less at their workplaces and faces issues regarding the autocratic behavior of other collogues with them. Here is the need to guide and trained the other employees so that they treat them equally.
- VIII. Most of the specially abled working women know about the government schemes and benefits but not getting the benefit of these, so need for proper implementation of these schemes.

- IX. Major attention of the government is needed towards the better transport and healthcare facilities as per their requirements and also to ensure separate Washrooms and sitting places for them at their workplaces including both in public and private sector.

CHAPTER-6
CONCLUSION
AND
SUGGESTIONS

“I don’t need easy I just need possible”.

.....Bethany Hamilton

6.1 Introduction:

The present chapter is a crux of the whole research work conducted upon the rights of Specially Abled Persons especially Specially Abled Working Women. The issues of Specially abled persons are ascertained after review of literature available at National and International Level. The present study is divided into Six Chapters:

First chapter relates to the introduction and historical background of specially abled persons, which explains the meaning of the word “Disability” which used as Specially abled persons or physically challenged persons, different definitions, provisions about these people. Historical status of specially abled women is also discussed under this chapter as how they are living in past scenario. Other contents also includes the main objectives of the study, need for the study, its scope etc.

Second chapter relates to the International perspective of specially abled persons living worldwide. Under this chapter different conventions, principles of United Nation towards protection of rights of specially abled persons are discussed. Study of USA, Canada, England, Germany and Australia are also discussed which explains their statutory provisions towards specially abled persons. By comparative analysis of different provisions of different statutes of different countries, it comes into existence that other countries have separate laws and provisions for the protection of the rights of these people. They have

separate Acts, relaxation policies for these people, local agencies for the redressal of their disputes, easy access of internet sources and other facilities for them.

Third chapter relates to the legislative and constitutional provisions available in India, which covers the different Acts, Rules, Schemes, NGO's and other institutions working for the rights of specially abled persons. After analysis of this chapter it clears that as per the Right of the Person with Disabilities Act 2016, separate provisions are there for their protection but there is lack of separate relaxation provisions for specially abled working women.

Forth chapter discussed the role of Indian Judiciary towards protection of the rights of specially abled persons. Many cases of violation of their rights are found which shows that mostly specially abled person face violation while getting admission in higher education and for getting jobs. Most of the victims of violation not approach judiciary because of the delay and laches in our judiciary system, which needs separate redressal forums for the redressal of their rights without any delay and hardships.

Fifth chapter relates to the empirical analysis of responses received from specially abled working women in Punjab, which came after reviewing the literature and after analysis of data collection. Data is collected from Six districts of Punjab and for this three set of questionnaire has been prepared and circulated and the responses has been collected. It clears that provisions available for these people are not implemented at ground level and still need of proper implementation and separate provisions for their rights.

Sixth chapter is a cessation part of the present study which prefers certain changes and recommendations for uplifting the

status of specially abled persons especially specially abled working women.

From the available data and after reviewing the literature it is clear that there is no change in the condition of specially abled persons especially specially abled working women. They are facing ignorance from ancient time and still facing the same in present era. In the present study researcher opted Punjab State as a sample to show the status of specially abled working women living in Punjab. For this Six districts of Punjab have been chosen namely: Amritsar, Tarntaran Sahib, Ludhiana, Patiala, Hoshiarpur and Jalandhar. This study shows that specially abled working women are ignored in many spheres of their life. Many of them are not even married because of their physical challenges and many who are married also face hardships and problems when their matrimonial alliances were fixed. Their colleagues are also not co-operated with them as they not behave normally with them.

6.2 Questionnaire:

In the present study three set of questionnaire has been prepared and circulated and responses are collected from specially abled working women, from employers of public and private department and from the NGO's working for specially abled persons.

