

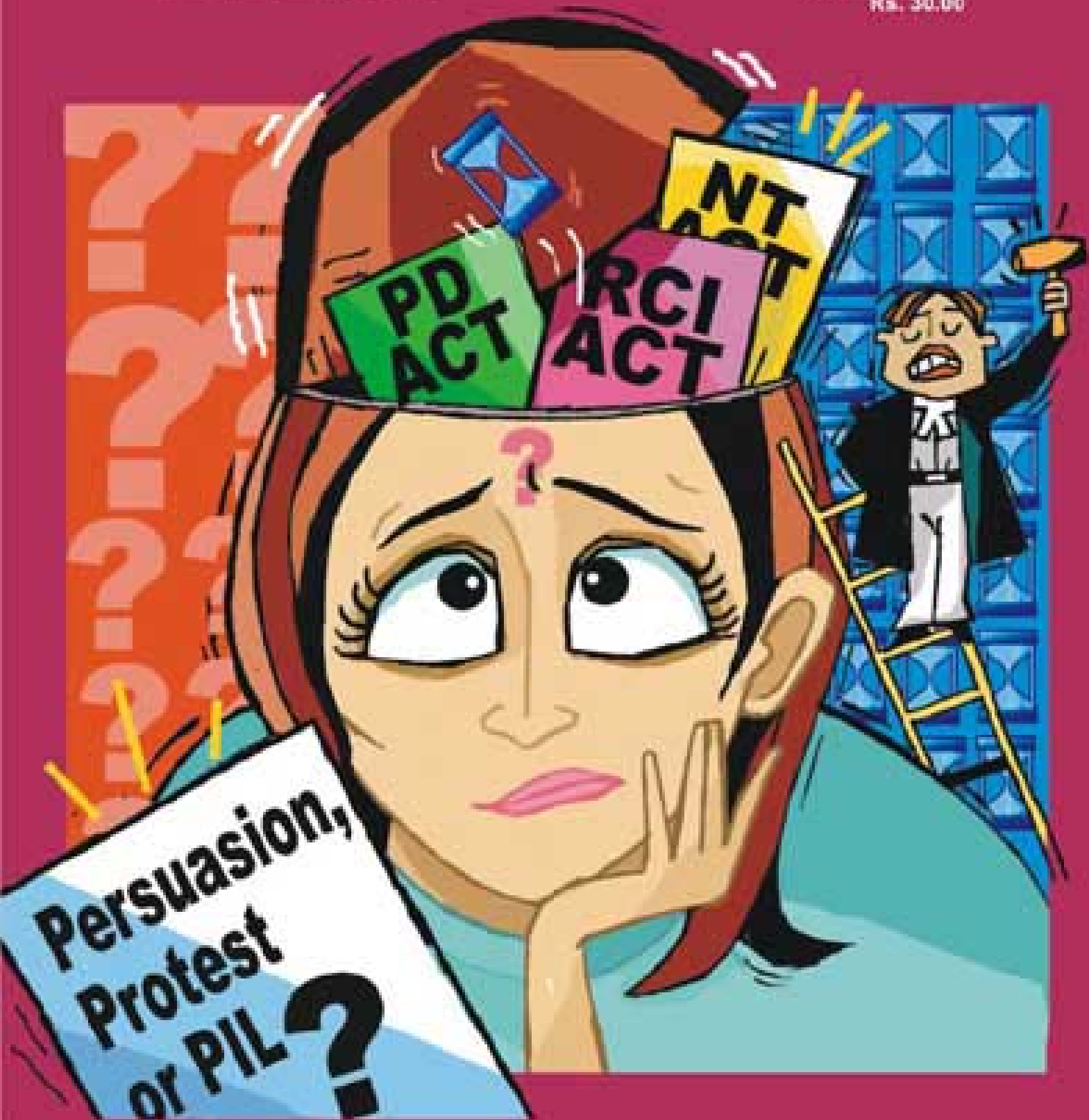
Journal of

ABILITY

India's Cross-Disability Magazine

Oct. - Dec. 2006

Rs. 30.00



EmployABILITY™

A Curtain Raiser 2006

A major activity in our mainstreaming endeavour is training disabled graduates for jobs. We have a Placement Wing through which we bridge the divide between qualified young people with disabilities and discerning employers. Over the years, our work in placement brought to us an undeniable, two-sided truth. On the one hand, we were getting resumes printed with qualifications that were the best in the field. And hearteningly, there was a corresponding demand from companies for more candidates for employment. Organising the Job Fair was the logical step to create a wider platform where both the aspirants and the open-minded employers could meet and find good matches for each other.

As we prepare to organize our third job fair, (believe me, it's no picnic even with all the support we receive from some beautiful people!) we look back at some of the highlights of the experience. The first year (2004) 32 IT/ITES and other companies turned up looking for potential employees among 700-odd qualified people with disabilities. Last year, the numbers swelled to 50 employers. Over a 1000 graduates, post-graduates, professional degree and diploma holders braved the pouring Chennai rain to attend interviews to access the opportunities they deserved in the corporate sector.

This year, the résumés we received have taken us to new levels of amazement. First, the spread of talent. Applications have arrived from Arunachal Pradesh, Orissa, Gujarat, Rajasthan, Bihar to Tamil Nadu and every state in between. About 1200 applications and resumes with cutting edge qualifications and from the remotest parts of the country. The second is the depth of talent. Every time a company asks, "Do you have résumés with ABCDE in computer applications?" we are able to tell them, "Not just one sir, nearly 20!"



