Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

EXPLORING THE DISABILITY RIGHTS IN SOUTH ASIA: REFLECTIONS ON POLICY-PROVISIONS IN INDIA and BANGLADESH

NITIN MALHOTRA

Assistant Professor, Department Of Political Science

Kalindi College, University of Delhi E-mail: malhotra.k.nitin@gmail.com

Abstract.

Although, the United Nations has exhibited its concern for global development by putting in place 'millennium development goals' (MDGs, 2000), but it is disheartening to observe that the empowerment of persons with disabilities has been overlooked in its vision. These set of internationally acclaimed goals to be realized in due course did not address the marginalised status of disabled section as developmental question. According to World Bank report, there is a close affinity between disability and poverty in the developing countries. The report's finding signifies that disability should be established as a developmental agenda so that this segment could benefit from the fruits of development and exercise basic rights at par with others.

In South Asia, both India and Bangladesh are comparable in terms of their disabled population, common colonial past and had once coincided in a geographical territory. They have placed an emphasis on rights of disabled, although in different periods of time and with varying magnitude. It is, therefore, pertinent to deal with disability policies introduced by Indian state and Bangladesh that serves as a chief source of legal recognition of their rights. Following a normative research method, the present paper aims to provide an evaluative account of policy provisions pertaining to disability rights namely PWD Act, National Policy for PWDs, recently RPWD Act, in India and Bangladesh: Disability Welfare Act and National Action for Disability etc. The areas of education, employment, rehabilitation, accessibility, and transportation services for persons with disabilities have been thoroughly examined.

Key Words: Disability, Employment, Education, Policy, Rights, Development.

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

1. Introduction

There is fair degree of plausibility on the presumption that Disability is a global phenomenon affecting the people of the entire world. It is not true of a specific country, creed, gender, age, or race but instead cuts across all political entities and social identities world-wide. Anyone can become a victim to physical, visual or mental dysfunctionality at any point of time in life (Jaeger and Bowman, 2005). Global estimates indicate that at least ten percent of the world's population lives with some form of disability. In the present industrially and technologically oriented society, people are far more likely to succumb to disabilities. Moreover, most people are not born disabled except a few. They acquire disability at some point later in life on account of accidents, international wars or natural disasters: floods, famine, drought, earth quakes, etc.

Despite being a reality the world over, disability has not featured directly in the efforts towards achieving global development. This is evident in the fact that rights of the people with disabilities did not find any place in the United Nations Millennium Development Goals (MDGs, 2000) which intended to massively reduce poverty from the face of the world by the year 2015. Endorsed by 189 countries, MDGs are a collective set of developmental objectives addressing the needs of the world's poorest and most marginalized people. It is both ironical as well as depressing to note that Disability empowerment has not been incorporated as one among the eight Development Goals to be achieved in the new millennium (21st century). In this way, the issues of people with disabilities have either been largely overlooked or underemphasized in development discourse all around the globe and more so in the developing countries of South Asia. Since power creates a visible and audible discourse, and the disabled people lack power, they are often not heard and remain unnoticed. In this context, Arie Rimmerman (2013) very aptly states that 'persons with disabilities have always been in but not part of society' (p. 9).

According to World Report on Disability (2011) jointly prepared by World Bank and World Health Organization (WHO), there is a close affinity between disability and poverty. Disability causes poverty and poverty accentuates the chances of disability. It implies that people with disabilities are among the poorest and most vulnerable and they experience high rates of poverty, poor health, and low educational achievements along with few employment opportunities. This

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

finding signifies a shift in perceiving disability from medically proven problem within an individual body to a socio-economic construction. The efforts to address challenges to development such as unequal distribution of income, unemployment, lack of services like health, and education play a critical role in overcoming hardships caused by disability. Thus, there is a growing realisation that disability should be established as a developmental agenda. It is generally emphasized that this segment of society should not simply participate and contribute to the process of national development but also have share in national resources. In such a state of affairs, the differently abled section could benefit from the fruits of development and exercise all basic rights and liberties at par with others.

In comparison to developed nations, the situation of disabled persons is further exacerbated in developing countries of the world. In South Asian Region, a vast number of people are disabled and lack basic support such as access to social safety nets, education, health services, and gainful employment. In fact, the incidence of disability is increasing by virtue of conflicts, disasters, malnutrition and the diseases like cancer and HIV/AIDS pandemic. Disability issues are given low priority and many forms of disability are difficult to capture in statistics, often due to underreporting. Therefore, it calls for a regional cooperation to alleviate poverty and take initiatives to accelerate the rate of progress in a way such that there are lesser probabilities of disability occurrences and persons with special needs could enjoy an improved standard of living.