First Questionnaire is formed for the NGO's situated in six districts of Punjab, who are working specially for these people. While collecting data qua to the actual or factual position of specially abled persons who are residing in these NGO's, it founds that most of the NGO's are for general or social welfare and there is lack of separate NGO's for specially abled persons. Most of the NGO's are working towards the education and women rights and also have facilities of rehabilitation but less number of these people

are residing in these. From the responses of this questionnaire it is also clear that mostly specially abled persons are suffering from physical disability and as per their responses government is not giving any support for specially abled persons and these NGO's are working with the help of private persons. These NGO's are providing facilities of education, skilled training and awareness programs without the support of government and if government support is provided then these can work more efficiently and accurately.

IInd set of questionnaire has been prepared and circulated and responses are collected from the employers of certain public and private organizations, institutions, departments situated in Six districts of Punjab State. After the collection of responses by visiting government and private offices it is clear that number of specially abled employees are nominal in their offices as comparison of abled bodied employees. Most of the specially abled working women are suffering from physical disability and employers make special arrangements for their sitting. Facilities of separate washroom, ramps and elevators are also available at workplaces. Average answer to all the questions qua to facilities is in yes form but when we compare these responses with responses of specially abled working women as employees it founds that employers provide data imprecisely and not clear about the actual position of their offices.

From the responses of **IIIrd set of Questionnaire** it is clear that mostly 31-40 years of age specially abled women are working and having qualification mostly upto 12th standard. It means there is need to work or focus upon their education level, need of more relaxation provisions in education system. So, that they can study more without any hardships. From the responses of questionnaire

it is clear that specially abled working women of Punjab are suffering from Physical disability which is caused by birth as their responses. This needs the attention of government towards the better nutritional diet, hygienic environment so this problem can be prevented.

Most of the specially abled working women are married but this number is 50-50 as per responses collected, which means half of them are not married because of their physical challenges. To cope up this problem, awareness is needed in society towards their rights and needs. Guidance is also needed to their families and society about their rights and they should be treated equally.

From the Table 49 where results have been shown after using Pearson Correlation, it is clear that most of the specially abled working women are not happy at their workplace as they are not enjoying their workplace and behavior of other colleagues with them is autocratic and treat them equally as of other employees and there is significant correlation between their tenure and satisfaction level qua workplace.

Most of the specially abled working women knows about the schemes of government set up for their benefit but instead of this awareness they are not satisfied with these schemes. No doubt, from the responses it is also clear that they are getting equivalent wages, opportunities in promotions and work but not getting benefits of these schemes.

Further from the responses of third questionnaire it is also clear that specially abled working women are facing major problem of lack of transport facilities instead of ensurement provided under The Rights of the Person with Disabilities Act 2016. As per the provisions of this Act it is compulsory to set or to ensure ramps and elevators at public places and in government

offices but this facility is not available at ground level. They are not satisfied with healthcare facilities of government of Punjab as most of the OPD's at district level are not working, not have medicines, not availability of aids for them and also not have separate washroom facilities for them.

For improving all these loopholes there is need of better transport facilities, healthcare facilities and for implementation of provisions available for them. As per their suggestions they need more guidance and support from government and society for equal enjoyment of their rights as of abled bodied persons.

6.3 Hypothesis Result:

This is an idea of study to check the reliability of objectives set for present study. The following hypothesis is set up to know about the status of objectives of the present study:

Ho1: The absence of organizational/institutional help not act as an impediment in the emancipation of specially abled women in the employment sector.

H1: The absence of organizational/institutional help act as an impediment in the emancipation of specially abled women in the employment sector.

It means lack of institutional and organizational help is an obstacle to achieve the objective of better status or independent living of specially abled women in employment sector and this hypothesis has been achieved after the results.

Ho2: There is no correlation between the age of special abled working women and their satisfaction level qua beneficial schemes

of government.

H2: There is a correlation between the age of special abled working women and their satisfaction level qua beneficial schemes of government.

From the results of Table 47, it is clear that there is a significant relation between the age of specially abled working women and their satisfaction level qua beneficial schemes of government.

Ho3: There is no correlation between the education of special abled working women and their satisfaction level qua beneficial schemes of government.

H3: There is a correlation between the education of special abled working women and their satisfaction level qua beneficial schemes of government.