We opened envelopes to regular surprises. To be impressed by the determination, the hard work and the potential of our youngsters with disabilities. At the end of our first job fair, we felt happy that we had created an opportunity for many for that all-important first interview. At last year's, we were thrilled to see a lot of employed people searching for better prospects. This year we are rendered speechless. Qualifications now fill several columns. Indeed, why would anyone not want to employ them? It would be a gross error if such capability were by-passed!

The enduring theme in the job fairs is the feedback we get from both parties.

"We never thought we'd be talking to HR from the best-known MNCs," gushed the interviewees.

"How come we didn't know about this talent pool?" wondered several employers. *"We're very happy with those we employed. Book us in!"*

Finding a job that suits our qualification and temperament is our fundamental right. The Job Fair helps us to exercise this right. We cannot ask for a better way to mainstream our talented, qualified friends with disabilities, see that they ease into their own square, round, star or diamond-shaped holes. Do give them that bit of accommodation so that the workplace serves their small, extra needs. Put your hand around their shoulder to make them feel welcome. And then there will be enough time to wonder why you didn't get to know them earlier.

EDITOR

Jayshree Raveendran

DEPUTY EDITOR

Geeta Padmanabhan

ASSOCIATE EDITOR

Padma Naveen

LAYOUT & DESIGN

Padma Naveen

ILLUSTRATION

G. Prabhakar

COVER CREDITS

Farzana Cooper

EXECUTIVE MEMBERS

Dr. M. Thangavelu

Mr. C.K. Ranganathan

Ms. Revathy Menon

Ms. Leela Swamy

Ms. Valli Annamalai

Dr. Hiramalini Seshadri

Mr. R. Rangasayee

Mr. Mohan Menon

Ms. Jayshree Raveendran

SPECIAL ADVISORS

Mr. Mani Ratnam

Mr. Manoj Kumar Sonthalia

Mr. P.H. Rao

Mr. S. Krishnaswamy

Justice S. Mohan

Ms. Biju Jaya Devan

CORRESPONDENTS

INDIA

BANGALORE: Ali Khwaja Ph.: 3330200; NEW

DELHI: Vasantha Patri Ph.: 23382652; J.K. Mehta

Ph : 95124-2392685; BHUBANESWAR: Sruti

Mohapatra Ph. 2313311/12/13; JAIPUR: Mahesh

Arora Ph.: 22608716-/22611830; RATLAM:

R. Swaminath Ph.: 239762; BHOPAL: Anil Mudgal

Ph.: 2589168; KATHUA (J & K): Manbir Sambyal

Ph.: 233914

U.S.A.

Malathi Rajagopalan, 10247, Fairway Dr.,

Ellicott City, MD 21042

Anindya Bhattacharyya, Helen Keller National

Center, Sands Point, NY 11050.

PUBLISHERS

Ability Foundation

EDITORIAL OFFICE

27, Fourth Main Road, Gandhi Nagar, Adyar,

Chennai 600 020, India.

Phone : 91 44 24452400 Tel/Fax : 91 44 2441 3013.

E-mail : abilityindia@vsnl.net

Website : www.abilityfoundation.org

Published by Jayshree Raveendran on behalf of

Ability Foundation. 12 Fourth Main Road, Gandhi

Nagar, Chennai 20. Ph.: 24452400 and Printed at

Quadra Press Ltd, 710 Anna Salai, Nandanam,

Chennai - 35. Ph: 24330279, 24329201

Editor: Jayshree Raveendran

All rights reserved. Reproduction without prior
written permission prohibited.

C O N T E N T S

- 3** EmployABILITY - III - A Curtain Raiser.
- 4** You have the last word - In letters.
- 6** News & Notes - What's up now?
- 12** Is PIL the way to go - Respondents take a stand.
- 21** The Star Bus - How accessible is it?
- 23** Wheels within wheels - says Salil Chaturvedi.
- 24** A visit to WORTH Trust - The visitors are schoolkids.
- 26** Bishu in the Himalayas - It was Karma that saved him.
- 28** Ataxia - How does one cope?
- 29** Children with disabled parents - A look into their world.
- 35** AADI - Focuses on children with CP.
- 38** Thakka dimi tha - Dance with a purpose!
- 39** One President and two award winners - Face to Face.
- 41** Ajitha - Her life reads like a story.
- 43** Meet Jana - The boy wonder.



- 45** Book Review - A new approach to CP.
- 46** Thanmatra the film - From three "view" points.
- 48** Flipside - The honest 60 rupee sari!

Success & ABILITY, India's cross-disability magazine enjoys wide circulation both nationally and internationally, and has a wide readership that includes industrialists, administrators, Indian and overseas Government and Non-Government organisations, libraries, disabled persons, families and the general caring public.

We invite you to take on an advertisement in this pioneering magazine and become a part of this caring group. Publicity to your products or programmes would reap the dual benefits of enjoying a widespread readership and supporting a significant cause.

*Tariff: Full colour cover page : Quarterly : Rs. 10,000, Annual: Rs. 36,000
Two colour inside full page : Quarterly : Rs. 5,000, Annual : Rs. 18,000
Full colour centrespread : Quarterly : Rs. 15,000, Annual : Rs. 54,000*

For more details, please contact The Circulation Manager, Ability Foundation.



From The Editor's Desk

Friends,

Persuasion, Protest or PIL – that's the question we asked a few leaders of the disability sector. Is the disability sector of our country on the verge of achieving equality or is the reverse happening? The Christmas gift of Year 1995 and the New Year gift of 1996 was the passage of the Persons with Disabilities Act in Parliament... something that began on an optimistic, positive note and had all the NGOs, parent support groups and associations of disabled persons, countrywide, sit up with eager expectations.