In South Asia, both India and Bangladesh are almost identical in terms of their disabled population lacking basic services of education, health, employment opportunities, etc, had shared common colonial past and had once coincided in geographical territory. Unlike India which is multi-lingual, multi-religious and multi-ethnic society, Bangladeshi people are integrated and more or less homogenised through a common language i.e. 'Baangla'. These countries have placed an emphasis on protection and promotion of rights of disabled. However, it is evident that the rate of progress on disability and its magnitude varies greatly from country to country in the region.

It is, therefore, pertinent to deal with disability policies introduced by Indian state and People's Republic of Bangladesh that serve as a chief source of legal recognition of their rights. Such

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

rights would simply remain a mere claim without socio-political recognition. The present paper provides a comprehensive account of policies and legislative enactments initiated by the two, namely Persons with Disabilities Act (1995), National Policy for Persons with Disabilities (2006), the Rights of Persons with disability (RPWD, 2016), etc in India and Bangladesh gave effect to legislations: Disability Welfare Act (2001) and National Action for Disability (2002). This paper has tried to locate rights of the disabled people within the broader policy framework of both the countries under purview. Comparative analysis of diachronic or synchronic nature might be adopted as research method. This work is stimulated by the following objectives:

- ❖ To set disability rights as a developmental agenda in South Asia.
- Present a vivid description of rights provisions enumerated in disability policies of India and Bangladesh.
- ❖ Make comparative analyses of disability enactments prevalent in both the countries.
- ❖ To uncover the gaps and propose alternatives to reform policy provisions.

2. Disability Prevalence in the Two Countries

No comprehensive empirical study has been conducted at present to determine the incidence and prevalence of disabilities in Bangladesh. The few studies that have been conducted reflect a medical rather than a social model of disability, and they are also limited in geographical coverage. While no reliable national data exist, anecdotal information and a number of micro studies generally suggest a disability prevalence rate of between 5 to 12 per cent. This is close to the WHO estimate, which states that 10 per cent of any given population can be considered to have some or other form of disability. Ignorance and wrong beliefs surrounding disability, compounded with a negative and derogatory attitude of the community (including family members) have contributed to the marginal development in the disability sector in Bangladesh.On the other hand, the fifteenth Indian census (2011) has presented an articulative data estimate on disabled population in the country. As per the census, about 2 to 3 % suffer from any kind of disability. The categories of disability have been increased from 5 to 8 with inclusion of 3 new categories. An increase in proportion of disabled population in both rural and urban areas was observed. Moreover, the prevalence of disability has also increased among males and females of the country.

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

3. Policy Framework in People's Republic of Bangladesh

The National Constitution of Bangladesh, 1972, has numerous provisions that obligate the government to protect the rights and dignity of all citizens of the country equally and without any bias whatsoever. Part II of the constitution enshrines provisions on fundamental principles of state policy and part III elaborates on fundamental rights to be guaranteed to the entire citizenry comprising disabled segment as well. It also allows room for additional provisions to ensure that citizens who do not have access to all the public amenities are able to obtain such services. As per section 28 (3), "no citizen shall, on grounds only of religion, race, caste, sex, or place of birth be subjected to any disability liability, restriction or condition with regard to access to any place of public entertainment or resort, or admission to any educational institution" (Bangladesh's constitution of 1972, 2020, p.16). This vision has given the government ample opportunities to adopt legislative and policy frameworks for the development of full potentials of persons with disabilities in the country.

As early as 1993, the Government established a National Coordination Committee on Disability under the Ministry of Social Welfare which later adopted the National Policy on Disability in 1995 to ensure equal participation and pave increased opportunities for persons with disabilities. The concerned law has been approved in tune with all national and international commitments or obligations and the provisions of National Constitution. This policy embodied the first official recognition of disability issues by the government as part of development agenda. The policy was given legal support when the National Parliament enacted the Disability Welfare Act on 4 April 2001.

This law provides the first ever national definition and classification of disability in the country. The act defines disability as a condition in which any person becomes physically crippled or mentally imbalanced either congenitally or as result of disease, even being a victim of accident, or due to improper/ maltreatment. In such a case of full or partial incapacity, he/she is unable to lead a normal life. The document broadly enlisted 6 categories of disability: visual impairment, physical disability, hearing impairment, speech impairment, mental disability and persons with multiple disabilities.