From the results of Table 48, it is clear that there is a significant relation between the education of specially abled working women and their satisfaction level qua beneficial schemes of government.

Ho4: There is no correlation between the tenure of special abled working women and their satisfaction qua workplace.

H4: There is a correlation between the tenure of special abled working women and their satisfaction qua workplace.

From the results of Table 49, it is clear that there is a significant relation between the tenure of specially abled working women and their satisfaction level qua workplace.

Following are results of objectives related to the research questions:

1. Ist objective is “to examine the legislative measures for the benefit of specially abled women in context of reservation policy” which relates to the second research question i.e. “Whether the legislations relating to disability in India is implemented effectively in order to protect and promote the rights of specially abled women” and the result shows that there are loopholes in the legislative provisions and it is clear from the results of questionnaire one that specially abled working women are facing problems mostly in healthcare, transport facilities, not availing equal opportunities and facing non availability of proper ramps and elevators.
2. IInd objective is “to examine the effective implementation of laws in order to protect and promote the rights of specially abled women” which relates to the second research question i.e. “Whether the legislations relating to disability in India is implemented effectively in order to protect and promote the rights of specially abled women” and from the results it is clear that half of specially abled working women are aware about the reservation provisions and the remaining half are not aware bout their rights and instead of awareness they still facing to get these relaxations. It means laws are not properly implemented for their protection.
3. IIIrd objective is “to evaluate that the specially abled working women are actually getting benefits in the employment sector (both in public and private)”, which relates to the third research question i.e. “Whether the specially abled working women are actually getting benefits in the employment sector (both in public and private)” and as per the result of Table 47, 48 & 49, where Pearson Correlation has been used, it is clear that specially abled working women are not getting benefit of

these schemes instead of their qualification and younger age.

4. IVth objective is “to find out the challenges faced by specially abled women in the employment sector (both in public and private) by collecting data regarding beneficial schemes received by specially abled women” which relates to first research question i.e. “Whether the specially abled women are facing the challenges at the workplace (both in public and private sector) in context of reservation policy” and as per the responses of questionnaire third it is clear that 70-90% of specially abled working women are facing problems and not getting benefit of these schemes.
5. Vth objective is “to suggest the measures which can be taken for the effective realization of the rights of working women in the society at large” which relates to the forth research question i.e. “What measures can be taken for the effective realization of the rights of working specially abled women in the society at large” and from the suggestions given by specially abled working women it is clear that There is need of awareness towards their rights, need of support, guidance and better opportunities in education and employment sector.

By this most of the objectives have been achieved and all the null hypothesis are rejected by the present study and alternate hypothesis are prevail, which validate the present study. It also shows that there are many lacunas and loopholes in implementation of these provisions at ground level and need for their proper implementation.

6.4 Suggestions:

On the basis of present research study, researcher given following suggestions for the benefit of specially abled persons, especially for specially abled€ working women:-

“Specially abled persons” are that part of society which is mostly ignored by the society and government. Even there is no separate budget or beneficial provisions for their upliftment. **There is only one independent Act i.e. The Rights of the Person with Disabilities Act 2016, for their rights and no Statute or provisions are properly implemented for the benefit of working specially abled persons, especially specially abled working women.**

No doubt, separate schools, learning institutions are set up in many states of India but these should be available at local area of every district. It means need of separate schools, learning institutions at grass root level, so these people can avail remedy or help easily. Life of these people is full of obstacles and hardships as they need extra care and support of others. So, government and society has to draw attention towards their rights.

Women in our country are facing discrimination from ancient period and also treated as lower as comparison of men and if women suffered from physical challenges then it becomes more difficult for her to live in a society. They are also facing problems after achieving goal in their life and when starts working they face discrimination and not treated as of abled bodied workers and employees. There is no proper provisions for the protection of rights of working specially abled women. At workplace Specially abled working women needs more relaxing environment, surroundings, more guidance, spate area of sitting, separate washrooms, proper ramps & elevators and support for the proper working. But these all things are not available at ground level in most of the districts of Punjab State.

