

# Meghalaya State Policy for the Empowerment of Persons with Disabilities (MSPEPD)

## *Preamble*

*Appreciating the affirmation of applicability of all human rights and fundamental freedoms in the International Bill of Human Rights as reflected in the United Nation Convention on the Rights of Persons with Disabilities (UNCRPD).*

*Further recalling the regional action through UNESCAP (The United Nations Economic and Social Commission for Asia and the Pacific) in developing and promoting the Incheon Strategy and the 2nd Asia Pacific decade of the Disabled*

*Recalling the universal application of all 17 Sustainable Development Goals (SDGs), including but not limited to SDGs 4,8,10, 11, 16 and 17 which specifically mention persons with disabilities*

*Recognizing the Sendai Framework for Disaster Risk Reduction 2015-2030*

*Noting that India is a signatory to the Marrakesh Treaty for technological solutions*

*Respecting and adhering to the Rights of Persons with Disabilities Act, 2016 and its commitment to 21 disabilities, including those with BMD and HSN<sup>1</sup>*

*Further recalling the Right To Education 2009 and Amendments thereof in 2012,*

*Also recalling the National Trust Act, 1999 and the Rehabilitation Council of India Act, 1992*

*The Government of Meghalaya has developed this State Policy for Empowerment of Persons with Disabilities ...*

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<sup>1</sup> Benchmark Disabilities and High Support Needs

## 1. Introduction

The Constitution of India ensures equality, freedom, justice and dignity of all individuals and implicitly mandates an inclusive society for all, including persons with disabilities. In recent years, there have been vast and positive changes in the perception of the society towards persons with disabilities. It has been realized that a majority of persons with disabilities can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures.

According to the Census 2011, there are 2.68 crore persons with disabilities in India who constitute 2.13 percent of the total population. In Meghalaya the number is 44317, which constitutes about 1% of the population. This includes persons with visual, hearing, speech, locomotor, intellectual and mental disabilities. Nearly 80% of this population resides in rural areas. While this Census 2011 figure is the basis for all policies and strategies, it is well accepted that the actual number of persons with disabilities in Meghalaya could be more. The earlier emphasis on medical rehabilitation has now been replaced by an emphasis on social inclusion and rehabilitation from a rights-based approach. There has been an increasing recognition of the abilities of persons with disabilities and emphasis on inclusion in all spheres of mainstream life, including but not limited to, education, employment/livelihoods/decent work, family and community life, political processes, health, legal capacities, and development strategies and programs.

Three international trends need specific mention here. First, the global perspective of disability has changed from an **individual** with special needs construct to a **societal barriers construct** which prevents their effective participation. Second, the world has witnessed a paradigm shift from a **charity/welfare** model of disability-rehabilitation to a human **rights based model** of disability-inclusion, which views ALL persons of a country as equal citizens with equal access to civil, political, economic, social and cultural RIGHTS guaranteed under their respective Constitutions. Third, is that the world community has evidence-based research to prove that enablement-related investments in persons with disabilities can, and do, greatly ENHANCE the country's economy as a whole, substantially reducing the costs for life-long rehabilitation measures.

## 2. Situational Justification

The new Rights of Persons with Disabilities Act, 2016 (*RPWD Act, 2016*), has come into force with effect from 19th April, 2017 and the earlier Act stands repealed. In the period between 1995, when the old Persons with Disabilities Act was enacted, and now in 2017, Government of India stands committed to several International.

Instruments and legal mandates on Disability. Governments and civil society now have a better understanding of the abilities of people with disabilities, and their rights to equal opportunity and full participation. These new principles, values of inclusion and participation must be reflected in new policies. The Government of Meghalaya views persons with disabilities as an integral part of society and affirms its commitment to their rights and entitlements. This new Policy seeks to create operational synergy through multi-sectoral collaboration between appropriate Government Departments, to reflect contemporary thought and action enshrined in the Rights of Persons with Disabilities Act, 2016.

