

# Violation of the Rights of the Persons with Disability in Kerala, the Need for Community Based Rehabilitation: A Comparative Approach

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## Abstract

Disability is a human rights issue because those with functional difficulties endure stigmatization, discrimination, inequalities, violation of their rights, abuse, prejudice, and denial of autonomy. Consequently, rehabilitation can be a successful way to raise the quality of human lives through rehabilitation centers. Therefore, rehabilitation centers are the key elements in building an inclusive society.

Since different demographic groups exist in a developing nation like India, rehabilitation institutions and C.B.R. models encounter several challenges and practical obstacles. Persons with disabilities lead a challenging life and belong to stigmatized groups. Therefore, people with disabilities suffer enormous difficulties throughout their lives, which also involve abuses of their human rights. Hence, this paper aims to examine human rights violations affecting persons with disabilities as a marginalized group living in Kerala, focusing on three aspects:

- Institutionalization and follow-up process
- The importance of a multidisciplinary team
- The importance of C.B.R. within Kerala culture

**Keywords:** Persons with Disabilities, Inequality Welfare and Social Justice, Vulnerability and Marginalization, Community based Rehabilitation, Multidisciplinary Team.

## Introduction

Human rights are fundamental rights and freedoms that belong to everyone, from birth until death, regardless of color, sex, nationality, ethnicity, language, religion, or any other status. Human rights cover a wide range of freedoms, such as the right to labor and Education, the freedom from slavery and torture, the freedom of speech and opinion, etc. The world is in the twenty-first century, and due to several problems, the world has yet to be able to guarantee the human rights of every person. As a result, violations of human rights are happening even in the most rural areas of the world. Human rights violations affect people in various ways, especially those under the People with Disability (P.W.D. category). P.W.D.s suffer lots of discrimination and human rights violations based on societal norms and regulations, environmental factors, religious models, accessibility, medical and health care, etc. Currently, the world is trying to build an inclusive society. Therefore, discrimination and violation of

human rights of P.W.D.s must be adequately addressed. One crucial factor contributing to the human rights violation of P.W.D.s is social disorganization. Social disorganization is defined as an inability of community members to achieve shared values or to solve jointly experienced problems, and it states that P.W.D.s are a disorganized community and, therefore, need help to solve the issues correctly. Therefore, this paper tries to analyze various problems faced by P.W.D.s and the practical measures to address their issues and solve their problems as a whole.

## Chapter 1; Marginalization of P.W.D.s as a Group

Marginalization exists in numerous forms; it is against vulnerable groups in society. In this sense, the three essential forms of marginalization are given as follows:

1. Social marginalization,
2. Economic marginalization, and
3. Political marginalization

A person with Disabilities suffers all three of these marginalization forms. The Indian government recognizes a total number of 21 disabilities, and there is no single association, N.G.O.s, or public sector that unifies these twenty-one disabilities under one umbrella. So, therefore, Persons with Disabilities can be seen as a disorganized group. Social disorganization of the disabled community has some significant issues. Social marginalization can only be understood by knowing the society matrix, which is interlinked with the two forms of marginalization. Social marginalization occurs when a person or groups of people are less able to do things or access essential services or opportunities. It is also sometimes referred to as social exclusion. The crucial elements of this social marginalization are low living standards and poverty. Kerala has the lowest poverty rate in India compared to the other states. But, still, social exclusion is happening. P.W.D.s did not know about their fundamental rights and different government policies regarding their welfare measures, and society is sympathetically looking at Persons with Disabilities. The lack of accessible public transport systems, welfare benefits systems, inability, etc., all cause social marginalization on a deeper level. Also, there is no agency, both public and private, that addresses the issues of disabled people as a whole (21 disabilities).

Another critical factor that plays a significant role in marginalization is religious institutions. Religion and its related institutions have a long-running root in the heart of Kerala society. People in Kerala are always deeply connected with God and various religious institutions. Religion has a complex view of disability. From a spiritual point of view, disability occurs when a person commits blasphemy. Therefore, disability is seen as a punishment in significant religions. For example, we can look at the case of a Malayalam movie called Kaduva (2022). In that movie, dialogue becomes a sensitive topic in Kerala society. The dialogue itself refers to disability as a punishment from God. In the 2000s, a similar theme was seen in Meerayude Dhukhavum Muthuvinte Swapnavum (2003). In the 1990s, a similar theme was seen in Ezharakootam (1995). Movies like Panchavadi Paalam (1984), Devasuram (1993), Mizhi Randilum (2003), Pachakuthira (2006), Chakkaramuthu (2006), Sound Thoma (2013), Kaatu (2017), etc., establishes disability happen due to the rage of God. Movies are the representation of society. By looking at these movies, it is essential to acknowledge that Kerala society has not changed any bit and still thinks that disability happens due to the sin of the person or a curse in the family. Therefore, it is visible that society does not see disability as a condition rather than a punishment from God. A society keeping this kind of notion will provide imperfect results.

