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Right to Employment of Persons with Disabilities: An Empirical Study in Behala Locality

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ABSTRACT

This paper attempts to study the right of employment of the Persons with Disabilities, the various kinds of disabilities, the awareness level among the people and also make a brief analysis of the problems faced by the disabled people in relation to employment. This paper primarily tries to highlight the gap between the legal idealism of the objective and principles as laid down under the Convention on the Rights of Persons with Disabilities, 2006 as well as The Rights of Persons with Disabilities Act, 2016 and the social reality of level of awareness amongst the people regarding the right of employment of persons with disabilities and the implementation of the said principles and objectives. The research work is essentially empirical in nature and is constricted within the limits of Behala locality which is a small locality in the city of Kolkata, India.

Keywords: disability, employment, awareness, empirical

I. INTRODUCTION

The general behaviour is to look at the persons with disabilities with an eye of sympathy. The majority of the people look down upon this section of people. In fact the term disability itself is to be blamed for this behaviour. Disability has been looked at by the people as a disease of individuals which they cannot get rid of and the rights have been addressed only recently with the advent of various international instruments on Human Rights. Even though the progress is noticeable in the scientific and technological upfront, the basic problem of access to such blessings is the major problem in the society especially in a country like India where the majority of the population is unaware of their basic rights due to several factors ranging from illiteracy, societal stigmatization, lack of awareness programmes at the lowest level of the society and the like. The disabled persons in our society suffers doubly. Firstly, because of their disability and secondly, due to the behaviour of the people in the society.

Our society contains these groups of persons who are having certain limitations or restrictions with regard to their body which is either naturally or accidentally acquired and due to which

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limitations or restrictions they cannot or are not able to participate in the society with those who doesn't have those limitations or restrictions. Thus there arose a need to nullify or at least reduce the differences. To address the given situation the question of segregating the rights of the disadvantaged people arose. Thus, born, was the Rights of Persons with Disabilities.

Persons with Disabilities play a crucial role in human society, therefore, it is necessary to address their concerns in the original design of any theory of social justice. John Rawls, in his theory of justice did not include Persons with Disabilities in the original contract. Rawls excluded the Persons with Disabilities due to the fact that they had the deficiency of reasoning and understanding which is basically associated with their disability especially mental, intellectual and developmental disabilities. Martha Nussbaum questioned this justification and further pointed out that there may be want of reason to enter into contract but nevertheless one can become a beneficiary, therefore, this makes the exclusion by Rawls unfair. "The difference in opinion, between the two, sheds light on the fact how exclusion occurs and when should inclusion happen?"²

The persons with disabilities were regularly deprived across the globe by way of laws, policies and social practices across nations. This discrimination resulted in the setting up of an ad hoc committee in the United Nations which undertook the task of drafting a Convention on Rights of Persons with Disabilities. The two main rights based on which the principles were formulated were equality and non discrimination. "The Convention is a course corrector, which is attempting to remodel the world in order to make it disability inclusive."³

Concept of Disability

The Oxford Dictionary meaning of the word 'disability' is a physical or mental condition that limits a person's movements, senses, or activities. The truth of life is that no single person in the world is completely abled or completely disabled. The fact that one person is not able to respond to a particular stimuli due to lack of the receiving capacity should not inhibit him to participate in the day to day phenomenon in the society. Morris writes: "To a zoologist, a horse suggests the genus mammalian quadruped, to a traveller a means of transportation, to an average man the sports of kings, to certain nations an article of food."⁴ Likewise, to a doctor, disability is a disease, to an economist it is a social burden, to a philanthropist, disability is a tragedy and object of pity, to a social worker it is a subject of social reformation and to the

² Neha Pathakji, *Corporations and Disability Rights Bridging the Digital Divide* xii (Oxford University Press First Edition, 2018, New Delhi, India)

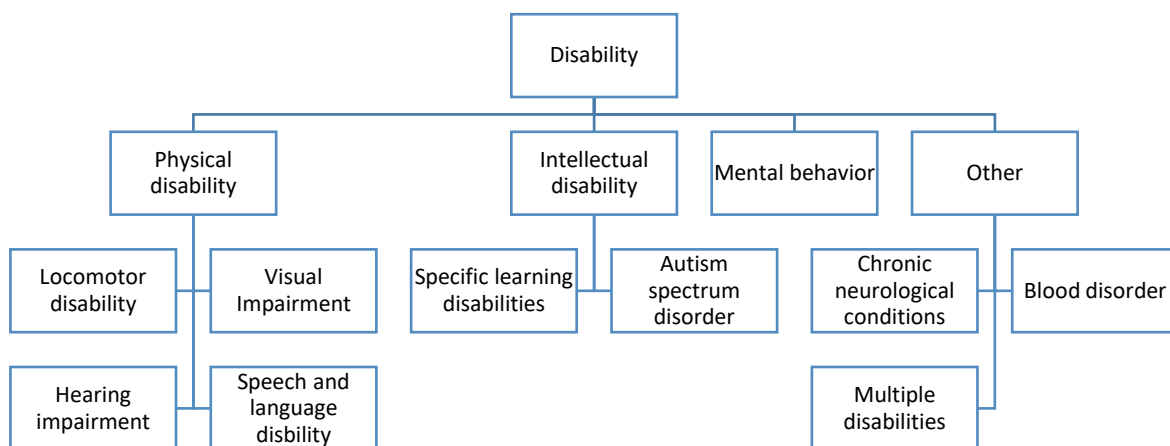
³ Ibid.

⁴ V.D. Mahajan, *Jurisprudence & Legal Theory*, 23 (Eastern Book Company Fifth Edition, 2016 Lucknow, India)

disabled, it is a part of living.

There have been various approaches since 1970s when the disability rights movements started, the prominent among them being religious approach, charity approach, medical approach, social relations approach and human rights approach.⁵

The Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 defined Persons with Disabilities as those having not less than 40% disability and identified seven categories of disabilities, namely, blindness, low vision, hearing impairment, locomotor disability, mental retardation, mental illness and leprosy cured. The Rights of Persons with Disabilities Act, 2016 defines a “person with disability” as 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. The Act of 2016 has further identified the various kinds of “specified disabilities” in the Schedule to the said Act, which is as under



Locomotor Disability: Locomotor Disability is a person’s inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including leprosy cured person, cerebral palsy, dwarfism, muscular dystrophy and acid attack victims.

Visual impairment: Visual impairment includes blindness and low vision.

Hearing impairment: Hearing impairment includes deaf and hard of hearing persons.