### **3. Objectives of the State Policy**

- a) To promote, protect and ensure the full realization of all human rights and fundamental freedoms of persons with disabilities in the State of Meghalaya as enunciated in Rights of Persons with Disabilities Act, 2016.
- b) To collect and disseminate reliable and comparable data on disability disaggregated by type, gender, economic status, age and rural–urban residence
- c) To ensure the inclusion of the rights of persons with disabilities, into all government developmental strategies, planning and programs cutting across the life-cycle needs of persons with disabilities
- d) To develop a convergent and inter-sectoral Plan of Action for achieving operational synergy in the coordination of disability planning, implementation and monitoring
- e) To create a State-wide awareness and sensitization program for government personnel at all levels which promotes positive perceptions about the abilities of persons with disabilities and dismantles barriers which prevent their full and effective participation in mainstream society
- f) To develop effective mechanisms/measures/infrastructure for the early identification of disability, and appropriate rehabilitation measures including for persons with disabilities who are profoundly excluded and most vulnerable, with special reference to women, the elderly and children with high support needs in remote areas
- g) To ensure that all Disaster Risk Reduction plans at the State and District level take into consideration the specific requirements of persons with disabilities as enshrined in the Sendai Framework for Disaster Risk Reduction 2015-2030

- h) To provide for technology adaptations in developing programs, and systems related to inclusive education, employment, social protection measures etc
- i) To understand disability as a cross-cutting issue which goes beyond the boundaries of one department, into the domains of several Departments.

#### **4. Principles**

**The State policy of Meghalaya for the empowerment of persons with disabilities is based on ten principles**

1. Autonomy, self-determination and enablement of persons with disabilities and their families
2. Comprehensive Accessibility–ACAP (Accessibility, Communication, Attitude and Participation)
3. Reasonable Accommodations and Affirmative Action
4. Universal Design and Universal Design of Learning
5. Inclusion across all spheres and all aspects of life
6. Equity in gender and opportunity
7. Respect for and appreciation of Human Diversity as an en-richer in the fabric of community life
8. Commitment to the Life-Cycle Approach
9. Respect for the Legal capacity of persons with disabilities
10. Capacity Building and Perspective Building

*(Details about the 10 Principles are given as Annexure 1)*

#### **5. The Government of Meghalaya is committed to the following areas:-**

##### **Specific Areas of Intervention:-**

- i. Prevention, Early Detection and Early Intervention
- ii. Inclusive Preschool and School Education

- iii. Inclusive Higher and Technical Education
- iv. Inclusive Livelihoods, Decent Work
- v. Social Protection Measures/Schemes
- vi. Independent living and other living options of choice
- vii. Community based inclusive development
- viii. Development of adequate professional expertise-HRD
- ix. Disaster Risk Reduction Strategies
- x. Promotion of Participation in Political Processes
- xi. Assistive Devices that promote independence, mobility and communication and use of technology
- xii. Accessibility
- xiii. Commitment to, and understanding of, the full legal capacity of all persons with disability
- xiv. State-level Coordination and Convergence Mechanisms
- xv. Role of Civil Society Organizations, Disabled People's Organization and Parents Organization
- xvi. Role of State Disability Commissioner
- xvii. Continuation of existing schemes/benefits for persons with disabilities as well as initiation of new schemes/benefits/reservations for persons with disabilities as mandated in the Rights of Persons with Disabilities Act, 2016 with special focus on women and children with disabilities

**5. i. Prevention, Early Detection and Early Intervention**

**5. i. a. *Prevention-primary, secondary and tertiary***

Primary prevention of disability through micronutrient supplements for pregnant women, and lactating mothers and tracking of High-risk pregnancies through Accredited Social Health Activist (ASHA) and Aanganwadi workers AWW) and referral to medical centers where necessary is an important area of intervention.

