

## VIOLENCE AGAINST WOMEN WITH DISABILITIES AND THE ROLE OF LAW : AN ANALYSIS

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### **Abstract**

*Persons with disabilities represent 1 billion, or 15% of global population, vast majority lies in developing countries. Women and girls with disabilities are subjected to multiple layers of discrimination. Unemployment rates are highest among women with disabilities. Studies show that women and girls with disabilities are twice as likely to experience gender based violence compared to women and girls without disabilities. There are only few organizations who are working selflessly for the empowerment of disable people. In most of household it's the female member who takes care of the disable person, as man due to so called hegemonic masculinity they do not care the person as the female do, also female by the inherent nature of this patriarchal society is always known as the care taker ; sometimes paid and sometimes unpaid. As in the society the ethics of care responsibility only holds maximum time by the women. In the rural area instead of the human rights model of disability they still follow the religious model, by which it is seen that lacking the scientific temper in the rural areas they don't get the medical treatment in the initial stage.*

**Keywords** – *empowerment,patriarchal,hegemonic masculinity,scientific temper*

**Introduction** - In the Covid 19 pandemic disable women were soft targets for violence. Gender based violence on disabled women is an important issue which needs to be looked from manifold approaches. The data regarding the violence against disable women sometimes do not get registered because first of all they can not go many times to the judicial process and secondly their parents , relatives and surroundings do not want them to go and registered the case as they think it will carry more burden to the family and it is something related to honour of the family matter. The unique intersection of gender and disability must be explored in greater depth in order to ensure that the complexities of violence against women and girls with disabilities are properly understood and addressed. Absence of attention to this issue can create more violence and vulnerability towards women so as a human being it is our basic responsibility to create more awareness about this issue. It is the women and child who gets more vulnerable after any kind of conflict.

**The concept of ethics of care** : The ethics of care concept is always related to the women, traditionally in patriarchal household it is the women who takes care of the child more than the man in the house. Feminists have commented that women are always expected to do work, work that has been part of their subjugation. Care has been taken to closely tied to the aspects of dependency also. Dependency also do hint power inequalities rather than challenge those disproportions. Care based ethics is related to the private domain more . It is not better to acknowledge our dependency as a feature of all human life , and to develop relationships that are genuinely caring and respectfull ?Critics of care ethics have pointed out that the often used archetype is the mother and child relation,which arguably is not a suitable model for

relationships between disabled adults and care providers. Ethics of care also requires carrying out responsibilities we have for another. Sometimes the care taker do not treat the individual equally having human rights from both the sides, the care taker often discriminate the individual and treated them as the burden although that person gets paid for that. Examples can also be seen that near the town Rangia one disable women in her own home was treated so badly by her own father but her mother do support her, One disable boy from Jorhat is interested in many sports activities but it is the mother only who takes him to the sports classes and the responsibilities of the mother becomes double while handling all the household chores and carrying forward the dreams of her son.

**Violence Against Disable women data** : There are over one billion people with disabilities in the world, corresponding to about 15 per cent of the world's population, and disability disproportionately affects vulnerable populations. In low and middle-income countries, this ratio is even more skewed, as women with disabilities comprise  $\frac{3}{4}$  of all disabled people in these countries. 65-70 per cent of women with disabilities in low and middle income countries live in rural areas (World Health Organizations, 2011 World Report on Disability) The number of girls and women with disabilities is substantial, and the 2011 World Report on Disability indicates that the female disability prevalence rate is 19.2 per cent, whereas it is 12 per cent for men. (Ortoleva, S and Lewis, H. 2012. *Forgotten Sisters – A Report on Violence Against Women with Disabilities : An Overview of its Nature, Scope, Causes and Consequences*) Children with disabilities have a substantially greater risk of being victims of violence than their peers without disabilities. In many cases perpetrators of violence are caregivers, either at home or in institutional settings, and females with disabilities often find themselves trapped by violent partners or family members because they are financially and socially dependent on them for survival. Many women and girls with disabilities have limited or no access to education and do not know formal sign language, and so communicate only through signs that mainly their close family members understand. (Human Rights Watch, 2010. “As if we weren't human : discrimination and violence against women with disabilities in Northern Uganda”) Studies indicate that women with disabilities are sexually assaulted at a rate at least twice that of the general population of women. Girls with disabilities experience discrimination and heightened vulnerability on account of their gender, age, and disability, and girls with intellectual disabilities are particularly vulnerable. It is estimated that between 40 to 70 per cent will be sexually abused before they reach 18 years of age. (The Roeher Institute, 2004. “Violence against Women with disabilities.” Ottawa, Public health Agency of Canada.) according to 2018 report by Human Rights Watch (HRW), *Invisible Victims of Sexual Violence : Access to Justice for Women and Girls with Disabilities in India*, women and girls with disabilities face significant barriers to justice and face a higher risk of sexual violence.