Speech and language disability: Speech and language disability means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components

⁵ Prof. Dr Jatindra Kumar Das, Human Rights Law and Practice, 534 (PHI Learning Private Limited, 2016, Delhi, India)

of Speech and language due to organic or neurological causes.

Chronic neurological conditions: Chronic neurological conditions include multiple sclerosis and parkinson's disease.

Blood Disorder: Blood Disorder includes haemophilia, thalassemia and sickle cell disease.

Short Historical Background

The Persons with Disabilities were constantly subjected to discrimination in the society and this is an age old practice across various Nations, which prompted the United Nations to set up an ad hoc committee to take up the task of drafting the Convention on Rights of Persons with Disabilities (hence forth referred to as 'the Convention'). Equality and non discriminations were the two among the many points of issue to be addressed by 'the Convention' which was adopted by the United Nations General Assembly on the 13th day of December, 2006. However, the other issues such as raising of awareness and accessibility were addressed as sub-subjects. It is well to put, that, the Convention attempts to remodel the world in order to make it disability inclusive. India is a signatory to this Convention and ratified the same on the 1st day of October, 2007. As such in 2010, an Expert Committee was constituted under the Chairmanship of Dr. Sudha Kaul, Vice Chairperson, Indian Institute of Cerebral Palsy, Kolkata, which submitted its report in 2011, suggesting a Draft Bill relating to the Rights of Persons with Disabilities and finally, the legislation namely The Rights of Persons with Disabilities Act, 2016 (hence forth referred to as 'the legislation') was passed by the Parliament of India on the 27th day of December, 2016.

Relevant Provisions on Employment in the Rights of Persons with Disabilities Act, 2016

There are several provisions enumerating the rights of Persons with Disabilities in The Rights of Persons with Disabilities Act, 2016. Some of the relevant provisions of the Act concerning employment of Persons with Disabilities are discussed below.

Chapter IV of The Rights of Persons with Disabilities Act, 2016 deals with the provisions in relation to skill development and Employment. Section 19 deals with provisions on vocational training and self employment. Section 20 prohibit every establishment to discriminate any person with disability in any matter relating to employment. Section 21 provides for equal opportunity policy to be prescribed by the Central Government. Section 22 provides for every establishment to maintain record regarding employment and facilities provided to persons with disabilities. Section 23 seeks to provide for every establishment to appoint Grievance Redressal Officer to enquire the complaints regarding discrimination in employment.

Chapter V deals with Social Security, health, rehabilitation and recreation of Persons with Disabilities. Section 24 provides for the appropriate Government to formulate schemes and programmes to safeguard and promote the rights of Persons with Disabilities and enumerates various areas for such schemes. Section 26 provides for appropriate Government to make insurance schemes for their employees with disabilities. Section 27 seeks to provide for the appropriate Government and local authority to undertake programmes for rehabilitation of Persons with Disabilities. Section 28 further seeks to provide for the appropriate Government to undertake research and development on issues concerning empowerment of such persons.

Chapter VI deals with special provisions for persons with benchmark disabilities. Section 33 seeks to identify posts in establishments to be reserved for the persons with benchmark disabilities. Section 34 seeks to provide for reservation of vacancies in establishments meant for persons with disabilities and also provides for the manner of recruitment to fill up such vacancies. Section 35 further provides for the appropriate Government and the local authorities to give incentives to promote employment of persons with benchmark disabilities. The clauses in Section 36 seeks to provide for the establishment to furnish information relating to appointment of persons with benchmark disabilities to Special Employment Exchange. Section 37 seeks to provide for the appropriate Government to make special schemes and development programmes for the persons with benchmark disabilities.

The clause in Section 39 under Chapter VIII seeks to provide for the appropriate Government to conduct, encourage, support or promote awareness campaigns and sensitisation programmes regarding protection of persons with disabilities.

Research Methodology

Research methodology adopted for the purpose of conducting this research is non doctrinal research methodology. Non doctrinal research looks into social facets and the various dimensions of law and seeks to highlight the gap, if any, between legal idealism and the social reality. Through this empirical study an attempt has been made to highlight the gap between the legal idealism of the objective of equality and non discrimination and the social reality of level of awareness amongst the people regarding the right of employment of persons with disabilities.

Importance of the Research

This paper has made an attempt to study whether there is effective awareness amongst the people in the society about the employment rights available to the persons with disabilities and whether the objective of equality and non discrimination as aimed by the United Nations and

later adopted by India as the signatory of the UN Convention, been achieved. The field of study being limited to Behala locality restricts the collection of data on the relevant topics to this region only.

Scope of the Research

This paper attempts to study the right of employment of the Persons With Disabilities, the various kinds of disabilities, the awareness level among the people and also make a brief analysis of the problems faced by the disabled people in relation to employment. This paper primarily tries to highlight the gap between the legal idealism of the objective and principles as laid down under the Convention on the Rights of Persons with Disabilities, 2006 as well as The Rights of Persons with Disabilities Act, 2016 and the social reality of level of awareness amongst the people regarding the right of employment of persons with disabilities and the implementation of the said principles and objectives.

Hypothesis

Even though the principal statute in relation to the protection of the rights of the disabled persons, that is, The Rights of Persons with Disabilities Act, 2016 which was passed by the Parliament to give effect to the principles as laid down in the Convention on the Rights of Persons with Disabilities, 2006 adopted by the United Nations to which India was a signatory and subsequently ratified it, has the objective of compliance with the principles as laid down in the Convention which includes “full and effective participation and inclusion in society” and “respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons”, along with the other principles, yet the said principles have remained constricted within the words of the statute only, and has not been implemented or realised in the day to day practice of the people in the society.

Data Collection

Data collection is the process of obtaining information for the purpose of research. In this work data has been collected from various people in the given area of study which is Behala locality, within the city of Kolkata, India. Apart from random population in the given locality, institution such as Calcutta Blind School and Voice of World has helped to further the task of data collection by the questionnaire method of procuring data for the purpose of this research work. For the present research the sample size is 50 universes.