## Chapter 2: What if they got a chance? Stories about empowerment

Being a marginalized group member has frequently been linked to numerous challenges that make it more difficult to recognize many shades of the world in a loud culture. Thus, many people need help to achieve a level of contentment. From there, many others see the various colors of life to achieve their dreams, even being marginalized.

There are multiple similar achievements, including a few instances in Kerala.

### CASE 1

The case of a 26-year-old doctor from Calicut named Mrs. Dr. F, who has battled the brittle bone disease since she was a young child. She had six surgeries as a child and can only walk a very short distance without assistance now; being 65 percent disabled, her parents struggled financially to raise her in a developing society, yet they nevertheless supported her academic goals and assisted her in becoming a doctor. Hence, that support and an ardent desire to help her community made a difference in her life. Her husband also mentioned the challenges of living in a society that is not inclusive. His travels with Mrs. Dr. F made him aware of the difficulties that persons with disabilities face, particularly the lack of infrastructure in a developing society. He also mentioned that they'd have to carry her in public transportation, and then vehicles next to them would horn, disturbing everyone nearby. Likewise, her friends would have to take her if she had to attend class. After three years, however, the institution's administration had changed, reinventing it as disability-friendly. Since reputable institutions like medical colleges have not yet made themselves accessible to people with disabilities, we could find other well-known public locations.

### CASE 2

The journey of 24-year-old Ms. A, a resident of Palakkad who has a 60% disability, was another challenging life. When she was a young child, she got Spinal Muscular Atrophy (S.M.A.). Therefore, she spent much of her childhood in medicine, inspiring her dream to work there. As a result, she wanted to major in science from a young age, but her teachers demotivated her and did not recognize that she was firmly rooted in her aspirations. She and her parents even had to go through counseling sessions concerning the academic challenges of taking science courses to abandon their plans to major in science at school. She attempted the NEET exam after high school because it was her dream profession. However, she encountered numerous difficulties and even mockery from the state medical board, even though 5% of the places were reserved for benchmark disabilities. Her application was rejected again, and the third time she applied, the national board at Government Medical College, Madras, accepted her. Also, with this, she added that the mental health of specially needed students should be considered and given the space they deserve.

Furthermore, she emphasized the significance of a society that includes persons with disabilities, which was absent everywhere she traveled. As a person using a wheelchair, she had a lot of difficulties navigating the area because there were no ramps or elevators. Thus, even though the R.P.W.D. The act came in 2016; our community lacks an inclusive world around us.

Also, Ms. A added, "In the absence of ramps and elevators, I have to navigate staircases or seek help from someone, due to WHICH I am not able to reach the classroom on time. I have raised the issue several times to the authorities. I have no shame in bringing important issues to light. I am not someone

who gives up very easily. But, when your repeated pleas are not cared for, sometimes you do feel a lack of self respect."

### CASE 3

Mr. N is a wheelchair user and has been diagnosed with neuropathy. Despite his challenges, he overcame them and became a successful chartered accountant in the 'World Big 4'. He is currently 30 years old, and even now, he faces several challenges on his path to empowerment. He is also a member of I.C.A.I. and C.P.A., Australia can be counted as another success in his life. From a very young age, he had trouble moving around, and as a result, he started using a wheelchair. Afterward, his muscles became weak as a result of his neuropathy diagnosis. He recalls the school days when he faced many hurdles; even though most teachers and his peer group were encouraging, the infrastructure barrier was in the way. Also, he states that he dreamed of taking science as a major. Still, teachers were demotivated because access to the science lab was difficult, which could have been their responsibility. That was the most disheartening day of his life because he could not join the science group despite receiving excellent grades. Afterward, they encouraged me to take up chartered accountancy, he added. Thus, Mr. N's successful life was only because of hard work and determination, but inaccessible public places stood as a constant barrier in his life.