Then... time passed... time fled... time stood still! Absurd? Contradictory? Incongruous? Paradoxical? The first couple of years proved to be an awakening of sorts: time spent in conferences, consultations, seminars... Eager expectations filled the air, amidst bated breath. Promises were made and responsibilities accepted... then... as the years went sweeping by... in came the perplexing questions, bringing in their wake, a few harsh realities... Was someone really going to do something? Barring a couple of half-hearted attempts, had things really changed or had they remained much the same? Well... the "Social Welfare" Ministry got re-christened to "Social Justice & Empowerment" but what difference had that made? Did not equitable opportunities and non-discriminatory measures that the "PD Act" dictated, continue to be given the same woebegone stance as before... parallel to poverty alleviation and free noon meal schemes? "Persons with Disabilities (Equal Opportunities & Full Participation) Act"... whatever was that? How many were aware of its existence, let alone its implementation? How many cared or knew that it was a statutory law? An indifferent nation brought in its wake, the rage of activists, as well as the resigned acceptance of some, the toying-the-line of some others and the persuasive tactics of still others... Even these have gone past us now... leading to a variegated, contradictory and incoherent functioning of the system. So what does one do? Which is the best option to follow? File a Public Interest Litigation in court? Protest and hold dharnas on the streets? Initiate persuasive dialogues? Which is the best course of action? How does one make the people at the helm of affairs see reason and move with the times? Well, questions need answers... we seek... and we shall find, discover that there was something we'd missed out on... and lo and behold, here is what we need to do...

Until then, discrimination on grounds of disability seems to be the general norm in our country. When will the day come when brilliant people like Mani Ram Sharma who appeared for the IAS in the open category and got high marks, be recognised on basis of their merit, not marginalized because of their disability? Apparently, disabled people do not constitute that all-important vote bank. There should be some way out surely. Please think with us.

While the people we approached have had their say, we do – to a very large extent – need your inputs as well. So please do let those email/letters pour in, as soon as possible. Perhaps together, we can form a network all our own with a new sense of direction. If we leave it to the netas and those who are in the seat of power, we can be sure that they'll find some excuse for the way things are, for their lethargy and inaction. We now have a better idea of the way forward and although all the hard won victories that have been ours in the past have not come to us easy... but we have indeed won a few. We need to keep knocking on several doors... so do tell us what we can do... together we can break barriers better.

Then we have another important feature in this issue... Parents, have by and large, been associated as the do-gooders of their families, the perennial supporters of their children with disabilities... Mother & father – friend, teacher, philosopher and guide. So what happens when the reverse is the case? When the parents are disabled and their children are not? What then is the equation? Who does what for whom? Is any aspect of parenting missed out? How does your peer group react to your disabled parents? Keen to know about the other side of the fence, we asked a bunch of questions to a few sprightly lads and lasses. I am sure their answers will strike a familiar chord in many of you.

Looking forward to hearing from you,

Jayshree Raveendran

Persuasion OR Protest PIL ?

India has a history of non-violent persuasion. Our religious leaders believed in the power of preaching, in the power of parables. Our national movement adopted passive resistance, a form of persuasion. Our scriptures describe influencing thought as an art, and list methods by which this can be achieved. We know of Saama (gentle speech), dhaana (promising a reward) and beda ((comparison). It is only when these methods fail to get people to see our point of view that we are authorised to resort to dhanda (punishment).

There is this fifth way. A stratagem, actually, that cannot fail; a plan, a scheme, a ploy that finds universal approbation. Here you convince the listener to change his mind and course of action by telling him, simply, what he will gain by following your suggestion. Highlight the benefits he will get by adopting a particular course of action.

This could work in something as commonplace as making the beach litter-free. And it could work for a national cause such as employment for people with disabilities. The effect, one can



be reasonably sure, will be permanent. Bringing home the gains that will accrue to the to-be-persuaded party need not always be done through speech. That would be exhausting! Your listener may simply duck into the next gully when he spots you. If you manage to buttonhole him, he might just switch off, nod and make appropriate noises, remember an appointment, and sprint away. So you look for a combination of strategies.

There's an important aspect to this course of action: persuasion is not for an individual's narrow point of view. It is for an enlightened approach to issues. It is for resisting discrimination. It is for enforcing the rule of law. It is for implementing the PD Act. In the Indian situation this translates into a simple fact. Even for getting what is rightfully yours, you have to be a part of the vote bank. This fact alone underscores the necessity for people with disabilities to come together to speak with one voice.

We employ a slew of persuasive approaches at Ability Foundation. Our magazine, which focuses on disability issues, is 10 years old. It began amid a great deal of skepticism and is today a sought-after publication. We have a weekly radio programme, started as a six-month pilot project and has grown into a robust 4-year-old. Then there are the bi-annual International Disability Film Festival, the job training for graduates with disability that has broken several myths over the years, and the annual job fair. We tell equal opportunity employers why it makes business sense to employ qualified people with disabilities.

We hold seminars and workshops and grab every opportunity to talk to groups of people highlighting the potential of disabled people. We annually award exceptional people with disabilities. True, it is every Indian's right to be fully included and mainstreamed in society. There can be no discrimination on the basis of disability. But that's not how disability is perceived. Persuasion on the basis of the benefits of such integration is bound to take us to our goal.

But most of us are impatient. How do we change mindsets so entrenched that they appear to be genetically inherited? How do we monitor this change? Will it happen in your/our lifetime? The situation doesn't sound promising. How do we make sure that the Acts supporting equality and fundamental rights of Indian citizens are implemented? So, for a larger issue like jobs for disabled persons or access, we protest, file Public Interest Litigations. Do PILs always work to make that change? Do they ensure enforcement?

We sent these questions to some of our friends, our fellow leaders of the disability sector.