Objectives of Study

The present study on the issue “RIGHT TO EMPLOYMENT OF PERSONS WITH

DISABILITIES: AN EMPIRICAL STUDY IN BEHALA LOCALITY” has the following objectives:-

- To study whether the object of giving effect to the United Nations Convention on the Rights of Persons with Disabilities, 2006 by way of enacting The Rights of Persons With Disabilities Act, 2016 (Act 49 of 2016) has been fulfilled.
- To know whether the people in this location of study have Disability Certificates
- To know whether the disabled persons in this location of study have any special training or vocational training or if they joined any institution for obtaining such training
- To find out whether the disabled persons in the given locality are employed and the nature of such employment
- To study whether the disabled persons in the said locality are aware of the provisions as stated in the Rights of Persons with Disabilities Act, 2016
- To study whether the disabled persons in the said locality are aware of the reservations available to the disabled persons
- To find out whether the disabled persons in the said locality are aware of the various schemes of the Government available to the disabled persons
- To understand the fact that whether the principle for empowerment of persons with disabilities as enshrined in the Convention on the Rights of Persons with Disabilities, 2006, of respecting the inherent dignity and freedom of disabled persons has been truly realised in the society today
- To find out whether there is full and effective participation and inclusion of persons with disabilities in our society

Research Questions

- Whether the object of giving effect to the United Nations Convention on the Rights of Persons with Disabilities, 2006 by way of enacting The Rights of Persons With Disabilities Act, 2016 (Act 49 of 2016) has been fulfilled?
- Whether the people in this location of study have Disability Certificates?
- Whether the disabled persons in this location of study have any special training or vocational training or if they joined any institution for obtaining such training?

- Whether the disabled persons in the given locality are employed and the nature of such employment?
- Whether the disabled persons in the said locality are aware of the provisions as stated in the Rights of Persons with Disabilities Act, 2016?
- Whether the disabled persons in the said locality are aware of the reservations available to the disabled persons?
- Whether the disabled persons in the said locality are aware of the various schemes of the Government available to the disabled persons?
- Whether the principle for empowerment of persons with disabilities as enshrined in the Convention on the Rights of Persons with Disabilities, 2006, of respecting the inherent dignity and freedom of disabled persons has been truly realised in the society today?
- Whether there is full and effective participation and inclusion of persons with disabilities in our society?

II. AN EMPIRICAL STUDY ON RIGHT TO EMPLOYMENT OF PERSONS WITH DISABILITY IN BEHALA LOCALITY: DATA ANALYSIS AND DISCUSSION

For the purpose of conducting the empirical study on “RIGHT TO EMPLOYMENT OF PERSONS WITH DISABILITIES: AN EMPIRICAL STUDY IN BEHALA LOCALITY”, a questionnaire was prepared which is annexed as Appendix to this report. The questions in the said questionnaire were asked to 50 participants through offline mode for the purpose of collecting data and its analysis there upon. The total universe, that is, 50 universe is divided into five groups having 10 participants each on the basis of the disability suffered. The participants in the groups are as follows: GROUP 1- participants who are Blind / have low vision, GROUP 2- participants who have locomotive disability, GROUP 3- participants who have deaf & dumb disability, GROUP 4- participants who have Cerebral Palsy/ Mental Illness and GROUP 5- participants who have Dwarfism. The research, as stated earlier is an empirical research and the data obtained during such field study, except their personal details, is jotted down hereunder.

Data collected from GROUP 1- participants who are Blind / have low vision

GENDER	Female	Male	Others
	4	6	0

Do you have a disability Certificate?	Yes	No
	10	0
What is your educational qualification?	Never went to school	0
	School done half way	0
	Passed school	2
	Graduate	5
	Higher education	3
Do you have any kind of special training or vocational training?/ Did you join any institute or training centre for any special training or vocational training ?	Yes	No
	8	2
Are you currently employed?	Yes	No
	7	3
What is the nature of your employment?	Government employee	5
	Non government employee	2
	Retired person	1
	Independent business or professional	0
	Unorganised Sector	0
	Not applicable	2
Do you know about the Rights of Persons with Disabilities Act, 2016?	Yes	No
	7	3
Do you know about the reservations available to persons with disabilities?	Yes	No
	8	2

Are you aware of the special schemes of the Government for the persons with disabilities?	Yes	No
	7	3
Do you think that there is full and effective participation and inclusion of persons with disabilities in our society?	Yes	No
	2	8
Do you think that there is respect for dignity and freedom of persons with disabilities in our society?	Yes	No
	2	8

Data collected from GROUP 2- participants who have locomotive disability

GENDER	Female	Male	Others
	2	8	0
Do you have a disability Certificate?	Yes		No
	9		1
What is your educational qualification?	Never went to school		3
	School done half way		7
	Passed school		0
	Graduate		0
	Higher education		0
Do you have any kind of special training or vocational training?/ Did you join any institute or training centre for any special training or vocational training ?	Yes		No
	4		6
Are you currently employed?	Yes		No
	8		2
What is the nature of your employment?	Government		3

	employee	
	Non government employee	0
	Retired person	0
	Independent business or professional	5
	Unorganised Sector	0
	Not applicable	2
Do you know about the Rights of Persons with Disabilities Act, 2016?	Yes	No
	2	8
Do you know about the reservations available to persons with disabilities?	Yes	No
	2	8
Are you aware of the special schemes of the Government for the persons with disabilities?	Yes	No
	2	8
Do you think that there is full and effective participation and inclusion of persons with disabilities in our society?	Yes	No
	1	9
Do you think that there is respect for dignity and freedom of persons with disabilities in our society?	Yes	No
	1	9

Data collected from GROUP 3- participants who have deaf and dumb disability

GENDER	Female	Male	Others
	2	8	0
Do you have a disability Certificate?	Yes	No	
	2	8	

What is your educational qualification?	Never went to school	4
	School done half way	4
	Passed school	0
	Graduate	2
	Higher education	0
Do you have any kind of special training or vocational training?/ Did you join any institute or training centre for any special training or vocational training ?	Yes	No
	0	10
Are you currently employed?	Yes	No
	2	8
What is the nature of your employment?	Government employee	0
	Non government employee	0
	Retired person	0
	Independent business or professional	2
	Unorganised Sector	2
	Not applicable	6
Do you know about the Rights of Persons with Disabilities Act, 2016?	Yes	No
	2	8
Do you know about the reservations available to persons with disabilities?	Yes	No
	2	8
Are you aware of the special schemes of the Government for the persons with	Yes	No
	2	8

disabilities?		
Do you think that there is full and effective participation and inclusion of persons with disabilities in our society?	Yes	No
	0	10
Do you think that there is respect for dignity and freedom of persons with disabilities in our society?	Yes	No
	0	10

Data collected from GROUP 4- participants who have Cerebral Palsy/ Mental Illness

GENDER	Female	Male	Others
	4	6	0
Do you have a disability Certificate?	Yes	No	
	6	4	
What is your educational qualification?	Never went to school	2	
	School done half way	8	
	Passed school	0	
	Graduate	0	
	Higher education	0	
Do you have any kind of special training or vocational training?/ Did you join any institute or training centre for any special training or vocational training ?	Yes	No	
	4	6	
Are you currently employed?	Yes	No	
	0	10	
What is the nature of your employment?	Government employee	0	
	Non government employee	0	