### Chapter 3: Social Disorganization to Social Organization

Persons with Disabilities are a vulnerable group in every society. PWDs are marginalized by society and encounter challenges from a range of institutions, including those that are educational, democratic, and religious. Every person in the world has rights, but these rights are violated in the case of Persons with Disabilities. Social stigmas, environmental barriers, and financial troubles are some of the major problems faced by the Person with Disabilities. Even though Persons with Disabilities get support from the family, it is bonded with social and financial burdens that run deep in their family, as well as interpersonal relationships. Mainly, these human rights violations are happening because Persons with Disabilities are a disorganized social group. PWDs were not bound to one another; they had no singular associations that worked for their personal and legal rights. The government provides aid and other social benefits through regulations and policies, but these benefits and policies are not getting into their rightful hands. Therefore, Persons with Disabilities are excluded from all aspects of society.

The government of India passed numerous policies for the development of Persons with Disabilities. Some of them are R.P.W.D. Act, Assessable India Campaign, etc.

In 2016, the Supreme Court of India passed a judgment that would become a relevant matter. The government passed the Rights of Persons with Disabilities (R.P.W.D.) Act. The act increased the list of disabilities from seven to twenty-one. The judgment was meant to provide equal opportunities for people with disabilities. The Assessable India campaign, which started in 2015, aimed to achieve universal accessibility for Persons with Disability. The two policies are well written in content form but must be practically accepted in the implementation process. Every policy has been passed for the benefit of persons with disabilities. The primary issue is that there needs to be a single official body that the entire community in each area may meet to address common problems and fulfill basic needs. For example, a multidisciplinary team worked together to rehabilitate people with disabilities of all 21 disabilities of each age at each district; also, working together as a group worked on a single project to build an

environment that is disability friendly, which was discussed by most of the persons with disabilities as a barrier to achieving more success efficiently in their life. For example, we can recall Mr. N's words:

*"We are unable to go out and even do things that we like. This is because all the public places are inaccessible. The R.P.W.D. Act 2016 was introduced a few years back. But, the government has failed terribly to implement it."*

According to Ms. A,

*"Assessing the toilet was a challenge, but I always took the help of a chechi (aunty) at school."*

The two statements provide the grounded reality of Persons with Disabilities in society. It is revealed that government policies and regulations have a significant impact on society, and if those policies were applied to a single organization that could oversee the whole disabled community in each district, that would bring about an organized way for the 21 disabled communities to meet their fundamental needs and foster unity for the betterment.

In that regard, if the policies and guidelines are implemented in an organized manner as a single group, it can achieve social change, which may help to better the quality of life of Persons with Disabilities.

## Conclusion

Community-Based Rehabilitation (C.B.R.) is a well-established strategy for the overall development of persons with disabilities and their families. So, C.B.R.'s plans are meant to improve the quality of life of families and persons with disabilities. C.B.R. strategies implement rehabilitation activities at the community level. Furthermore, it uses different components to facilitate rehabilitation services.

Health,

Education,

Livelihood,

Social and

Empowerment

These are the components of Community Based Rehabilitation. Each component has five sub-elements. In the Health component, promotion is the first element. It means promoting universal health and underlying the importance of having good health and how it affects the overall development of society, especially the future ones. Prevention is the next sub-element. Here, prevention means primary health methods to prevent diseases and other health-affecting elements before they occur. If the diseases already affect the person, proper medical care will be provided to them. That is the third sub-element of the Health component. The fourth and fifth components are rehabilitation and assistive devices; both play significant roles in the overall well-being of a person with disabilities.

The second component is Education, which should be given to all people regardless of gender and other aspects, and argues for a universal education measure. The sub-elements in the education component are early childhood education, primary Education, Secondary Education, and non-formal and lifelong learning. The third and most crucial component is considered to be Social. It means social empowerment of Persons with Disabilities. In the social component, the sub-elements are personal assistance, relationship and family, culture and arts, and justice. Correctly implementing these three components in the respective society could bring changes and improve the quality of life of persons with disabilities. Education, health, and social concerns are our society's three primary focal areas of the C.B.R. matrix. Focusing on these elements and their sub-elements could result in a more comprehensive transformation. So, to unite the disabled community, we should first concentrate on those issues and create change as a

whole—for example, a multidisciplinary expert team at an institution for rehabilitating 21 disabilities in each district. Consequently, bringing about change within the disorganized disabled community and establishing a recognized group using C.B.R. strategies will help uplift their group from the so-called marginalized group.

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