Another important activity would be to promote Institution-based deliveries where it would be possible to follow-up high risk neonates with high Appearance Pulse Grimance Activity Respiration (APGAR) scores, Low Birth Weight (LBW), neonatal jaundice, obvious disabilities, low /high tone etc. This would facilitate Well-Baby clinics to have additional Surveillance for those identified as High Risk Babies. This should be accompanied by provision of quick transportation for tertiary care for those with risk factors.

Training for ASHA and AWW in prevention and early identification will be added to training of adolescent girls and boys on High Risk factors for delays and disabilities.

#### **5. i. b. Early Detection and Early Intervention**

Early detection is the key to good functional outcomes for children with disabilities. Screening of all children in the community, schools and Aanganwadi centres should be mandatory, and a planned and coordinated transfer of skills to Aanganwadi Workers in early intervention/inclusion in pre-school programs would ensure better readiness for school readiness.

Necessary training will be imparted to family members of children with delayed development in stimulation techniques in the 4 major domains of child development (gross and fine motor, communication, cognition and social-emotional). Towards this end, appropriate material will be developed in local languages, pictorial as far as possible.

Government will strive to start early intervention centers in every district hospital (**currently there are only 4, in West Garo Hills District, West Jaintia Hills District, East Khasi Hills District and West Khasi Hills District**). Efforts will be made to screen all new born babies and children in these centers to prevent the incidence of disabilities. These centers should have strong referral chain for specialized interventions at tertiary level.

#### **5. ii. Preschool and School Education**

*(Primary & Secondary Education for children with disabilities)*

Inclusion in pre-school is critical to later inclusion. Government of Meghalaya will provide for quality Inclusive education, (free and compulsory) – ensuring access, retention and transition in school and in home-based situations. Special schools, where so chosen by families, to be resource centers on inclusive education should aim to prepare children with disabilities (cws) for inclusive education. There should be synergy and bi-directional linkages between Regular and Special schools for education and support services as well as between Regular Teachers and Special Educators.

Regular capacity building in inclusive education at pre-service and in-service levels should be available for general teachers as well as for special educators.

Children with disabilities will be encouraged to complete the elementary cycle, and drop-outs will be encouraged to return to school and supported by curriculum adaptations and other innovative strategies to access, and succeed in completing elementary and secondary education.

Non profit organizations working in the disability sector should collaborate with Government organizations in supporting inclusive education for all children with disabilities by providing reasonable accommodation in accessible environments and using appropriate technology to master skills in science, mathematics and other subjects.

The introduction of Universal Design of Learning, along with alternative methods of teaching and evaluating, will ensure that all children learn together in environments that are respectful of diversity and the richness that diversity brings to classrooms.

To make these new ideas work across the State, Sensitization programs for the whole Education Department shall be organized and systemic changes effected to ensure that Inclusive Education becomes a part of the whole system rather than as a parallel and vertical program.

Efforts to provide hostels for students with Disabilities from remote and inaccessible areas will be made to ensure uninterrupted flow of schooling.

5 % Reservation as per Rights of Persons with Disabilities Act, 2016 will need be effected for benchmark disabilities, in Government and Government aided Institutions with upper age relaxation of 5 years.

Inclusion in Adult education programs for persons with disabilities is crucial to their inclusion in community life.

### **5. iii. Higher and Technical Education**

Government of Meghalaya will provide reservations as per Rights of Persons with Disabilities Act, 2016 in institutes of higher education and in technical education, to better prepare them for employment and work. This includes 5 year relaxation in age for admission, sensitization of all personnel, provision of scholarships and assistive devices. It will also strive for establishment of an Institute of Disabilities Studies.

#### **5. iv Livelihoods, Decent Work**

This is the key to a good quality of life for persons with disabilities, leading to social inclusion, family life and respect from others. In keeping with section 34 (1) the Government of Meghalaya will provide for 4% reservation in government employment and continuity in employment as provided in section 20 of the Act.