	Retired person	
	Independent business or professional	0
	Unorganised Sector	0
	Not applicable	0
		10
Do you know about the Rights of Persons with Disabilities Act, 2016?	Yes	No
	2	8
Do you know about the reservations available to persons with disabilities?	Yes	No
	2	8
Are you aware of the special schemes of the Government for the persons with disabilities?	Yes	No
	2	8
Do you think that there is full and effective participation and inclusion of persons with disabilities in our society?	Yes	No
	0	10
Do you think that there is respect for dignity and freedom of persons with disabilities in our society?	Yes	No
	0	10

Data collected from GROUP 5- participants who have Dwarfism

GENDER	Female	Male	Others
	3	7	0
Do you have a disability Certificate?	Yes		No
	3		7
What is your educational qualification?	Never went to school		2
	School done half way		0

	Passed school	4
	Graduate	4
	Higher education	0
Do you have any kind of special training or vocational training?/ Did you join any institute or training centre for any special training or vocational training ?	Yes	No
	0	10
Are you currently employed?	Yes	No
	7	3
What is the nature of your employment?	Government employee	2
	Non government employee	2
	Retired person	0
	Independent business or professional	0
	Unorganised Sector	0
	Not applicable	6
Do you know about the Rights of Persons with Disabilities Act, 2016?	Yes	No
	3	7
Do you know about the reservations available to persons with disabilities?	Yes	No
	3	7
Are you aware of the special schemes of the Government for the persons with disabilities?	Yes	No
	3	7
Do you think that there is full and	Yes	No

effective participation and inclusion of persons with disabilities in our society?	2	8
Do you think that there is respect for dignity and freedom of persons with disabilities in our society?	Yes	No
	2	8

The **collected data** can be summarily be presented in the following manner:-

GENDER	Female	Male	Others
	15	35	0
Do you have a disability Certificate?	Yes	No	
	30	20	
What is your educational qualification?	Never went to school	11	
	School done half way	19	
	Passed school	6	
	Graduate	11	
	Higher education	3	
Do you have any kind of special training or vocational training?/ Did you join any institute or training centre for any special training or vocational training ?	Yes	No	
	16	34	
Are you currently employed?	Yes	No	
	24	26	
What is the nature of your employment?	Government employee	10	
	Non government employee	4	
	Retired person		

	Independent business or professional	1
	Unorganised Sector	7
	Not applicable	2
		26
Do you know about the Rights of Persons with Disabilities Act, 2016?	Yes	No
	16	34
Do you know about the reservations available to persons with disabilities?	Yes	No
	17	33
Are you aware of the special schemes of the Government for the persons with disabilities?	Yes	No
	16	34
Do you think that there is full and effective participation and inclusion of persons with disabilities in our society?	Yes	No
	5	45
Do you think that there is respect for dignity and freedom of persons with disabilities in our society?	Yes	No
	5	45

The research was conducted in the Behala locality situated within the limits of Kolkata Municipal Corporation in the city of Kolkata, within state of West Bengal, India. An attempt to collect the data in relation to the said topic of discussion was made by preparing a questionnaire and the participants are not restricted to any particular sections of the society, instead belong to various occupations, professions, social strata, age group and gender. Out of the 50 participants who aided in the collection of data, there are 35 (thirty five) males, 15 (fifteen) females and no persons from other category.

The following pie- chart (FIGURE NO. 1) shows the visual representation of the sex ratio.

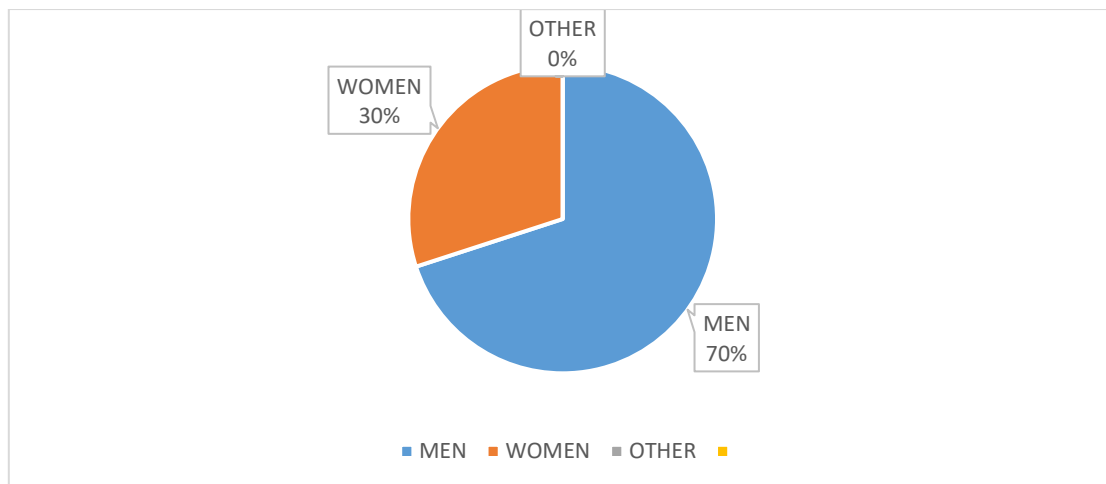


FIGURE NO. 1

When the participants or their family members (depending upon the case to case basis) were asked if they have Disability Certificate or not 30 (thirty) out of 50 (fifty) replied in affirmative and the rest negative. The following chart (FIGURE NO. 2) gives a visual representation of the above reply.