“The deadlines set by the Constitution of India which enthusiastically came into force in 1950, have already been crossed,” pointed out **Jamshed Mistry**, an eminent lawyer practising at the Mumbai HC and the Supreme Court. “The Persons with Disabilities (Equal Opportunities etc.), Act, 1995 came forty-five years later, and enforcement has been tardy. There is a necessity to review the provisions, assess the progress (if any), and identify the obstacles, (hopefully) towards working for their elimination. As a friend of the disability sector, I feel ordinary men, women and children of our country and the organisations representing their interest should mobilise themselves to put in sustained pressure on the establishment for change in the desired direction.”

“Sustained pressure” is Mistry’s mantra. He views PIL as the best form of persuasion. For him the two are inseparable. “How do you persuade people unless you slap a lawsuit on them?” is his question. “Around 10 – 12% of the country’s population is disabled, unable to take care of itself without proper guidance and training. They are entitled in all aspects of freedom recognised under the directive principles of Articles 14, 45, 46 and 47 of the Constitution, to promotion with special care of

the educational and economic interests and protection from social injustice and all forms of exploitation.”

Mistry cites as example his success in implementing the law in Mumbai and Goa. “A Public Interest Litigation was filed by the ILS Legal Aids Centre from Pune in September 2002 bringing to the notice of the Court that the PD Act was not being implemented in the State of Maharashtra and access facilities for disabled persons were not being provided. The Bombay High Court while admitting the Petition had directed the Public Sector Transport Corporation (Buses) to follow the provisions of Section 44 of the Act.

In February 2003, ADAPT, a Department of Spastic Society of India filed an Intervention Application because the views of the disabled communities were not taken into account while the petition was being heard. It was pointed out at that time that even the Bombay High Court was not accessible to disabled persons, specially wheelchair users.

In March 2004, BEST was directed to purchase 30 buses having wheelchair access. In May 2005, the High Court directed that all government buildings, schools, hospitals and other public places including courts at district and village levels were to have fully accessible ramps, railings and toilet blocks within a period of six months. In October 2005, the High Court directed that 3% reservation in all posts in Government institutions including law and judiciary was to be filled by December 2005. In February 2006, the Court extended this time till August as

Is it an easy



Courting experience



Let's file your PIL!



The Act says so Your Honour!



the Government could not fill the posts and asked for an extension.

A similar petition was filed by students of Salgaonkar Law College in Goa. In a landmark judgment, the Division Bench of the Bombay High Court at Goa directed the State Government to frame a comprehensive policy for disabled persons in the State of Goa. In Goa, the method used was, first to conduct an access audit and subsequently suggest changes and modifications so as to make public buildings accessible. Further, the transport undertaking agreed to purchase (to begin with) five intercity transport buses, which were wheelchair-accessible. Some other important judgments are those of the Supreme Court and Delhi High Court filed by Mr. Javed Abidi, who is himself a wheelchair user and who had brought to the notice of the court several deficiencies in the non-implementation of the Act. One notable judgment he got is for all airports and aircraft to be wheelchair accessible.

“Judicial Activism has its place,” agrees **Muthamma B. Devaya** of Human Rights Law Network, Bengaluru.



“However, we would need a judiciary that is really progressive, in the sense that it is judiciary that celebrates pluralism, is regularly engaged and rooted in discourses. This in turn would call for a creative Bar. However, whatever pronouncement it makes in any context

would be meaningless unless it is made within a society that is ready for it. Such a judiciary within a true democratic space becomes impossible unless there is a social preparedness to go with it.”

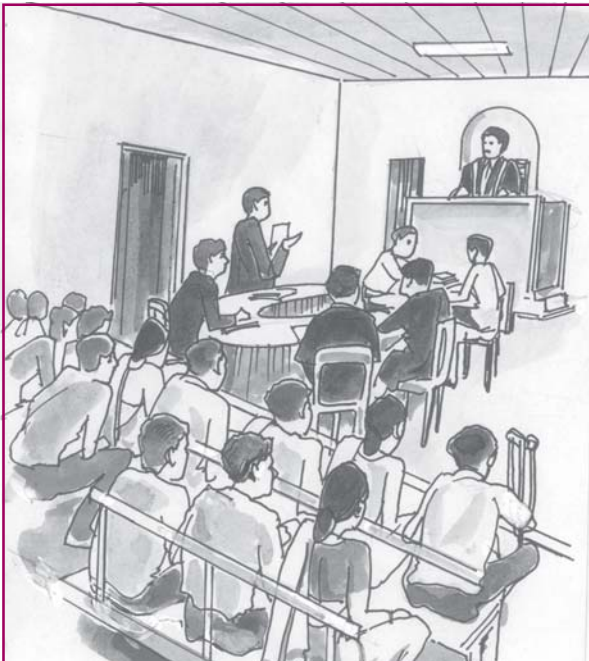
“On the other hand, persuasion may or may not work, it takes time, is dependent on networks and also the politics of the time. Then again, litigation or change in laws without corresponding change in societal attitudes is pointless. I consider PILs as a continuation of the strategy of persuasion, given that the orders handed down by the courts will have to be abided by.”

“PILs can only be used as a strategic tool and not as a replacement for politics, which is advocacy and lobbying and in effect, persuasion. This holds true for the process of implementation of the PD Act. There have been many instances wherein the disability sector has seen campaigns being effective and others where they have been converted to PILs to ensure effective implementation of the Act.”

“PIL or persuasion? It’s not an either-or issue,” said **George Abraham** of Score Foundation. “It is a combination of both. We cannot go around and say, ‘This is the way.’ There is no one way. If it is PIL, how many can you file for all the problems



road to take ?



Will justice be delivered?