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

Part IV Of this act accounts for education of disabled citizens of Bangladeshi state. For this purpose, establishment of Specialised Education Institutions to cater to the different needs of the children with disabilities is deemed necessary. It was also realised that specialised curriculum should be designed and developed and special text books to be written. The introduction of Special Examination System had been recommended, if situation demands. Provisions are laid down to Create opportunities for free education to all children with disabilities below 18 years of age. In order to make it a reality, books and equipments free of cost or at low-cost are to be provided. As per legislation, Endeavour is to be made to create opportunities for integration of students with disabilities in the usual class-set-up of regular normal schools wherever possible. To achieve this goal, training for the teachers and other employees working with the disabled should be arranged. Besides, there was declaration to undertake programmes for imparting vocational training for the disabled. It was resolved to arrange easy transport facilities for updown journey to school for the students with disabilities.

Part VI emphasized on Rehabilitation and Employment of the Persons with Disability. It was desired to undertake appropriate Schemes including Credit-Support programmes for rehabilitation of the persons with disabilities. Establishment and maintenance of Rehabilitation Centres, both at Government and Non-Government level considered crucial. It has been agreed to Design and develop Training Manual for Vocational Training of the PWDs and carry-out such Training Programmes according to the Manual so developed. Identification of appropriate job/employment areas for the disabled and creation of employment opportunities has also been an essential goal. It was intended to ensure equity of opportunities for employment while recruiting employees in the government Departments, statutory bodies and local authorities for suitably qualified persons with disabilities. In this connection, actions are to be taken to relax the prescribed minimum age limit for recruitment of PWDs in the concerned jobs. The appropriate governments shall ensure reserve quota in the recruitment of posts to the government departments, statutory bodies and local authorities and disseminate information on job-opportunities for them.

Part VII has dealt with access to Transport Facilities. For this purpose, appropriate transport facilities at all buildings and establishments are to be set up including government departments,

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

Statutory Bodies and private organizations to facilitate easy movements and communications for the PWDs. Appropriate measures should be taken to adapt toilets at rail compartments, water-vessels, bus- terminals and waiting rooms so that the persons with disabilities can also use it like others. Installation of auditory signals at all main road-crossings in the cities was proposed in the document. So, attempts were made to devise suitable signs and symbols to facilitate safe and hazard-free mobility of persons with disabilities. Under this legislative enactment, easy access and movement of the wheel chair users is facilitated by making appropriate curb cuts and slopes and ramps at public buildings. The persons with disabilities carrying duly issued Identity Card are to be permitted to travel by train, buses, water-vessels, Airways along with an escort at concessional fare and also to make arrangement for carrying portable luggage alongside.

The Prime Minister's office issued an executive order in 2002 to put this into force. A National Coordination Committee on the Rights and Protection of Persons with Disabilities (responsible for coordinating all disability initiatives by the Government of Bangladesh) then formulated and adopted a National Disability Action Plan on 24th September 2006 to implement the National Policy on Disability and the Disability Welfare Act. The Action Plan is very comprehensive, involving forty-six Ministries and divisions of the government to undertake specific activities for persons with disabilities. The government has also appointed a focal person in every division of the Ministries (forty-six focal persons) who can provide the persons with disabilities the opportunity to avail services from the government easily.

In 2013, the Rights and Persons with Disabilities Act came into force, repealing and replacing the Disability Welfare Act of 2001. The new law has to an extent adopted the provisions of the UNCRPD and it marks a transition to a more rights focused approach than the earlier welfare based approach of the 2001 Act. The Act not only has a broader definition of the nature of disabilities but also sets out the rights of persons with disabilities in more detail covering the fundamental rights as well as the cultural, social, economic and political rights. Furthermore the Act vests duties on various committees for better protection of rights of persons with disabilities in a regional and national level and the Schedule of the Act lists out the State's obligations for establishing

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

4. Policy Impetus to Disability Rights in India

No doubt, the constitution provides a chief source of policy provisions of any state and India is no exception to it. Chapter 3 and 4 of the Indian constitution on fundamental rights and directive principles of state policy respectively, sets out basic vision towards its citizenry. The fundamental rights guaranteed inn chapter 3 of Indian constitution (right to equality, freedom, life and liberty, religion and cultural and educational rights) are uniformly applicable to all citizens alike, whether disabled or nondisabled. This fundamental law of the land secures prohibition of discrimination, equality of status and of opportunities for all including the disabled. However, it is an undeniable fact that disability has not been recognised as an important factor of discrimination under the anti-discrimination clause as it's the case with caste, class, race, sex, religion, place of birth etc.