6.4.1 Need to Work in Education Area:

During the research work, researcher founds many incidents of lack of proper facilities, their proper implementation and many other loopholes in education area. Most of the cases comes before Indian Judiciary are about miscarriage of justice in education field. Most of the cases are available of the students who did not get admission in higher education or in competitive exams because of loopholes while providing admissions to these students as per relaxation provisions available for them. From these few only approach judiciary to get justice and many not because of the delay and latches in Indian judicial system.

After reviewing these cases of violation it founds that mostly infringement cases comes only because of non-implementation of new provisions and authorities provide seats in education system on the basis of old provisions. As per the statutes of different countries, India also needs more separate laws for the benefit of specially abled persons:-

- I. Proper implementation of relaxation provisions for specially abled persons.
- II. Separate relaxation provisions for specially abled women as need of separate quota for them.
- III. Special learning schools at districts and block level, especially in Punjab.
- IV. Vocational training programs would be available for them free of cost.
- V. Awareness and periodic campaigns and programs at local levels for their guidance and support.
- VI. Paper work and other formalities for making UID cards for them should be easy and less time consuming.

- VII. Training to officials or authorities who are available for their assistance should be provided training to deal them with patience.
- VIII. Compulsory seating of officials at local level in every district of Punjab for their assistance and services.
- IX. Separate bodies or dispute redressal forums for dealing with rights of working specially abled persons.
- X. Major loopholes are found in lack of transport facilities for specially abled persons, so there should be separate buses, taxis, autos as per their convenient in Punjab state.
- XI. Need of better healthcare facilities in government hospitals or clinics at every district of Punjab state and these services should be provided free of cost.

6.4.2 Need to Work in Employment Area:

Employment is a major factor for the uplifting the status of specially abled women. They can live independently by providing more and more opportunities to them in employment field. For making them capable for this, still there is need of following things:-

- I. Separate guidance cells, institutions, offices etc. which guide them towards their rights and goals.
- II. Separate quota for specially abled women in jobs both in public and private sector.

6.4.3 Need to Work in Health Sector:

As per the results and findings of the study it founds that specially abled working women are not satisfied with the healthcare facilities provided by the government of Punjab for them. Government has

implemented many separate schemes for their betterment, but most of the women not knows about these schemes and who knows but not getting any benefit from these because of non-availability at local level. So, need to work in health sector.

6.4.4 Need to adopt Artificial Intelligence: Artificial Intelligence is a tool that can be used for the help and assistance of Specially Abled Persons. Department of Artificial Intelligence Hyderabad launched a new job portal namely “**Swarajability**” on 12 October 2023 for the specially abled persons where they have to register as per the availability of jobs as per their qualification and need. It is a separate portal open for these people where they can find jobs from home. Many other companies with the help of institutions/companies tries to adopt new AI devices for the help of these people. Government need to invest to these various portals for the development and independence of specially abled persons.²⁴⁸

6.4.5 Need to Work upon following Suggestions:

As per the comparative study of Chapter-2 which relates to International perspective about the rights of specially abled persons, following things can be adopted in India, which would enhance the status and standard of specially abled persons in India:-

²⁴⁸ Artificial Intelligence, *available at:* www.swarajability.org (Last Visited on August 22, 2023 at 01:07 p.m.)

SR NO	LEGAL PROTECTION/SUPPORT	NEED IN INDIA
1.	As per American with Disabilities Act 1990, there are separate provisions of equal opportunities in employment area including both public and private sector.	Addition of these provisions are required in The Rights for the person with Disabilities Act 2016.
2.	Artificial Intelligence	Aware the specially abled persons about these applications like- Lookout, Seeing AI, Rogervoice, Wheelmap, Wemogee, Be my Eyes, National Rely Services, IFTTT etc.
3.	AI Applications	Easy availability of these applications at lower cost.
4.	Disabled American Veterans	Separate organizations or services at regional level which are available on one call for the assistance of specially abled persons.
5.	Rehabilitation Centers	Need to set up separate Rehabilitation Centers at local level for providing training to