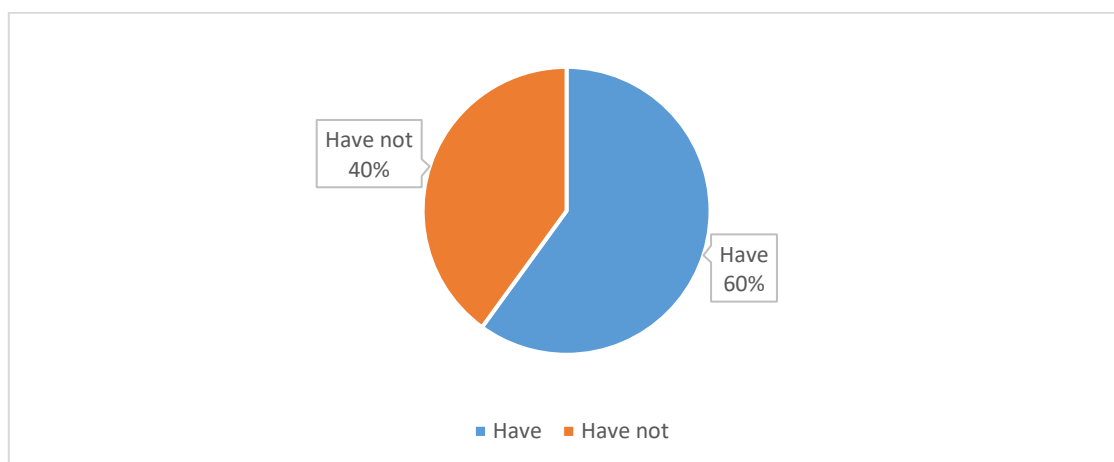


FIGURE NO. 2

This study also included a study on the educational qualification of the participants in the research work. It can be concluded based on the replies of the participants 11 (eleven) out of 50 (fifty) of them never went for any formal schooling, 19 (nineteen) out of 50 (fifty) of them did away with their formal schooling half way or are still pursuing their studies), 6 (six) out of 50 (fifty) of them have passed the bar of school, 11 (eleven) out of 50 (fifty) of them have completed graduation and 3 (three) out of 50 (fifty) of them have pursued Higher Education.

The following chart (FIGURE NO. 3) gives a visual representation of the above details.

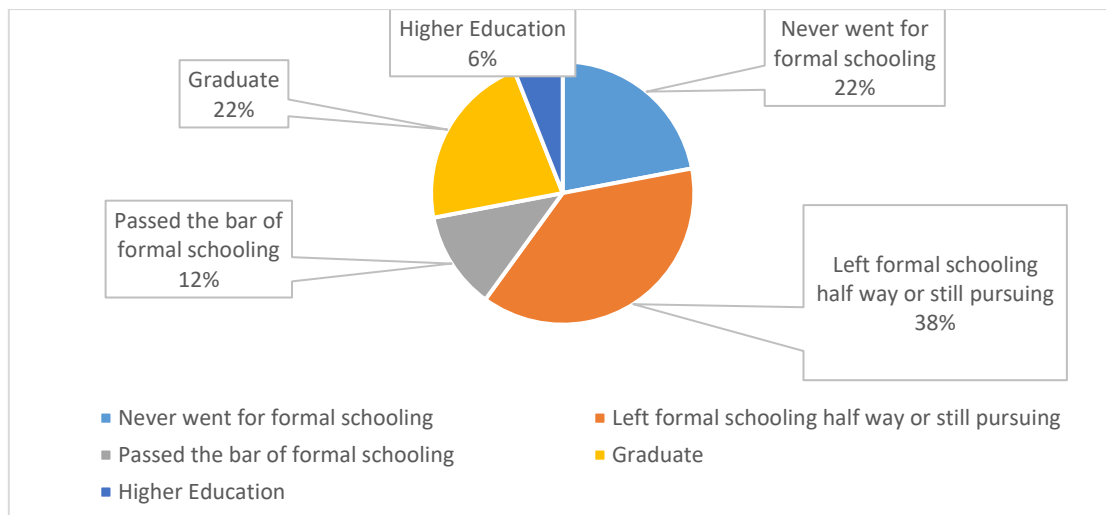


FIGURE NO. 3

Further, the participants of this research were enquired if they had taken any special/ vocational training, to which 16 (sixteen) out of 50 (fifty) answered in affirmation and the rest in negation. The following pie- chart (FIGURE NO. 4) gives a visual representation of the aforementioned details.

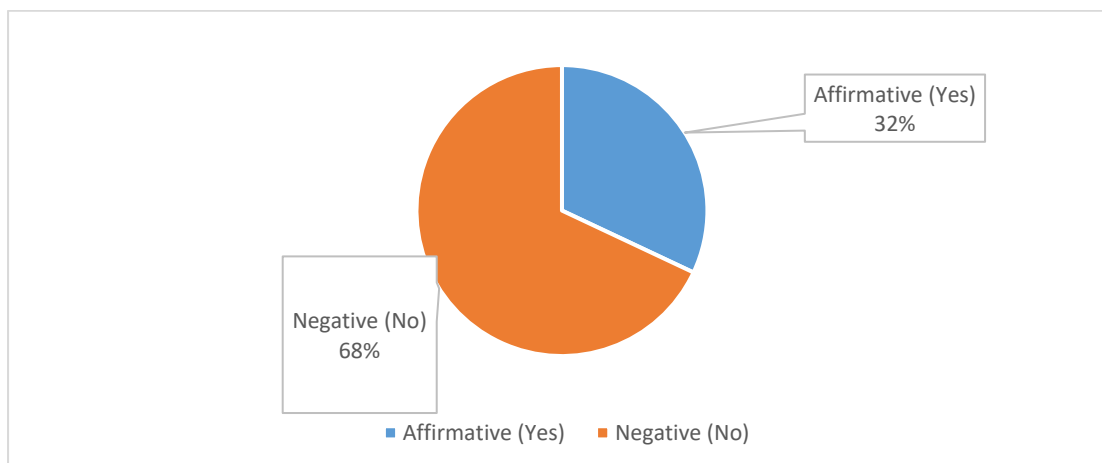


FIGURE NO. 4

Out of the 50 (fifty) participants 24 (twenty four) are employed and the rest 26 (twenty six) are not employed. The following pie graph (FIGURE NO. 5) shows the distribution.