Emphasis will also be laid for inclusion in formal & non-formal vocational & skill training schemes along with adequate support & facilities to avail training. Additionally, Government will endeavour to provide for exclusive skill training for persons with developmental, intellectual, multiple disabilities & autism, including loans & microcredit at concessional rates and support for marketing of their products.

In employment, as in education, reasonable accommodation and barrier free and conducive environment will be ensured. Opportunities for employment and decent work shall be made available in rural areas as well.

The Government shall strive to ensure that there shall be no denial of promotion on ground of disability and that no Government establishment shall dispense with or reduce in rank, an employee on acquiring disability with the proviso: of shifting to other post in case of incapacity or Supernumerary post until a suitable post is available.

Government may frame policies for posting & transfer of employees with disabilities for their training and self employment. There shall be no denial of promotion on ground of disability and no Government establishment to dispense with or reduce in rank, an employee on acquiring disability.

Government will undertake Identification of posts for respective categories of Benchmark Disabilities (BMD) by an Expert committee with representation of Persons with Benchmark Disabilities, and review of such identified posts will be after every 3 years.

The new Act assures 4% reservation of total vacancies in cadre strength in each group of post in Government: 1 % in (a) to (c) and 1% in (d) & (e) which are (a) blindness and low vision; (b) deaf and hard of hearing; (c) locomotor disability including Cerebral Palsy, leprosy cured, dwarfism, acid attack victims & Muscular Dystrophy; (d) autism, intellectual disability, specific learning disability & mental illness; (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness



Government of Meghalaya will ensure that **every establishment notifies equal opportunity policy in the** manner as prescribed by Central Govt and a copy of the policy will be registered with the Commissioner.

It is mandatory that a Grievance Redressal Officer is appointed and this information too must be given to the Commissioner.

#### **5. v. Social Protection Measures/Schemes**

Both horizontal and vertical measures are envisaged, which means inclusion of persons with disabilities in existing developmental and poverty reduction schemes of the Meghalaya Government, in every sector specifically for persons with disability, giving priority to women with benchmark disabilities.

As envisaged in section 37 of the Act, 5 % Reservation in 3 categories —  
a) agricultural land and housing schemes and development programs with priority for women with Benchmark Disabilities  
b) reservation in all poverty alleviation and developmental programs with priority for women with Benchmark Disabilities and  
c) reservation in allotment of land on concessional basis, with priority for women with Benchmark Disabilities — for housing, shelter occupation, business, enterprise, recreation and production center

The Government shall endeavour to extend Insurance schemes programs, Social Protection measures, Concessions, Facilities and Allowances etc to within limit of its economic capacity. It will also formulate schemes to safeguard and promote their right for adequate standard of living to enable them to live independently or in the community where the quantum of assistance at least 25 % higher than the similar schemes for others while due consideration is to be provided to diversity of disability, gender, age and socio-economic status.

#### **5. vi. Independent living and other living options of choice**

The new Act gives persons with disabilities several options for living arrangements, including living independently. Government of Meghalaya shall strive to make appropriate arrangements so that persons with disabilities have a range of options to choose from and shall ensure that they are not forced to live in places not of their choosing.

#### **5. vii. Community based inclusive development**

As envisaged in the Act, Government of Meghalaya shall strive to provide 5 % reservation in all developmental programs, poverty alleviation programs in urban and rural areas to be used for purpose of promoting housing, shelter, setting up

of occupation, business enterprise, recreation centres and production centres. All programs are to be benchmark-disability inclusive, with special priority to women with benchmark disability.

