

It's Necessary to Enact Law for Persons with Disability

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The slogan is "Education for all citizens in the country", but what sort of education is being imparted to the persons with disability of our country? There is neither required educational appliances nor proper provisions and instructors for the education of the handicapped in the general institutions and training centres.

QUESTION may arise, why is the necessity of enacting law or rule for persons with disability? According to Section 15 of the Constitution of Bangladesh, the State is to ensure the basic rights of the people — food, cloth, shelter, education, healthcare, among others. But are all the persons with disability enjoying those basic rights? If we can find out the reason why are they being deprived, then we would get the implied reply. The said Section contains the rights or advantages for the poverty-stricken people of having government assistance like rest, recreation, social security. Section 17 contains right to provisions for public oriented education for all. It also contains compulsory and free education for all. Sections 20 and 21 contain directions for ensuring employment for all — direction for abolition of discrimination. There exists direction for creating favourable atmosphere for the undeveloped section in society. But the persons with disability are not enjoying those rights. There should be specific law for them since no suitable environmental and required arrangement as such exist now.

The 22 ideal principles for establishing equal rights and full participation of persons with disability adopted at the 48th session of the UN General Assembly are:

1. The State will take necessary measures for creating public awareness about persons with disability.
2. The State will ensure medical-care for persons with disability.
3. The State will ensure rehabilitation of the persons with disability.
4. The State will ensure suitable provision for enabling the handicapped to be self-reliant.
5. The State will ensure accessibility of the handicapped to every sphere of life.
6. The State will ensure integration of the handicapped and proper environment for prosecution of their education in every general school.
7. The State will ensure creation of employment opportunities for the handicapped in every field.
8. The State will ensure social safety including protection of property of the handicapped.
9. The State will ensure undisturbed self-respect for the handicapped in the family-life.

10. The State will create equal opportunities for participation of the handicapped in cultural activities.

11. The State will ensure equal participation in the games and cultural functions with all others by the handicapped.

12. The State will ensure participation of the handicapped in various religious functions.

13. The State will ensure publicity of all researches and information on persons with disability amongst general public.

14. The State will bear the responsibility of planning and laying down the principles on the subject of persons with disability and ensure proper implementation of those.

15. The State will frame laws for equal participation of the handicapped in national activities.

16. The State will ensure financial help assistance if the handicapped desire to participate in national activities.

17. The State will ensure formation of national organisations or society for coordination of the activities concerning disability.

18. The State will ensure government assistance and congenial atmosphere for working locally or regionally by the organisations for handicapped.

19. The State will ensure arrangement of wide/comprehensive training for the handicapped.

20. The State will form National Inspection and Evaluation Team for looking after proper implementation of the plans and programmes for the handicapped.

21. The State will ensure required technical and financial assistance for the handicapped (for passing their days) in developing countries, and

22. The State will ensure overall equal participation by the handicapped in international activities.

Although the above mentioned principles are approved and accepted internationally, yet the handicapped are being neglected and deprived of these rights.

A National Forum of Organisations has been formed with the organisations working for the disabled on the basis of mutual understanding and co-operation in Bangladesh. A

draft law containing basic need for the handicapped with the initiative of the Forum was prepared and submitted to the government. The national policy was duly approved by the Cabinet in the month of December, 1995. But yet there is no activities on these policies. Majority of the people of Bangladesh even do not know about this. The law is a government approved rule where there is provision for punishment in case of violation. There is no specific provision for protection of basic rights of the handicapped thereof in the Constitution of Bangladesh.

The cheapest but prime means for improvement of human resource is education whereas no required and effective step exists for education of the persons with disability.

The slogan is "Education for all citizens in the country", but what sort of education is being imparted to the persons with disability of our country? There is neither required educational appliances nor proper provisions and instructors for the education of the handicapped in the general institutions and training centres.

Bangladesh government runs only a few educational institutions for the handicapped and these too are not running properly. There are 64 integrated institutions for the sight-impaired/retarded, 11 institutions for the deaf and dumb and only one institution for the mentally retarded being run by the government. There is no provision for the mentally retarded students' admission to the general schools. Eleven schools for the blind in the northern zone of the country have been closed due to absence of teaching materials and paucity of fund. It has become an unktion about the future education in more than 15 schools for the blind. There is no financial grant for running the programme for the last ten years. Proper education and sympathetic attitude towards the retarded will be conducive in establishing their equal status and rights in the society. That is why, it calls for public awareness and mass initiative, required for a social movement.

If we look at the international arena, it is found that excepting Bangladesh and Cambodia, there are law for the persons with disability in every country. In Bangladesh, from

the perspective of sufferings of the persons with disability, it is very urgent and essential to frame law for the persons with disability. A day-long workshop was held for detailed discussion on the law drafted by NFOWD on 28th November, 1996. Efforts were being made to get this draft approved. Copies of this draft were sent to the Leader of the House, Leader of the Opposition, Ministers, Members of the National Parliament and respective Ministries. By this time, Ministry of Social Welfare, after examination of the subject, has forwarded the same to the Ministry of Law. Hon'ble Prime Minister stated in the South Asian Conference on Community Based Rehabilitation (CBR) of persons with disability in the mainstream, held on 3rd December, 1997 that this draft would be passed as law in the parliament on the occasion of observance of 3rd December, the International Day of the Disabled.

Discussion took place with the Minister of Law about this matter. It is, no doubt, true that a law will be passed with the rightful need of the time. But publicity is required for this. Co-ordination is required among the law-makers, law enforcing agency and implementation group. Mass awareness is necessary, otherwise, law may come into force, but due to ignorance, that may not be obeyed or followed. The persons with disability too will remain far away from the purview of the enacted law.

So, before approval of the law, a seminar or workshop may be held with the participation of the people concerned for their further involvement. In this connection NFOWD rolled a day long workshop on 4th July 1998 with the active participation of member of the parliament, journalists, doctors, social and human rights activists and government high officials. We hope that the law will be enacted by the parliament and everybody will come forward with commitment to the cause of persons with disability.

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