		<p>specially abled persons.</p>
6.	<p>Canadian Provisions</p>	<p>Need to set up Separate committees for the redressal of the disputes of specially abled persons.</p>
7.	<p>United Kingdom Rules</p>	<p>Need to set separate bodies to check the working of public/private employer towards specially abled employees</p>
8.	<p>Developed Countries Support for Specially Abled Persons</p>	<p>Casts a duty upon the bus drivers and taxi drivers to carry wheelchairs of specially abled persons while travelling and also assist them to handle their luggage.</p>
9.	<p>Germany Provisions</p>	<p>India also needs to ensure sustainable development for specially abled persons in public/private sector.</p>
10.	<p>Separate Employment Exchange Bodies</p>	<p>At District level, there is a need for providing jobs or employment to specially abled persons as per their capacities.</p>

11.	Stringent Laws	Need amendment in Act of 2016, for the harassment at workplace and violation for their rights.
12.	Proper Implementation	Effective implementation of access of public roads, streets, buildings, bus stops, railway stations and airports etc. for specially abled persons and proper ramps and elevators at every public place and at their workplaces.

6.5 Scope for Future Study:

- I. The future study will focus upon the comparative analysis regarding the issues and rights of Specially abled working Male and Specially abled working female.
- II. Comparative analysis can be done to know about the more effective working of different states regarding the rights of specially abled persons.
- III. In future study data will be collected from specially abled persons and abled bodied persons to know about the awareness of people qua to the rights and issues of specially abled persons.

The present research work focuses upon the rights and issues of specially abled working women and tries to draw the attention of society and governments towards the rights of specially abled working women. They also have equal right to live in a society with dignity. The efforts of government and society will provide them same status to live in a society and government has to put effective measures to ensure equal rights and opportunities for them by focusing upon the suggestions put under the present study.

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ANNEXURE-I

Title: Questionnaire for Employer/HOD

Description: To know about the status of Specially Abled Women Employees (Specially abled person are those who face physical and mental challenges).

- I. Name/Designation/Department
(Short Answer)

- II. In which State your office is situated?
 - Punjab
 - Other

- III. In which District your office is situated?
 - Amritsar
 - Hoshiarpur
 - Jalandhar
 - Ludhiana
 - Patiala
 - Tantaran Sahib
 - Other

- IV. Is your office public or private?
 - Public
 - Private

- V. How many employees are working in your office?
(Short Answer)

- VI. Do you employ specially abled persons in your office, if yes then how many specially abled men and women are employed?
(Short Answer)
- VII. If answer to the above question is yes, then what kind of disability they are suffering?
(Short Answer)
- VIII. How many blind persons are working in your office?
(Short Answer)
- IX. If there are blind persons in your office, then whether you make special arrangements for their working?
- Yes
 - No
- X. If there are physically challenged persons in your office, then whether you arrange wheelchairs for them?
- Yes
 - No
- XI. If you employ specially abled persons in your office, then whether you make special arrangements for their sitting and working?
- Yes
 - No
- XII. Do you know about the schemes of government for specially abled persons?
- Yes
 - No
- XIII. Do you know about any reservation for specially abled persons in employment sector?

- Yes
- No

XIV. Is government giving any support for specially abled persons, who are employed in your office?

- Yes
- No

XV. Are you giving equivalent wages to specially abled persons like of abled bodied persons?

- Yes
- No

XVI. Are you giving equal opportunities in employment to specially abled persons like of abled bodied persons?

- Yes
- No

XVII. Are you giving equal opportunities in promotions to specially abled persons like of abled bodied persons?

- Yes
- No

XVIII. Is there any proper facilities of Ramps and elevators at your office?

- Yes
- No

XIX. Is there any separate washroom facilities at your office for specially abled persons?

- Yes
- No

XX. Your valuable suggestions to improve the status of specially abled women in employment sector.

(Short Answer)

ANNEXURE-II

Title: Questionnaire for NGO/Institute/Sanstha

Description: To know about the status of Specially Abled Women (Specially abled person are those who face physical and mental challenges).