Though, initial few decades since independence did witness some initiatives to address employment and educational concerns of disabled such as special schools, vocational rehabilitation centres (VRCs), special employment exchanges etc. But yet, there was hardly any substantial policy legislation to address their over-all access needs. India happened to be the signatory of Proclamation on Full Participation and Equality of Persons with Disabilities in Asia and Pacific and Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Right-based Society. It was deemed necessary to reflect the obligations under these agreements at the national level and give effect to the Proclamation through legislations in disability sector.

India expressed its commitment to the cause of creating a disabled-friendly environment through the legislation of 'persons with disabilities (equal opportunity, protection of rights and full participation) Act (PWD)' in 1995. The Act came into force on 1st Jan. 1996 and extends to the whole of India except the State of Jammu and Kashmir. The legislation has defined disability under seven categories such as blindness, low vision, leprosy-cured, hearing impairment, loco motor disability, mental retardation and mental illness. It provides provisions for securing the right to education, employment, creation of barrier free environment, rehabilitation and social security of disabled, etc.

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

Chapter (V) of the act is devoted to the cause of education for the children with disabilities. It is stated that The 'Appropriate governments and the local authorities shall ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years' (PWD Act, 1995, Section 26). Section 28 puts forth provisions to initiate research by official and non-governmental agencies for the purpose of designing and developing new assistive devices, teaching aids, and special teaching/learning materials necessary to give a child with disability equal opportunities in education. Section 30 (Clause B) of the legislation emphasized on The removal of architectural barriers from schools, colleges or other institution and imparting vocational and professional training.

Chapter (VI) is concerned with employment of the differently abled. It has laid down provisions for 3% reservation in every government & public sector establishment. Section 38 provides that appropriate governments and local authorities shall formulate schemes to ensure the relaxation of upper age limit in jobs. Chapter ix of this policy document entitled 'non-discrimination' has made provisions for their equal access to physical environment in the areas of transport, roads or outdoors and public places (from section 44 to 46).

In 2006, the National Policy for Persons with Disabilities (PWDs) has recognized that disabled persons are valuable human resource for the country and seeks to create an environment that provides them with equal opportunities, protection of their rights and participation to the fullest in society. The National Policy identified nine key areas of state intervention viz; barrier-free environment, education of persons with disabilities (PWD), employment, Human Resource Development (HRD), social protection, Sports, Recreation and Cultural activities etc. According to this policy document, for creation of barrier-free environment, many strategies were to be adopted.

It is proposed that "Public buildings (functional or recreational), transport amenities including roads, sub-ways and pavements, railway platforms, bus-stops / terminals, ports, airports, modes of transports (bus, train, plane and waterways), playgrounds, open space etc were to be made accessible" (National Policy for PWD, 2006, section 51). Recently, in 2022, this national policy is revised and renewed with the advent of 'New Draft Policy for Persons with Disabilities'

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

(2022) with an intention to address the dynamism in concerns of disability. After all, the New Policy remains a draft, open to comments of the stakeholders which is still to be enacted and

transformed into a full-fledged legislation.

India happened to be one of the signatories to U.N. Convention on the Rights of Persons with

Disabilities (UNCRPD) which the country ratified on 1st October 2007. In order to give effect to

UNCRPD, Indian parliament passed the Rights of Persons with Disabilities (RPWD) Act on 28th

December 2016. This enactment was also regarded as contemporary version of PWD Act (1995)

and extended the types of disabilities from formerly 7 to 21. Chapter 2 of this legislative

document is devoted to rights and entitlements of persons with disability. The enactment

authorize appropriate governments to ensure whole gamut of such rights as right to equality, live

with dignity and respect on equal basis with others, right to inheritance of property, to safety

against risk of human emergency, armed conflicts, and natural disasters, protection from torture,

inhuman, cruel or degrading treatment, rights against all forms of abuse, violence and

exploitation, accessible voting right, right to access courts, tribunals, commissions or other

judicial authorities, accessibility of information regarding reproductive and family-planning, etc.

(RPwD Act, 2016, Sections 3-15).