Biding time



By and large, whether you need to resort to the judicial process or repose your faith in the power of persuasion depends on the issue at hand. It also depends on the viewpoint of the person or organisation addressing the issue. In the final analysis, it's all common sense, right?

we face? The hearings and the sentences take their own time. In many cases, implementation of the judgment has its own process. Total implementation is a matter of the right mindset. If it is persuasion, how much area can one person/one organisation cover? Probably the city in which they operate. It is a multi-layered issue. We need a multi-pronged approach.”

As member of the steering committee of the Planning Commission, George is pushing for universal design. “We are asking them to bring access under ISI and ISO certification. We’ll talk about it on every platform.”

For **Sunil Kumar**, an IIT student in Delhi, PILs are a way of life. When a public sector concern turned him away because of his disability, he filed a PIL against the concern on the advice of the Chief Commissioner for Disabilities. He knew he was fighting for a right since the law guarantees 3% reservation in jobs for persons with disabilities. And he won the case. He is not sure how persuasion helps in cases of blatant discrimination and a violation of the law. “People discriminate in spite of specific provision in the Act for employment of disabled people. Someone has to point out the law to these powers and I do it.” Every time he comes across a public sector company advertisement that fails to mention the 3% reservation, he swings into action. He does talk to the corporation about the lapse, but in most cases, there is no response. “PIL is the only effective way,” he says.



“A well-worded PIL will attract immediate attention,” said Mr. **Varadakutty**, a CA and a disability activist. “Yes, we need a mindset change and we should take recourse to the law as a last resort. But entrenched mindsets do not change unless there is an accompanying disciplinary action in the form of a fine or penalty. Had we depended on awareness creation and gentle persuasion alone, do you think we could have brought about all these changes in the last 50 years?”



However, Mr. Varadakutty would be the first to acknowledge the power of persuasion through media. When actor Prithviraj shot a video of the incident when

his child with autism was barred from boarding a plane, the story was picked up by every conceivable communication medium. Authorities expressed regret and promised to take immediate action. Those who watched the clipping definitely would have thought about the rights of [a] people with disabilities and [b] rights of children as a whole. As a tool of persuasion, this gets top grade.

“I would opt for persuasion as my first course for action,” said **C. Mahesh** of CBR Forum, India. “I feel that results cannot



be achieved by forced actions. In our efforts to mainstream and in our move towards inclusion we need to build allies and bridges. There is something positive about persuasion and persons with disabilities can play an active role in the process. Whereas

in a PIL we are the clients and in most cases dependent on advocates and experts to guide us to the right course of action. Some of this might go beyond our control.”

He doesn’t want to dismiss PILs altogether. “Some of the PILs where the concerns of the persons with disabilities have been upheld, the results have been far reaching and have had a great impact on the system,” he said. “I feel the likelihood of alienating persons with disabilities could be high with the excessive use of PIL. This could be counter-productive to our efforts in shaping a society that celebrates diversity.”

Javed Abidi, who constantly makes news with visible protests against discrimination, takes a middle path. “One should not ‘rush’ to the courts but one should definitely approach them if there is a genuine need,” he said. “A possible thumb rule can be this: try persuasion first, but if it fails then surely PIL is and should be an option.”



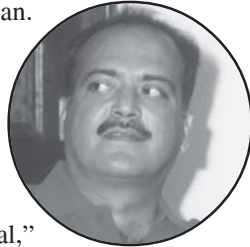
“As far as I am concerned, persuasion has rarely worked. Census Commission refused to enumerate disabled people, Archeological Survey of India (ASI) refused to make even wooden ramps for Professor Stephen Hawking, Election Commission refused to make voting accessible, DoPT refused to open Civil Services for people with disabilities, Railways refused to allocate budgets for making itself accessible and barrier-free, private airlines refused to use ambulifts for their wheelchair user patrons, Symbiosis - a private law college refused to make its hostel disabled-friendly and most recently, Planning Commission refused to even meet a delegation of disability sector representatives leave alone to listen to their voice.



And on each one of those occasions, it was activism - either by disabled activists or by the judiciary that came to the rescue of India's disabled citizens. Unfortunately, persuasion failed on each one of those occasions."

Sad. But fortunately, this has not been the experience for travel buffs **Sanjeev** and **Anjlee** who've just returned from a visit to Kyoto and Osaka, Japan.

"We went to attend the 2nd International Conference on Universal Design as panellists for a session," they said, emphasising their faith in the power of advice over argument.



"In India 70% of the population is rural," they wrote. "Not many people are aware of the existence of the PD Act. In the last ten years the media (electronic/print) and the Government (both Central and State) have done their best to create awareness about it. But we readily admit the desired results have not yet been achieved."

"Persuasion is one of the ways to get things moving in accordance with law. Persuasion does not mean compromising one's dignity or being at the receiving end, asking for some favour. To our mind persuasion may not be the right word, rather we could use the term "Constructive advocacy with equality" meaning that it is the equal responsibility of the users to communicate, negotiate their needs and requirements to the stake-holders and Government agencies."

"We have observed that people are keen to integrate disabled persons and be an inclusive society. The approach should be constructive advocacy - criticism which can yield results. For a barrier-free rights-based society, Samarthyra, their organisation believes in creating models of accessibility, which can serve as samples for replication."



There is need for attitudinal change in various state agencies and among the general public. This can come only from education and persuasion. When one is confronted with a bureaucratic or dogmatic response, the course can be either agitation or litigation. When the right or demand is clearly recognised in law then litigation is the answer; but it should be strategically used.



"It is essential to do capacity building so that persons with disabilities can be productive citizens. We want them to articulate their concerns. That asks for a balanced approach. PILs serve the purpose only when all else fails. Law can "force" agencies but for social issues it is always better to have equal participation."