- I. Name of the Organization/Institute/Sanstha
(Short Answer)

- II. In which state your NGO/Institute/Sanstha is situated?
 - Punjab
 - Other

- III. In which District your NGO Institute/Sanstha is situated?
 - Amritsar
 - Hoshiarpur
 - Jalandhar
 - Ludhiana
 - Patiala
 - Tantaran Sahib
 - Other

- IV. In which year your NGO/ Institute/Sanstha was established?
(Short Answer)

- V. Registration status of your NGO/Institute/Sanstha
 - Social Welfare
 - Other

- VI. What is your main area of interest
 - Disability
 - Health
 - Women

- Children
- Education
- Age Care

VII. How many abled bodied employees are working in your NGO/Institute/Sanstha?

(Short Answer)

VIII. How many specially abled persons are residing in your NGO/Institute/Sanstha?

(Short Answer)

IX. Which of the following disability they are suffering?

- Physical
- Intellectual
- Mental Behavior
- Multiple
- Other

X. Is government giving any support for specially abled persons, who are residing in your NGO/Institute/Sanstha?

- Yes
- No

XI. What kind of grant is provided by the government?

(Short Answer)

XII. Is your NGO/ Institute/Sanstha provides healthcare facilities to specially abled persons?

- Yes
- No

XIII. Is your NGO/Institute/Sanstha provides educational facilities to specially abled persons?

- Yes
 - No
- XIV. Is your NGO/ Institute/Sanstha hold awareness programs about the rights of specially abled persons?
- Yes
 - No
- XV. Is your NGO/Institute/Sanstha providing any skilled or training programs to specially abled persons?
- Yes
 - No
- XVI. Is your NGO/ Institute/Sanstha helps specially abled persons for getting job?
- Yes
 - No
- XVII. How many specially abled women are working, who are living in your NGO/Institute/Sanstha?
(Short Answer)
- XVIII. Is there any proper facilities of Ramps and elevators at your NGO/Institute/Sanstha?
- Yes
 - No
- XIX. Is there any separate washroom facilities at your NGO/ Institute/Sanstha for specially abled persons?
- Yes
 - No
- XX. Your valuable suggestions to improve the status of specially abled women in employment sector.
(Short Answer)

ANNEXURE-III

Title: Questionnaire for Specially Abled Women Employees

Description: To know about the status of Specially Abled Women Employees (Specially abled person are those who face physical and mental challenges).

I. What is your name?

(Short Answer)

II. What is your age (rating up to the scale of 1 to 4?)

1) 18-30 years

2) 31-40 years

3) 41-50 years

4) 51-60 years

III. Educational Qualification

1) Illiterate

2) Matric

3) Higher Secondary

4) Graduate

5) Masters

6) Others

IV. In which state you are living?

- Punjab
- Other

V. In which district do you live?

- Amritsar
- Hoshiarpur
- Jalandhar
- Ludhiana
- Patiala
- Tarntaran Sahib
- Other

VI. Which one of the following disabilities you are suffering?

- Physical
- Intellectual
- Mental Behavior
- Multiple
- Other

VII. What was a cause of your disability?

- By Birth
- By Accident
- By Disease

VIII. What is your marital status?

- Married
- Unmarried
- Widow
- Divorcee

IX. Has your family been supportive to overcome the trauma of disability/ Has your family supported you in your journey of being self-reliant?

- Yes
- No

X. Did you face any difficulty when your matrimonial alliance was fixed?

- Yes
- No

XI. In which department you are working?

- Public
- Private

XII. Your designation

- Executive
- Functional
- Junior
- Senior
- Assistant
- Other

XIII. Your period of service in years (Rating up to scale of 1 to 4)?

1) 1-5

2) 5-10

3) 10-20

4) More than 20 years

XIV. Give your rating up to the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Strongly Satisfied, 5=Satisfied) qua satisfaction level at workplace?