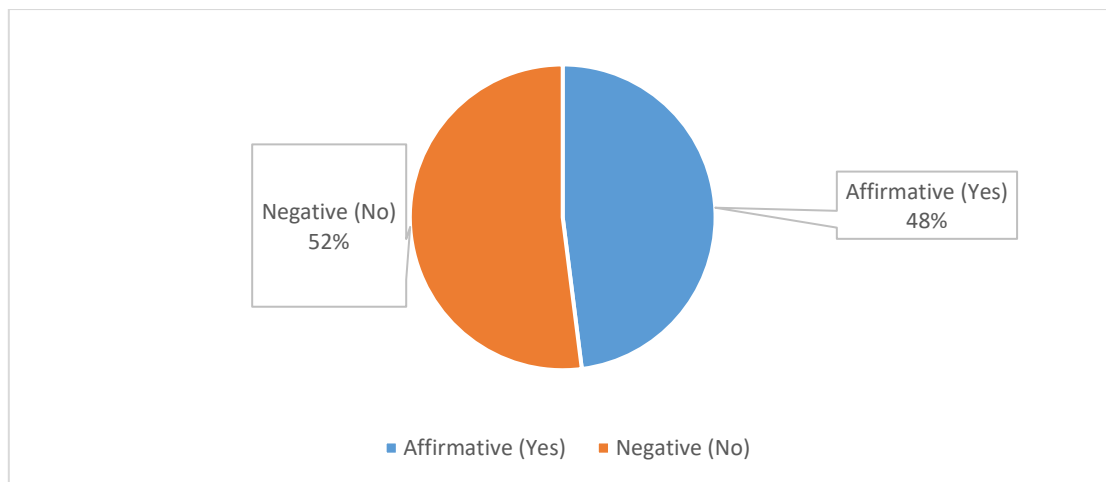


FIGURE NO. 5

The participants who helped bring justice to the research work belong to various strata of the society and is engaged in various kinds of employment. The nature of employment of the participants can be put down in the following heads. 10 (ten) out of 50 (fifty) of them are government employee, 4 (four) out of 50 (fifty) of them are working in the non- government sector, 7 (seven) out of 50 (fifty) are independent professional or business men, 2 (two) out of 50 (fifty) are working in unorganised sector, 1 (one) out of 50 (fifty) have retired from service, while 26 (twenty six) out of 50 (fifty) are either not working or have not yet completed studies or are not in a position to accept any traditional forms of employment and is in search of a suitable employment to suit their lifestyle as a disabled person. The following chart (FIGURE No. 6) further shows the graphical representation of the data.

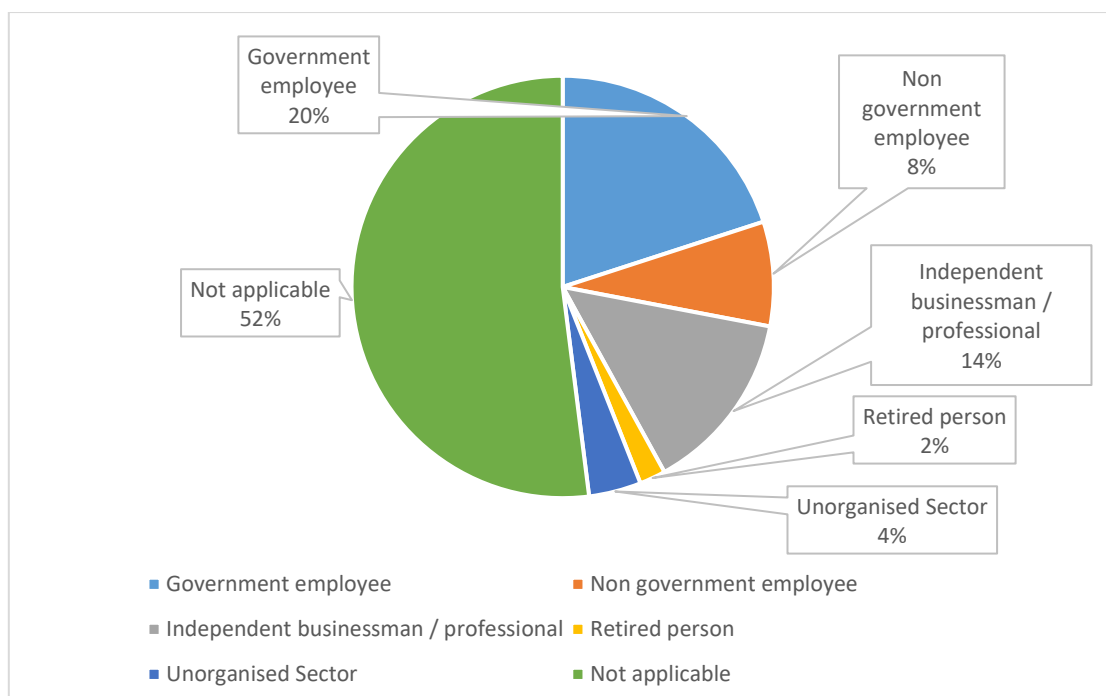


FIGURE NO. 6

When enquired whether the participants had any knowledge regarding the Rights of Persons With Disabilities Act, 2016, 16 (sixteen) out of 50 (fifty) of them gave positive answer while the rest 34 (thirty four) gave negative answer. It is graphically represented in the following manner in FIGURE NO. 7.

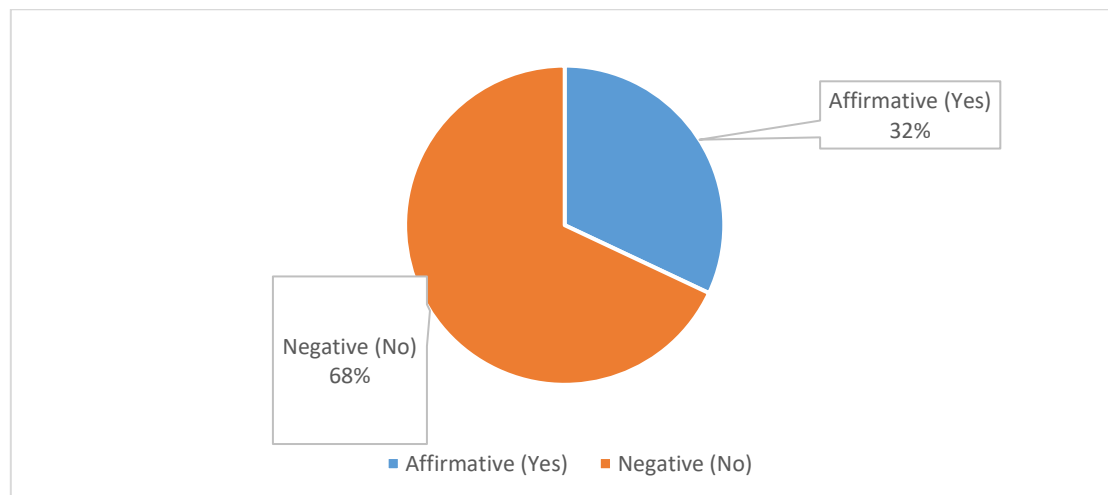


FIGURE NO. 7

Further, the participants were enquired if they had any knowledge about reservation system as envisaged in the Act of 2016 later amended in 2019, to which 17 (seventeen) out of 50 (fifty) answered in affirmation and the rest in negation. The following chart (FIGURE NO. 8) gives a visual representation in the form of pie chart of the said details.