**5. viii. Development of adequate professional expertise – HRD**

The Government shall strive to invest in the development of human resources in disability management and rehabilitation so as to ensure that quality services are provided by qualified rehabilitation professionals catering to all disabilities. Towards this end, Government of Meghalaya will make all possible efforts to increase the number and quality of Rehabilitation Council of India (RCI) – approved regular courses, including courses in Autism, Deaf-blindness, Cerebral Palsy, and Multiple Disabilities. Training Colleges offering B.Ed will be encouraged to offer Special B.Ed courses. Universities should be encouraged to offer M.Ed (Special Ed) and institute Disability Studies Units. The State Government will work more closely with RCI and the National Institutes to upgrade and increase its disability-professional base.

**5. ix. Disaster Risk Reduction Strategies**

The Government of Meghalaya shall further strengthen its efforts to include people with disabilities in the planning, implementation and monitoring of all disaster risk management services at the lowest level of administration to ensure that people with disabilities are not excluded during disasters and calamities, as enshrined in the Sendai Framework.

**5. x. Promotion of Participation in Political Processes**

The Government shall ensure accessibility to polling booths, non-discrimination in standing for election and political processes at every level of government including local government. Towards that end, all election-related material will be made available in accessible formats for all persons with disabilities.

**5. xi. Assistive Devices that promote independence, mobility and communication and use of technology**

Persons with disabilities require devices that support mobility, independent functioning and communication so as to overcome barriers and participate more effectively on an equal basis with others in all spheres of community life. Assistive devices of good quality, that are appropriate, accessible and affordable should be made available to persons with disabilities as and when they are needed for mobility and independence. Technology plays an important part as an equalizer in education, employment, recreation and in the full enjoyment of social life.

#### **5. xii. Accessibility**

The Government of Meghalaya will strive to provide accessibility, in its broadest sense, to include comprehensive accessibility which refers to accessibility, communication, attitude and participation of people with disabilities. Transportation is a major issue for persons with physical and sensory disabilities in hilly areas. Communication needs of all persons with disabilities, attitudinal change among the general public and consultative processes including people with disabilities will be a priority with the Government.

#### **5. xiii. Legal Capacity and Guardianship**

Persons with disabilities are now recognized as having full legal capacity, capable of making their own decisions, with access to the judicial system on an equal basis with others. However, in some instances, given that there may be some communication, physical and attitudinal barriers that exist in society, they require special legal support from district level onwards. Special Prosecutors will be provided, and special courts shall hear their cases, and all legal material will be provided in accessible formats.

In some cases for those with benchmark disabilities and high support needs, Limited Guardianship is to be arranged for special and limited periods only.

#### **5. xiv. State-level Coordination and Convergence Mechanisms**

Disability is a cross-cutting issue, and the life-cycle needs of persons with disabilities cannot be addressed through any one Department alone. Development of an effective and efficient coordination mechanism is imperative for the successful delivery of services, benefits, concessions and rights of persons with disabilities. This multi-sectoral effort shall be an important part of the State policy, and should be designed and implemented between all departments and in consultation with Persons with disabilities, their parents and their representative organizations.

#### **5. xv. Role of Civil Society Organizations, DPOs and Parents Organization( POs)<sup>2</sup>**

Meghalaya has vibrant civil society organizations, DPOs and Parents Organisations. They should be fully involved in participatory modes in all plans, programs, events and in monitoring roles as well. The new Act mandates active involvement, participation, capacity-utilization and talent-promotion of persons with

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<sup>2</sup> Disabled People's Organisation, Parents Organisations

disabilities on an equal basis with others in all spheres of community life including in sports, culture, performing and fine arts apart from health, education, employment and social inclusion

#### **5. xvi. Role of State Disability Commissioner**

The Commissioner Disabilities is the key person in the State to represent the needs, issues and entitlements of disability-stakeholders, uphold their rights, and ensure their participation on an equal basis with others. He/She is the true disability-flag-bearer within the State Administration. The Government will strive to have a Commissioner with independent charge: will work towards having a separate department for persons with disabilities, and to change the name of the department to department of Social Justice & Empowerment as seen in several other States. The Government of Meghalaya will work towards strengthening the role of the Commissioner.