The concerned enactment also provides legal guarantee of right to employment, ensure inclusive

education and accessible university environment for persons with disabilities. It has raised the

reservation quota in public sector jobs from erstwhile 3% to 4%. Moreover, under this

legislation, 5 % of seats have been reserved for disabled students belonging to higher educational

institutions.

5. Critical Assessment

Review of the disability policy framework of India and Bangladesh would inform us that, by

and large, the legislative content of these countries is almost identical. Both share the priority

areas belonging to the policy documents i.e. education, employment, rehabilitation, accessible

environment for them and so on, except minor differences. However, the way these target areas

are to be achieved or the specified plan of action to attain those objectives regulated by the state

International Journal of Research in Social Sciences

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

is often dissimilar. This is evident in the fact that while Indian PWD Act, 1995 has fixed three percent and later extended to 4 percent reservation under RPWD Act (2016) across all grades of posts guaranteeing right to work for disabled. Whereas, in Bangladesh, Disability Welfare Act, 2001 sets 10 % quota in grade 3 and 4 and 1 % of reservation in group 1 and 2 in public-sector employment respectively. Besides, though India has pursued a rights-oriented approach in its policy initiatives, whereas policy provisions in Bangladesh are driven by a pro-welfare agenda based on the notion of need.

Policy initiatives pertaining to the issue of disability rights in these countries only remain on paper and lacks implementation at the level of ground reality. Policy legislations are formulated but hardly yield the expected and desired results. It seems that these policies are devised out of international pressure rather than political will of the concerned states. An examination of their political history shows that very seldom disabled persons have been treated as human resource and are able to contribute to national development. Yet, it cannot be denied that India has progressed far more in disability policy interventions and has even surpassed Bangladesh. The reason is delayed liberation of Bangladesh in 1971 due to political turmoil and instability in East Pakistan.

The policies are formulated to cater to the needs of each and every member of target group. In the process, they eventually contribute to the common good of society at large. In fact, this is not the case with policy measures meant for the disabled in Bangladesh and India. These are drafted, passed and executed with a preconception of disability as a monolithic category and do not consider inherently varying needs of each sub-segment within the disabled. When executed, they serve the interests of one inter-sections or another within the disabled: for e.g. literate and economically well off persons amongst visually and orthopedically disabled. In this way, some disabled are benefited at the cost of other whether it is learning needs, information, employment or right to franchise. It thus poses a problem of lacunae or bias in policies on rights and welfare of disabled persons. For example, the Bangladeshi persons with Disability Welfare Act, 2001 has its inherent gaps and it is flawed in the sense that there was no mention of punishment for violence against persons with disabilities.

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

Although the rights of differently abled community are legally recognised in these South Asian countries. But having said that, there is a discrepancy between formal guarantee and actual enjoyment of their rightful entitlements. The rights of persons with disabilities are one of the most misunderstood areas of the development arena, and one of the most commonly forgotten development agendas in Bangladesh. They are not exercised by the disabled ones, owing to inaccessible environment in education, health, employment, transportation, voting process etc.

6. Conclusion and the Way Forward

In view of the above challenges, certain recommendations are inevitable to reform the existing policy framework or to further develop policy alternatives. In the first place, its the conception of necessity characterized by genuine political will and not compulsion /imposition that is supposed to be the guiding principle of policy interventions in these countries. In addition, a paradigm shift from welfare approach to rights-based outlook on disability is urgently required.

According to a report of Disability Rights Watch Group, entitled 'State of the Rights of Persons with Disabilities in Bangladesh', one of the major reasons for people with disabilities not enjoying their rights and entitlements is the general inaccessibility of infrastructure. In holistic sense, to bridge the gap between policy recognition of rights and its practical manifestation, collective action of removing barriers to educational services, employment opportunities, rehabilitation, transportation, built environment, etc is indispensable.

Unquestionably, studies demonstrate that poverty is intricately linked to disability and vice versa. Therefore, more emphasis must be laid upon poverty alleviation programs with a vision to integrate disability into the mainstream of development agenda of both India and Bangladesh. Last but not the least, the conservative perception of disability as an outcome of the sins committed in the previous life has to be changed and disability, rather, is to be viewed from the pragmatic lens of being a socially constructed reality. This would be materialized provided the social engineering programs are adequately promoted in both the republics of South Asia.