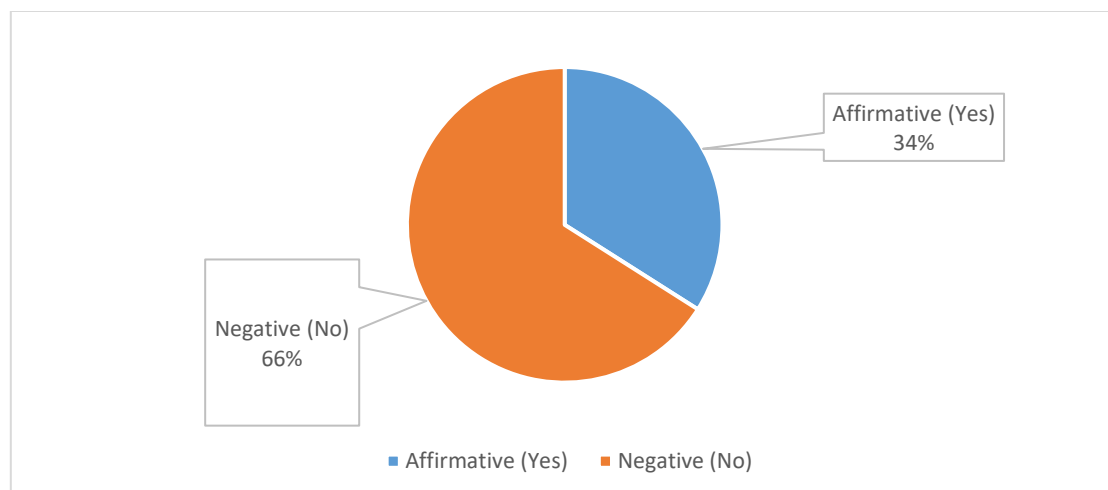


FIGURE NO. 8

It was further studied during conducting this research work as to how many of the participants had any knowledge about the special schemes for the Persons with Disabilities of the Government, to which 16 (sixteen) out of 50 (fifty) of the participants answered in affirmative and the rest 34 (thirty four) of them answered in negative manner. The figures can be put in

graphical representation as found in FIGURE NO. 9 below.

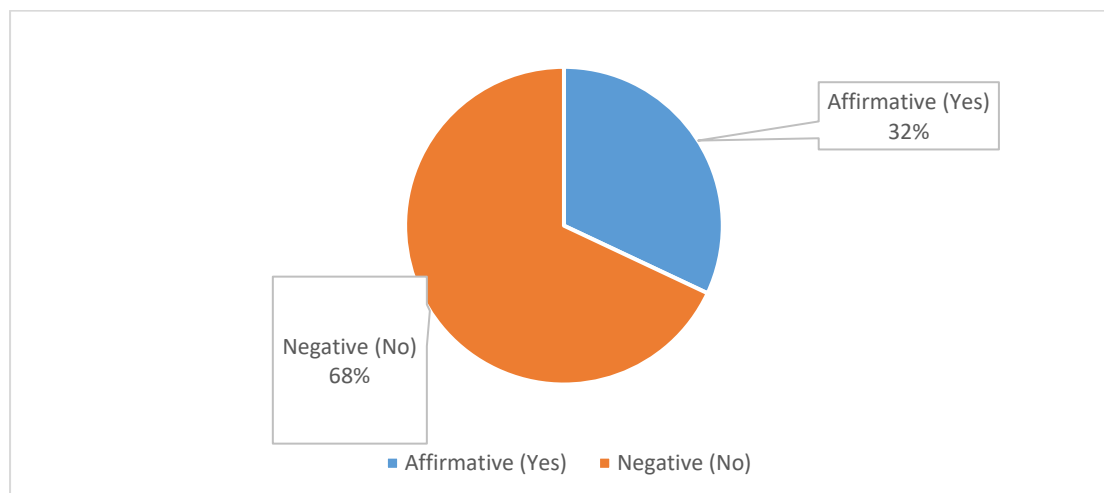


FIGURE NO. 9

An attempt was made to study whether the principle for empowerment of persons with disabilities as enshrined in the Convention on the Rights of Persons with Disabilities, 2006, of respecting the inherent dignity and freedom of disabled persons has been truly realised in the society today. Also, an attempt was further made to study whether there is full and effective participation and inclusion of persons with disabilities in our society. To answer these questions most of the participants gave various instances from their life which showed the rampant discrimination which is still today existing in our society. They come across various problems such as labelling, stigmatization, ridicule, bullying, name calling, insensitive comment passing, hurting by conduct and gestures. Out of 50 (fifty), 5 (five) of them replied with a 'yes' but the rest 45 (forty five) replied with a 'no'. The graphical representation of the above figures can be found in FIGURE NO. 10 and FIGURE NO. 11 respectively herein below.