#### **5. xvii. Continuation of existing schemes**

The Government of Meghalaya will ensure the continuation of existing schemes/benefits for persons with disabilities as well as the initiation of new schemes/benefits/reservations for persons with disabilities as mandated in the Rights of Persons with Disabilities Act, 2016 with special focus on women and children with benchmark disabilities and those with high support needs.

Government of Meghalaya will strive to implement all legal provisions of the Act and shall take steps to draw an Action Plan based on the various sections of the Act.

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**1. Comprehensive Accessibility**

It is a necessary pre runner of inclusion. It involves access to all forms of information and communications, services, public and/ or government buildings and amenities that non disabled people enjoy. Whenever a communication is made it needs to be in formats that are accessible to all. Attitudes that are negative and involve stereotypes, do not promote a rights based approach to disability. It is only if persons are valued, can they be equal partners in all aspects of life of their communities.

**2. Reasonable Accommodations and Affirmative Action.**

Persons with disabilities may need reasonable accommodations to be on an equal footing with others, i.e., to have equity. It is the duty of every state to ensure that these reasonable accommodations be available and accessible to those who require them.

**3. Universal Design and Universal Design of Learning.**

In accepting and respecting the essential diversity in human life, we believe that it is the state's responsibility to use the principles of Universal Design in providing services, basic amenities (including transport), the built environment, information and communications, (media-encourage local news channels to include sign language in news) ensuring that they are accessible to all. Not only does this serve persons with disability but can benefit all.

Universal Design of Learning follows this same principle of planning for diversity, rather than retrofitting in the context of learning. This does not imply that there are different or special ways of working with learners with different disabilities, but rather that there are multiple ways in which all learners learn, and that these should be built into the very design of learning.

**4. Inclusion**

It is a right and freedom which ensures that persons with disabilities be a part of all mainstream activities, programs, events, without discrimination on the basis of disability, delay or deviance. Inclusion in education, employment and social life embraces the concept of diversity as a norm rather than an exception.

## **5. Equality- Equity- gender and opportunity.**

Equality between the genders (male/female and transgender) is an essential aspect of valuing all persons equally. It is often said that disabled women are doubly disabled, as they are more restricted than disabled men.

All human beings also need to be able to access opportunities on an equal basis with others. For this to happen, opportunities must be made available without discrimination but with reasonable accommodation.

## **6. Individual, family and community empowerment/enablement.**

A fundamental principle that shapes the outlook of disability in Meghalaya is the role that individuals with disabilities, their families and communities play in representing their interests. This means that the collective opinion, determination and wisdom of people with disabilities must be used to inform the strategies of the government. In recognising this principle, the government acknowledges the role of organizations of persons with disabilities, and their representatives in the decision making process. This will ensure that decisions taken and implemented will be appropriate for persons with disabilities.

## **7. Respect for Human Diversity.**

This policy is based on the respect for human diversity, and the belief that disability is a right issue and not a welfare one. As such, this policy views diversity as not less in any way but different.

## **8. Commitment of the Life-Cycle Approach.**

As the challenges and needs of persons at different stages of life are varied, persons with disabilities require a diverse range of service through their lives. This would include schemes and activities from different departments at various stages of life.

## **9. Understanding and appreciating the Legal capacity of persons with disabilities.**

Human rights apply equally to persons with disability, and as such, this Policy recognises the legal capacity of persons with disabilities to inherit and own property, access bank loans and other financial credits.

## **10. Capacity Building and Perspective Building.**

In the State of Meghalaya, persons with disabilities, their families and communities are a growing voice. To facilitate the growth of their capacity, and participation in policies, programmes, schemes and activities, it is necessary to have Capacity Building activities.

Perspective building is one of the most important parts of the policy formulation. Through this the policy acquires its strength in terms of multifaceted views so as to eliminate any one-sided bias (Government/NGO). This will also help in making the policy more participative.