Look what **Samarthyra** has managed to do through persuasion alone. Anjlee and Sanjeev use argument to influence opinion, to make public places barrier-free. Of course, their persuasion is difficult to resist. It comes with stats, strategies to implement and help in the form of trained architects, shopping information and contacts to the officials concerned. They succeed in what they do because they live the effort. They manage changes moving around in wheelchairs. Here is their "success" list.

Dilli Haat: The cooperation between Samarthyra and Delhi Tourism resulted in making Dilli Haat barrier-free.

Delhi Metro Rail Corporation (DMRC):



An access audit of the sample station was conducted in April and Samarthyra followed it till its completion in November 2002.

High Capacity Bus System (HCBS):

Associated with IIT Delhi on accessible designs for low floor buses, bus shelters and dedicated lanes.

Office of the Chief Commissioner for Persons with Disabilities: Resource persons for "Access for All" Workshops at Delhi, Guwahati, Hyderabad, Lucknow, Chandigarh etc. Sensitisation Workshops for service providers, government agencies, transport department among others at Delhi.

Training of Trainers Course : For Promotion of Non-Handicapping Barrier-Free Environment.

Sensitisation workshops: for auto/three wheeler drivers (Badge Training), State Transport Authority, Burari, Delhi and DTC bus drivers, at the Office of the Chief Commissioner for Persons with Disabilities.

Sunita Sancheti, a volunteer with ADAPT in Mumbai for the past 5 years has similar views. "There are many laws that have been made and put into practice. Why has this Act not been given a serious thought? Is it that people with disability are not worthy of using public facilities?" she asks. "People with disability use certain aids to make their life comfortable in the day-to-



STOPP

Of the 12 young men and women with disabilities who passed and were selected for service by the All India Civil Services exams, 3 hearing-impaired candidates were denied service. Ironically, two were denied postings because the officials thought their disability was too acute for them to carry out their duties and the third, a girl, because she wasn't disabled enough to qualify for the quota.

One of them, Abhijit Chakraborty from Kolkatta was declared 100% deaf in a medical examination after the selection. Abhijit had earlier cleared the interview/personality test for selection. Mani Ram Sharma, the other young man had stood first among the candidates with hearing impairment both in 2004 and 2005. Salma Fahim from Bangaluru was not given a service because her disability was measured at 38% while the minimum requirement is 40%. A second examination showed it as 55 decibels. Both were done by certified government doctors.

Members of National Association of the Deaf (NAD) held a dharna, targeting the office of Chief Commissioner for Disabilities, in an effort to secure justice for the three hearing-impaired individuals. More than a 100 deaf people stormed his office at Sarojini House with banners and placards refusing to leave until their demands were met.

Despite the fact that both the Chief Commissioner for People with Disabilities, as well as the Deputy Chief Commissioner, were not present but were holding a mobile court in Chandigarh, the deaf members would not be reconciled and demanded that they both come back to Delhi to help correct this injustice. They even went so far as to lock the office staff out of their office, stating that if they were not able to do justice for the disabled they might as well close the office.

What also did not help diffuse the situation was the fact that there was no Sign Language Interpreter available at the Chief Commissioner's office. Without the aid of an Interpreter, how are the hearing-impaired people supposed to raise their grievances and be given the help that the office is there to provide? "How can the CCPD expect to address the problems of the deaf if he can't even talk to them? We had informed the Deputy CCPD that we would be holding a demonstration here," said Arun Rao, President, NAD.



day routine and a few modifications in the infrastructure will make life very convenient not only for them but also their family members and friends, and give them the pleasure of independence."

"Whenever I have approached people for access facilities in public places and transport for persons with disability, their response has been quite positive. They said they were not aware that people with disability would require these facilities. They readily incorporated those which they felt did not cost much. If we persuade people they do get convinced, but if there is a Law which is implemented without extra effort by the society, no NGOs or campaigning will be required. Without demanding, we'll get our rights."



Lawyer **PVS Giridhar** believes litigation should be the last resort of good men (or women). "The power of courts, contrary to popular expectations, is limited and their reach is even more so," he said. "Transformation in the lives and livelihoods of marginalised sections

comes primarily from education and their sustained struggles; history bears testimony to the fact. Be it apartheid or caste discrimination no court could decree them out of existence."

"As for the rights of the disabled, to a certain extent law has already recognised them. But there is need for attitudinal change in various state agencies and among the general public. This can come only from education and persuasion. When one is confronted with a bureaucratic or dogmatic response, the course can be either agitation or litigation. When the right or demand is clearly recognised in law then litigation is the answer; but it should be strategically used. When the right or demand is not clearly recognised and is wide in its amplitude, then agitation is the only course open. For that, the disabled have to hold hands with other marginalized groups."

"It is striking that not many in the disability sector expressed support for reservations in institutions of higher education for socially disabled sections, even though they unabashedly demand such reservations for themselves. A certain amount of self-critical introspection is needed even before pondering over the question: PIL or persuasion? I hope this persuades them."



Mr. Manoj Kumar, CCPD, who had spent the previous week being bombarded with text messages from deaf people all over the country, is now attempting to resolve the matter with the Department of Personnel and Training (DoPT). He is reported to have said that he had sent a notice to DoPT asking why the candidates were denied service after they had cleared all the exams.

Javed Abidi, Convener, Disability Rights Group wanted to know why no action was taken against discrimination to hearing-impaired candidates. He wrote to the PM, explaining what happened to the candidates. Among other things he asked in the letter, “As far as MERIT is concerned, when I look at the list of “candidates selected”, I find that as many as 31 people are there, both disabled as well as non – disabled, who are lower in Rank (379 to 425) to Mani Ram Sharma and who not only have been taken in the almighty Civil Services but who have also been allotted respectable Services like DANIC, IPS, IRS, etc.! The question you must ask DoPT is – What is Mani Ram Sharma’s fault?” He had similar questions about Abhijit and Salma Fahim.