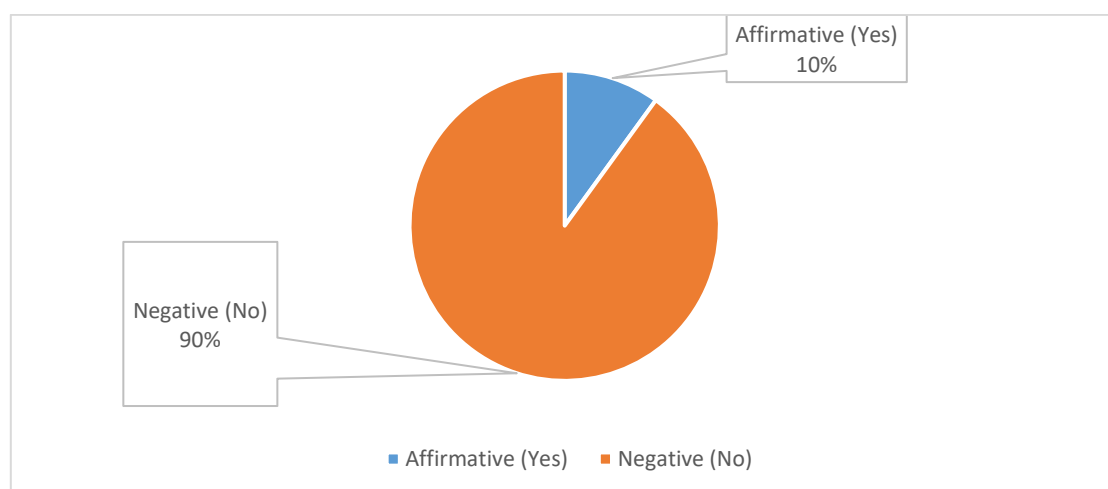


FIGURE NO. 10

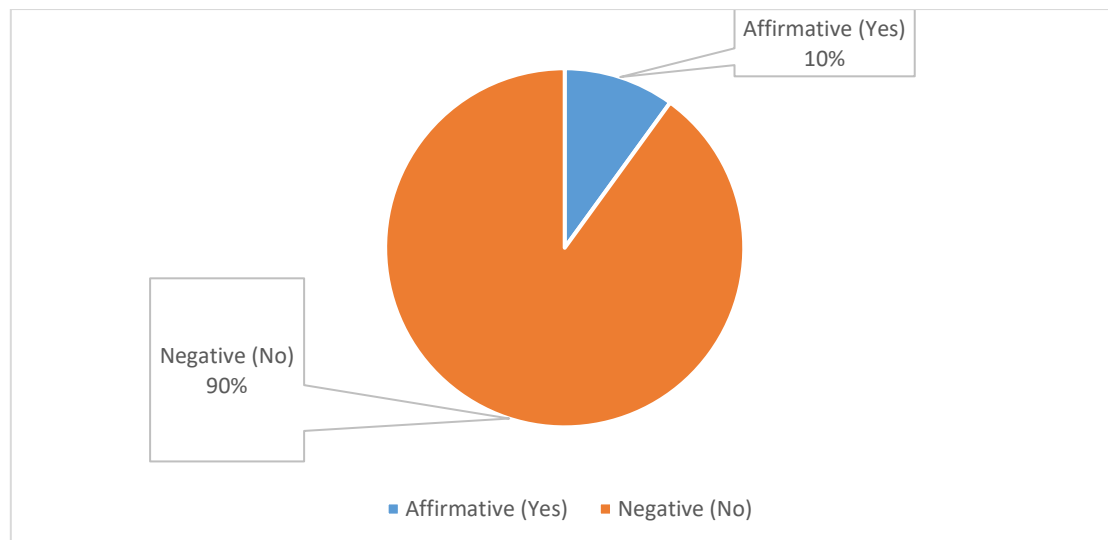


FIGURE NO. 11

This shows the ultimate failure of the implementation of the legislation namely The Rights of Persons with Disabilities Act, 2016 which was passed by the Parliament of India to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto. As it can be found in the Statement of Objects and Reasons to the Act of 2016 that India has an international obligation to comply with the provisions of the said Convention and therefore this Act of 2016 was passed and subsequently amended. The Convention had laid down various principles, amongst which the two principles of “full and effective participation and inclusion in society” and “respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons”, along with the rest of the principles, were to be followed by the State Parties and India being a signatory must adhere to such principles, but unfortunately the findings of my research conducted in limited scope and in limited jurisdiction shows a not so satisfying result.

III. CHALLENGES FACED AND SUGGESTED REFORMS

During the process of interaction with the participants for obtaining data, the participants themselves and some of their family members, relatives and well wishers shedded some light on the several challenges that the disabled persons face in relation to employment. Some of them are stated herein.

Firstly, it needs to be stated boldly and clearly that the disabled persons are just like the rest of the society and they do not need sympathy. What they need is a little bit of empathy and a lot of inclusivity in the society. In this regard, the common men should be sensitized, and this process of sensitization should begin at home at a very early age by way of moral discipline. This will not only make a smoother way of living for the disabled section of the society but

will also uplift the moral and value of the general people of the society by making them better human beings.

Secondly, even today people are not aware about Disability Certificates and the procedure to obtain such certificate. It is the duty of every local governing bodies to take appropriate steps and identify the disabled persons in the locality and to make necessary arrangements for their benefit just like there are systems for obtaining free rations for the people of below poverty line groups. There requires a little awareness level especially among the slum dwellers and the not so well to do classes of the society which can be provided at the lowest levels Ward wise so that the disabled people can get issued of a Disability Certificate and make utilisation of it to earn their livelihood and educate themselves.

Thirdly, the new schemes and amendments to the existing legislations are not made available to the persons with disabilities as these persons are to some extent not well acquainted with the blessings of technology. Therefore, the government must take appropriate steps to make them aware about such schemes and amendments to existing legislations through appropriate forums and communication methods.

Fourthly, in the workplace as well as at the time of recruitment to any employment, considerations should be made to differentiate the capacities of the disabled from the rest but such method of consideration should not be subject of discrimination in later future during course of employment. The authority in various establishments where the disabled persons work should take proper steps for any kind of discrimination and inequality such as bullying and name calling by establishing appropriate complaint cells and take the necessary measures to resolve the issues.

Fifthly, the amount of disability pension is meagre and not enough to sustain a proper living. Therefore, the amount should be increased to a decent level. Also the Government through its agencies should find and locate the disabled persons who have no body and place them in proper shelters and train them and all others of the same kind to earn their livelihood so that they do not have the feeling that they are being burden in the society. As noticed, most of these people are more sentimental than normal people in the society. These might be to some extent due to the stigmatization by the own family or the society. Therefore, this aspect needs to be looked into and appropriate legislation should be framed with penal consequences.

Finally, instead of looking at the aspects which they cannot do, efforts should be made to train them in accordance with their capacities and capabilities. They have high intellectual ideas which do not find expression sometimes because of their financial incapacities and sometimes

for the ignorance. Their capacities should be identified, segregated and channelized in the right direction to create a beautiful world.

IV. CONCLUSION

To conclude, the research on the topic of “RIGHT TO EMPLOYMENT OF PERSONS WITH DISABILITIES: AN EMPIRICAL STUDY IN BEHALA LOCALITY” was conducted and was successfully executed. It has been previously asserted that the principles as laid down in the Convention on the Rights of Persons with Disabilities, 2006 and adopted in the legislative framework namely The Rights of Persons with Disabilities Act, 2016 which includes “full and effective participation and inclusion in society” and “respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons”, along with the other principles, have remained constricted within the words of the statute only, and has not been implemented or realised in the day to day practice of the people in the society, thereby making it an interesting point of study in the socio legal realm. Upon studying and analysing the collected data and relying upon the said analysis it can be thus satisfactorily concluded that the hypothesis has been proved as correct.

APPENDIX
QUESTIONNAIRE

NAME	
AGE	
GENDER	Female Male Other
OCCUPATION	
What kind of disability are you suffering from?	Blind or low vision Locomotive disorder Deaf and dumb Cerebral palsy Mental illness Dwarfism Other Specify if other
Do you have a disability Certificate?	Yes No
What is your educational qualification?	Never went to school School done half way Passed school Graduate Higher education
Do you have any kind of special training or vocational training?/ Did you join any institute or training centre for any special	Yes No

training or vocational training ?	
Are you currently employed?	Yes No
What is the nature of your employment?	Government employee Non government employee Retired person Independent business or professional Not applicable
Do you know about the Rights of Persons with Disabilities Act, 2016?	Yes No
Do you know about the reservations available to persons with disabilities?	Yes No
Are you aware of the special schemes of the Government for the persons with disabilities?	Yes No
Do you think that there is full and effective participation and inclusion of persons with disabilities in our society?	Yes No
Do you think that there is respect for dignity and freedom of persons with disabilities in our society?	Yes No
