

Legal Framework and Social Security for Persons with Disabilities in India: A Critical Review

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Abstract

The social security system in India for Persons with Disabilities Divyanjans (PWDs) has evolved through various legislative and policy initiatives aimed at ensuring their financial stability, healthcare, education, and employment opportunities. Despite these efforts, challenges such as inadequate coverage, ineffective implementation, bureaucratic hurdles, and lack of awareness continue to hinder the full realization of benefits for PWDs. This paper critically examines the existing social security framework, evaluates its effectiveness based on statistical data, and explores potential areas for improvement. The study emphasizes the importance of a multi-stakeholder approach involving the government, private sector, and civil society to create a more inclusive and accessible social security system for PWDs in India. By addressing these challenges through policy refinements, enhanced accessibility, and increased financial commitment, India can move towards a more equitable and empowered society for persons with disabilities. The legal and institutional framework in India, led by the Department of Empowerment of Persons with Disabilities (DEPwD), under the Ministry of Social Justice and Empowerment, Government of India, provides a comprehensive rights-based approach to empowering persons with disabilities. While challenges in implementation remain (especially in rural areas), significant progress has been made in terms of inclusion, access, education, and livelihood for persons with disabilities.

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Introduction

Persons with Disabilities (PWDs) constitute a significant portion of India's population. According to the 2011 Census, approximately 2.21% of India's population lives with disabilities, equating to nearly 26.8 million individuals. Ensuring their social security is crucial for fostering an inclusive society. This paper explores the legal framework, government schemes, challenges, and potential solutions related to social security for PWDs in India. The legal and institutional framework in India, led by the Department of Empowerment of Persons with Disabilities (DEPwD), under the Ministry of Social Justice and Empowerment, Government of India, provides a comprehensive rights-based approach to empowering persons with disabilities. While challenges in implementation remain (especially in rural areas), significant progress has been made in terms of inclusion, access, education, and livelihood for persons with

disabilities. The (DEPwD) offers a comprehensive array of schemes and services aimed at the holistic upliftment of Persons with Disabilities (PWDs). These initiatives span education, employment, accessibility, healthcare, and social security.

Legal Framework and Policies

India has taken several legislative measures to safeguard the rights of PWDs, including:

- **The Rights of Persons with Disabilities Act, 2016:** Expands the definition of disability and mandates inclusive policies.
- **The National Policy for Persons with Disabilities, 2006:** Aims to create an enabling environment for PWDs.
- **The Equal Opportunity, Protection of Rights and Full Participation Act, 1995:** Provides reservations in employment and education.

- **The Mental Healthcare Act, 2017:** Ensures rights-based treatment for individuals with mental illnesses.
- **The RPWD Rules, 2017:** Provides guidelines for the implementation of the RPWD Act, 2016.

Social Security Schemes

The government has introduced several schemes to support PWDs, including:

- **Indira Gandhi National Disability Pension Scheme (IGNDPS):** Provides financial assistance to disabled persons below the poverty line.
- **Deendayal Disabled Rehabilitation Scheme (DDRS):** Supports NGOs working for PWD welfare.
- **Accessible India Campaign (Sugamya Bharat Abhiyan):** Aims to improve accessibility in public spaces.
- **Skill Development Schemes:** Initiatives like the National Action Plan for Skill Development provide vocational training to PWDs.
- **Assistance to Disabled Persons for Purchase/Fitting of Aids and Appliances (ADIP Scheme):** Provides assistive devices to PWDs to enhance mobility.
- **National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities:** Provides legal and social support to PWDs and their families.

Statistical Data on Social Security Coverage

- As per the Ministry of Social Justice and Empowerment, about 8.5 lakh PWDs benefited from the IGNDPS scheme in 2020-21.
- The Accessible India Campaign has made 1,100 government buildings accessible since its launch.
- Only about 36% of PWDs are employed in organized sectors, highlighting the need for stronger employment policies.
- Despite the RPWD Act, only 30% of PWDs receive government-provided assistive devices.

Challenges in Social Security for PWDs

Despite these initiatives, several challenges hinder effective social security:

- **Limited Awareness:** Many PWDs and their families are unaware of available schemes.
- **Implementation Gaps:** Delayed execution and bureaucratic hurdles reduce the effectiveness of social security programs.
- **Insufficient Coverage:** Many PWDs, especially in rural areas, are excluded from benefits due to lack of proper documentation.
- **Employment Barriers:** Limited job opportunities and workplace discrimination restrict economic participation.
- **Inaccessibility:** Inadequate infrastructure and digital barriers make it difficult for PWDs to access services.

Recommendations for Improvement

To enhance social security for PWDs, the following measures should be considered:

- **Awareness Campaigns:** Government and NGOs should conduct targeted awareness programs.
- **Simplification of Procedures:** Streamlining application processes for benefits and reducing bureaucratic hurdles.
- **Strengthening Implementation Mechanisms:** Effective monitoring and evaluation of existing schemes.

- **Enhanced Employment Opportunities:** Encouraging corporate social responsibility (CSR) initiatives for hiring PWDs.
- **Improved Accessibility:** Strengthening the Accessible India Campaign and ensuring barrier-free infrastructure.
- **Increase in Budget Allocation:** Higher financial commitment to disability welfare programs.

Conclusion

While India has made progress in providing social security to PWDs, significant challenges remain. A multi-stakeholder approach involving the government, civil society, and private sector is essential to ensure the holistic development and empowerment of PWDs in India. Future policies should focus on inclusivity, accessibility, and sustainability to achieve meaningful social security outcomes for PWDs.

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