Soon after the dharna, CCPD took a flight and returned to Delhi. He and Secretary, Social Justice had a meeting. The Secretary called up her counterpart in DoPT. Meanwhile, the Prime Minister’s office had called for the file. DoPT is on the backfoot and all 3 hearing-impaired people should get the service they deserve. Which means we can now hope that Mani Ram Sharma (totally deaf) will soon become an IAS Officer!

As per the mandate of The Disability Act 1995 and as per the PM’s own directions, “3% of the 85 posts in IAS for CSE 2005-06 batch (should be reserved) for persons with disabilities. Under this order 3 posts in IAS had been reserved for persons with disabilities as follows: one for blindness or low vision; one for hearing impairment; and one for locomotor disability or cerebral palsy”. (Quote taken verbatim from PMO’s Press Release dated 23rd January, 2005.)

As we go to the press Abhijit and Salma have been given the services they had qualified for. Mani Ram Sharma is still waiting...

With inputs from TOI, NAD, DNIS

“After having worked as Asst. Commissioner for Disabilities, I feel persuasion is the best approach,” said **Pradeep Kumar**. “However, this should be preceded by a campaign to raise the awareness of the three wings of the government, ie, Legislature, Executive and the Judiciary about issues concerning disabled people.

If you look at the Karnataka model, which is now the ‘National Model’ for the implementation of the Disability Act, the Office of the Commissioner for Disabilities, Karnataka, has not filed a single PIL. This is because we have primarily relied upon sensitizing the decision makers and enlisting their support. This was possible largely due to the persuasive tactics adapted by the Commissioner’s office.



PIL should be resorted to only when our persuasion fails to goad government agencies into action. It should not become a routine demand for a change as the Judiciary at some stage will draw a line and say that if Judiciary has to intervene at every stage, the existence of the Executive becomes superficial. As

stakeholders, we should not allow it to happen.”

A society cannot go through any significant change until there is a change in both the policy as well as public opinion. A law cannot be enforced unless it has public support; similarly, public opinion must be backed up by policy to have any effect. By and large, whether you need to resort to the judicial process or repose your faith in the power of persuasion depends on the issue at hand. It also depends on the viewpoint of the person or organisation addressing the issue. In the final analysis, it’s all common sense, right?

In the case of the rights of disabled persons in the country, society’s ignorance coupled with an ineffective judicial system has resulted in very slow progress. The only way to jump-start the system and speed up this process is to spread public awareness through any media source possible, so that public pressure forces the government to take action. A well-timed combination of persuasion and PIL will create a society in which disabled persons are empowered with all their rights.

ANJALI THOMAS,
GEETA PADMANABHAN



RESPONSES FROM LAW INTERNS

GUJARAT NATIONAL LAW UNIVERSITY – I YEAR, LLB

L.USHA

If we file a PIL at least we get some relief if not compensation. Even if we manage to persuade the executive, by the time it takes effective action it will be too late. The judiciary on the other hand, tries to take some action as soon as the PIL is filed. A PIL can be filed by any common man. Even a post card will be taken as a PIL. The judiciary listens to a person irrespective of his being rich or poor.

SHRUTI RAVI

Unlike persuasive advocacy, PIL holds the higher ground in three instances:

1. *Anyone can file a PIL.*
2. *Takes only a cheap or nominal court fee.*
3. *Larger issues that address the public are successfully brought forth to the notice of the judiciary.*

Persuasion doesn't have any of the advantages of a PIL. Without PILs the country would succumb to legal lethargy where only citizens with clout could get their way through.

NAREN B.S

When an indifferent political system indulges in an almost perennial infringement and denial of people's rights, it is only natural that people turn to the powerful tool of PIL. People find it easier to approach the Court. The Judiciary dispels arbitrariness in its decisions.

AKHILA RAO J

Persuasion would normally be the first step in case of a need for remedy and PIL is usually the last option. But due to factors like administrative inefficiency, corruption, unaccountability etc., people directly file a PIL. This results in a situation where the courts are over-burdened. So, persuasion or PIL, if it were not chosen as a mechanism at the right time for the right kind of remedy, would not result in justice ultimately.

SYMBIOSIS LAW COLLEGE – II YEAR, LLB

NATASHA BOPAIAH

Persuasion is a sort of a public campaign for the administration of justice. In some cases judges have been influenced by public opinion. In a recent case which involved a huge amount of persuasion, death penalty was given to a person while in other similar cases such harsh punishment has not been given.

NATIONAL LAW UNIVERSITY, JODHPUR – I YEAR, LLB

GOPALKRISHNA

Persuasion includes lobbying, strikes, media pressure and influence to bring to light pertinent social issues. It is a non-formal means of dispute resolution. Persuasion in essence tests the authorities – how long can they ignore the views of the masses?

PIL and persuasion go hand in hand in ensuring justice. Constructive media pressure keeps the issue alive in the minds of people and ensures that PIL moves forward.

L.ZAFEE RAHMAD

The biggest drawback of PIL is the court cannot pass any law; it can only lay guidelines or ask the Legislature to pass necessary laws. The Legislature rarely pays heed to the problems or voices of those campaigning. PILs can make use of the awareness created and force the executive to take necessary action.

SINDHU SHANKAR

Persuasion is more effective in inducing a 'reaction'. The effect of media and awareness campaigns is undeniably strong on policy makers. When awareness grips society as a whole, it only sheds light on the importance of the particular PIL and elevates its need to be fulfilled. The two-pronged approach would certainly implement laws in tune with the needs of society.