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

Both Bangladesh and India have expressed their obligation to the international treaty by becoming parties to UNCRPD in the same year (2007). They have contributed to disability rights discourse through legislative measures. Nonetheless, conservative mindset and poverty-ridden population accentuate the chances of disability as a growing regional phenomenon. This poses hindrance to the protection of their rights along with full and effective participation in all activities of life like the rest. It is quite evident that India has an edge over Bangladesh in terms of the rate of progress on disability policy and the magnitude of rights guaranteed. In a report on disability rights prepared by national grassroots and disabilities organization and National Council for Women with Disabilities of Bangladesh, it is conveyed that despite of being signatory and party to the U.N convention, it has not obliged to submit a report on current status of disability rights in the country till date. The report also adds that employees with disability tend to be paid lesser wages than the nondisabled, are often subject to harassment at work-place and even lacks access to basic services like health and education etc (NGDO and NCWD, Bangladesh Report, 2015).

The disabled population is scattered throughout the world and do not constitute a homogeneous or collective voice like that in gender and racial identities. The rate of development is also uneven in South Asia. Accordingly, lesser the degree of underdevelopment and, greater would be the chances of disability empowerment. Thus, in a nutshell, it is advisable and deemed pertinent that the rights of differently abled citizens ought to be made a vital component of development agenda which will surely pave way for a disability-inclusive development strategy in South Asian region.

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at:

Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A

References

Bangladesh's Constitution of 1972, Reinstated in 1986, with Amendments through 2014.

(February 4, 2020). Retrieved from http://www.constituteproject.org/Banngladesh_2014.pdf

23:41 hours, Accessed on 2nd may, 2020.

Bakshi, P.M. (2002). The Constitution of India. Delhi, India: Universal Law publishing

Corporation Pvt. Ltd.

Conrad Grebel University College. Disability Discourse in South Asia and Global Disability

Governance. Ontoreo, Canada: University of Waterloo. Available online url-

https://uwaterloo.ca/grebel/disability-discourse-south-asia-global-disability-governance

Disability Rights Watch Group and National Forum of Organizations Working with the Disabled

(NFOWD), (December, 2009). State of the Rights of Persons with Disabilities in Bangladesh.

Dhaka, Bangladesh.

Henderson, G. and Bryan, Willie V. (Eds. 2011). Psycho-social Aspects of Disability.

Oklahoma: Charles C. Thomas Publisher, LTD.

Jaeger, Paul T and Cynthia Ann Bowman. (2005). Understanding Disability: Inclusion, Access,

Diversity, and Civil Rights. London: Praeger Publishers.

Ministry of Social Welfare (1995). National Policy on Disability. Dhaka: Gazette Notification,

Government of Bangladesh.

Ministry of Social Welfare, (2001). Bangladesh Persons with Disability Welfare Act. Gazette

Notification, Dhaka, Bangladesh: Government Publication.

Ministry of Social Welfare (2013). The Rights and Protection of Persons with Disabilities Act.

Dhaka: Government of Bangladesh.

Ministry of Law, Justice and Company Affairs (1995). 'The Persons with disabilities; Equal

Opportunities, Protection of rights and Full participation Act'. New Delhi: Government of India

Publications.

Vol. 9 Issue 2, February 2019,

ISSN: 2249-2496 Impact Factor: 7.081

Journal Homepage: http://www.ijmra.us, Email: editorijmie@gmail.com

Double-Blind Peer Reviewed Refereed Open Access International Journal - Included in the International Serial Directories Indexed & Listed at: Ulrich's Periodicals Directory ©, U.S.A., Open J-Gate as well as in Cabell's Directories of Publishing Opportunities, U.S.A.

Ministry of Social Justice and Empowerment (2006). National Policy for Persons with Disabilities. Government Document, New Delhi: Government of India Publication.

Ministry of Law and Justice [legislative department], (28th December, 2016). Rights of Persons with Disabilities. New Delhi: Gazette of India Extraordinary, Government of India.

National Grassroots and Disabilities Organization, National Council for Women with Disabilities, and Bangladesh Legal Aid and Services Trust (2015). Current status of Rights of Persons with Disabilities in Bangladesh: Legal and Grassroots Perspectives. Dhaka: Government of Bangladesh.

Office of general registrar and census commissioner, (2011). Census of India Data on Disability. New Delhi: Government of India.

Rimmerman, Arie. (2013). Social Inclusion of People with Disabilities: National and International Perspectives. New York: Cambridge University Press.

United Nations (October, 2003). The World Bank and Disability in South Asia: A Portfolio Review.

World Bank and World Health Organisation (2011). World Report on Disability. New York: United Nations.