- 1) Strongly Dissatisfied
- 2) Dissatisfied
- 3) Neutral
- 4) Strongly Satisfied
- 5) Satisfied

XV. Expectations to improve your work skill

- Salary
- Motivation
- Guidance
- Support
- Other

XVI. Relationship of your colleagues with you

- Friendly
- Autocratic
- Democratic
- Sympathetic
- Empathetic

XVII. How many Abled bodied employees are working in your organization?

- Nil
- 1-5
- 5-10
- More than 10

XVIII. How many specially abled employees are employed in your organization?

- Nil
- 1-5
- 5-10
- More than 10

XIX. How many specially abled women employees are working in your organization?

- Nil
- 1-5
- 5-10
- More than 10

XX. Do you know about the schemes of government for specially abled persons?

- Yes
- No

XXI. Give your rating up to the scale of 1 to 5 (1=Strongly Dissatisfied, 2=Dissatisfied, 3=Neutral, 4=Strongly Satisfied, 5=Satisfied) qua satisfaction level of beneficial schemes of government?

XXII. Do you know about any reservation for specially abled persons in employment sector?

- Yes
- No

XXIII. Are you getting equivalent wages like of abled bodied employees?

- Yes
- No

XXIV. Are you getting equal opportunities in employment like of abled bodied employees?

- Yes
- No

XXV. Are you getting equal opportunities in promotions like of abled bodied employees?

- Yes
- No

XXVI. Are you getting accessible transport facilities?

- Yes
- No

XXVII. Are there any proper facilities of Ramps and elevators at your workplace?

- Yes
- No

XXVIII. Are there any separate washroom facilities at your workplace for specially abled persons?

- Yes
- No

XXIX. Are you satisfied with the healthcare facilities of government run for specially abled persons?

- Yes
- No

XXX. Your valuable suggestions to improve the status of specially abled women in employment sector

(Short Answer)

PUBLICATION DETAILS

SR NO.	JOURNAL/BOOK NAME	TITLE	PUBLICATION YEAR
1	UGC- care listed journal (GIS Science Journal)	Sorrowful Condition of Physically Challenged Women in Dysfunctional Democracy	March, 2021
2	SCOPUS Indexed Journal (Migration Letters- Vol.20 No.9 (2023))	Facile Approach of Intellectual Property Rights for Physically Challenged Persons	November, 2023
3	Paper published in (Journal of Positive School Psychology- Vol.6 No.3 (2022))	A Variance of USA, JAPAN and INDIAN Laws in context of Physically Challenged Persons	2022
4	Book- Dynamic Approach to Socio-Político & Legal Paradigms in Contemporary Era (ISBN No.978-93-5627-085-5, 1 st Edition 2022)	Specially Abled Persons: Human Rights Issues & Challenges	2022

DETAILS OF THE CONFERENCES ATTENDED

Sr No.	Conference Name	Title of the Paper	Year
1.	International Conference on Women Leadership, Psychology and Social Sciences 2020	Status of Physically Challenged Women in India: An Inclusiveness of Disability	28-29 August, 2020
2.	International Conference on Equality, Diversity and Inclusiveness: Issues and Concerns	Disabled Women and inclusive development: A Twin Track Approach	25 th September, 2021
3.	International Conference on Global Issues in Multidisciplinary Academic Research	Specially Abled Persons: A Comparative Study of USA, JAPAN and INDIAN Laws	31 st October, 2021
4.	International Conference on Revitalizing Social Institutions for Peace, Justice & Environmental Protection	A Rights of Specially Abled Persons: A Socio-Legal Analysis	16 th April, 2022
5.	International Conference on Innovation & Intellectual Property Rights	Easy Access of Intellectual Property Rights of Specially Abled Persons	18-19 th April, 2022
6.	Global Conference on Emerging Technologies Leading Towards Sustainable Entrepreneurship, Economics, Tourism, Healthcare, Media, Education Supporting Green Environmental Practices and Business Growth	Well-Being of Physically Challenged Working Women in Punjab	08-09 th December, 2023