SHRUTHI NAG

The best way to look at it would be combining both persuasion and PIL. One would act to bring about awareness and persuasion, whereas the other would try to make reforms more substantive, through judiciary.

SINDHU VASUDEV

Persuasion may get the authorities thinking about things they ought to do, but a PIL spurs them into action. But then, PILs may end up on the dusty racks of the courts. Persuasion involves active participation and effervescent reactions. PILs coupled with persuasive efforts may do things which they as single entities may not accomplish.

VISHNURAVI SHANKAR

Persuasion on the other hand involves a lot of out of court work. The task takes a lot of perseverance and hard work. But the courts cannot ignore the cry for justice for too long.

My tryst with them was quite accidental. A leisurely loitering on Greams Road, Chennai, taking in the local colours, smells and sounds brought me to a bustling lane where I saw crowds around 3 carts. A brief peep showed me an array of brightly coloured synthetic saris...60 rupees each. So they are back!

For two years it has been mutual loyalty-and much more. The humble garb has given me unimagined existential and practical insights, besides a perpetual colourful feel and comfort.

Firstly no one bargains. No one pretends. They are all there to see, defects et al. AND you can return a sari the next day if you aren't happy with it. Each sari has its own character, its own texture and its own congenital deformity- one is short by some inches, a mini sari you may say, one has some printing errors, some are nonchalantly heart-holed, in fact the trade mark of most are the deft surgical interventions of past misfortunes.

During the last two years this place has become, perhaps not a pilgrimage centre but certainly a de-stressing one. The sight of all those piled up colours, the freedom to feel the varied textures, move all around the cart to elbow my



**Buy,
Try,
Wear,
Give away...**

way into these cheap temptations cutting across class barriers is enough to bring newness for the next fortnight or so. I need not think hard to make my choices; these aren't purse-threatening expenses. Light/dark colours, paper thin saris, transparent ones, shiny ones, gaudy prints, traditional border-pallu...buy, try, wear, give away...how easy the whole thing is!

If you are the kind that peer into a gift horse's mouth or a perfectionist or a money lender, the 60 rupees sari isn't for you. It needs a special kind of wisdom and acceptance to actually spend 60 rupees to possess a defective piece of cloth. But I have not only regaled myself with colours, experimented with matching garments, but have, transferred some of the wisdom to life values. For example anything acquires the value we give it. The 60-rupee sari when worn with a rightly matching and elegantly sewn blouse in the right way simply proclaims to the world 'I am worth this effort'. Add matching accessories and you may strut about feeling chic from within and without. I have categorised them - the daily worn ones, the semi formal ones and the real formal ones. 'Don't tell me this is also a 60-rupee sari' say friends! It is all in the mind you see.

On the other hand if you are a novice giver, this is your training ground. The 60 R sari teaches detachment like no teacher can. When I buy one I think also of the person who is going to possess it after me-soon. So from the beginning, it is almost not mine. Give it its due respect, enjoy it and before stains settle on it, give it away-and forget. Flow on with life.

Knowing that one is dealing with a defective piece raises a question: does one begin by looking for the defect? Perhaps therein lies the difference between the optimist and the pessimist. I like to accidentally 'discover' it - and deal with it. It is like knowing that life has its problems-when and how they will appear is the mystery. Till I stumble on the problem or the defect, I rejoice in the wonder of the bargain. And when I do spot it/them, I just tell myself 'of course I knew it, so what?'. Quite unlike its pretentious counterparts - the 'in-between' saris, which try to imitate silk or carry false gold weaves, the 60 R sari is honest. It merely has potential. And isn't that what makes life interesting too?

MEERA BALACHANDAR

SUBSCRIBE TO

In many ways the first of its kind in India, *Success & ABILITY*, the magazine, with its principal focus on disability, not only informs and entertains but also interests, educates and empowers readers.

It connects the worlds of people with and without disabilities and opens the door to awareness-building, leading to a more informed and enlightened world - a world where people look beyond disability, a society where people are first and foremost people - disabled or non-disabled, only next.

As our readership grows, we want to reach out to more and more people who care - industrialists, administrators, Indian and overseas Government and non-Government

organisations, libraries and the public. We believe you have a right - and an obligation - to know about the issues we bring to you in meticulous detail.

Success & ABILITY is also available in a user-friendly CD format meant for MP3 players.

Each issue of the magazine is a collector's item. The information it brings is well-researched and contemporary, and hence invaluable.

When you read the magazine regularly, you express solidarity to the cause of disabled people. Not only that, you gain access to information that you might not have known where to look for. Subscribe Now!

YES! I would like to subscribe to *Success & ABILITY* Print Version Audio Version

I am enclosing a cheque/DD No. _____ dated _____
 drawn on (specify bank) _____ favouring ABILITY
 FOUNDATION for Rs. _____ (Please add 10% for non-Chennai cheques.)

Name (Mr./Ms.) : _____
 Address : _____

 Phone : _____ Fax : _____ E-Mail : _____


I would also like to gift to
 Name (Mr./Ms.) : _____
 Address : _____

 Phone : _____ Fax : _____ E-Mail : _____

My Particulars (Please tick)

o Business o Private Service o Self Employed
 o Govt. Service o Professional (Specify) o Others (Specify)

Term	Rate
2 yrs	Rs. 240
3 yrs	Rs. 350
5 yrs	Rs. 550



ABILITY[®]
FOUNDATION

Mailing Address :
 ABILITY FOUNDATION
 28, Second Cross Street,
 Gandhi Nagar, Adyar,
 Chennai - 600 020