### **Laws regarding disability**

#### **Succession Laws for the Disabled**

Under the Hindu Succession Act, 1956 which applies to Hindus it has been specifically provided that physical disability or physical deformity would not disentitle a person from inheriting ancestral property. Similarly, in the Indian Succession Act, 1925 which applies in the case of intestate and testamentary succession, there is no provision which deprives the disabled from inheriting an ancestral property. The position with regard to Parsis and the Muslims is the

same. In fact a disabled person can also dispose his property by writing a 'will' provided he understands the import and consequence of writing a will at the time when a will is written. For example, a person of unsound mind can make a Will during periods of sanity. Even blind persons or those who are deaf and dumb can make their Wills if they understand the import and consequence of doing it.

#### Labour Laws for the Disabled

The rights of the disabled have not been spelt out so well in the labour legislations but provisions which cater to the disabled in their relationship with the employer are contained in delegated legislations such as rules, regulations and standing orders.

#### Judicial procedures for the disabled

Under the Designs Act, 1911 which deals with the law relating to the protection of designs any person having jurisdiction in respect of the property of a disabled person (who is incapable of making any statement or doing anything required to be done under this Act) may be appointed by the Court under Section 74, to make such statement or do such thing in the name and on behalf of the person subject to the disability. The disability may be lunacy or other disability.

#### Income Tax Concessions

“The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995” had come into enforcement on February 7, 1996. It is a significant step which ensures equal opportunities for the people with disabilities and their full participation in the nation building. The Act provides for both the preventive and promotional aspects of rehabilitation like education, employment and vocational training, reservation, research and manpower development, creation of barrier-free environment, rehabilitation of persons with disability, unemployment allowance for the disabled, special insurance scheme for the disabled employees and establishment of homes for persons with severe disability etc.

#### Main Provisions of the Act

##### Prevention and Early Detection of Disabilities

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- Education
- Employment
- Non-Discrimination
- Research and Manpower Development
- Affirmative Action
- Social Security
- Grievance Redressal

#### **Education**

- Every Child with disability shall have the rights to free education till the age of 18 years in integrated schools or special schools.

- Appropriate transportation, removal of architectural barriers and restructuring of modifications in the examination system shall be ensured for the benefit of children with disabilities.
- Children with disabilities shall have the right to free books, scholarships, uniform and other learning material.
- Special Schools for children with disabilities shall be equipped with vocational training facilities.
- Non-formal education shall be promoted for children with disabilities.
- Teachers' Training Institutions shall be established to develop requisite manpower.
- Parents may move to an appropriate forum for the redressal of grievances regarding the placement of their children with disabilities.

### **Employment**

3% of vacancies in government employment shall be reserved for people with disabilities, 1% each for the persons suffering from:

- Blindness or Low Vision
- Hearing Impairment
- Locomotor Disabilities & Cerebral Palsy
- Suitable Scheme shall be formulated for
- The training and welfare of persons with disabilities
- The relaxation of upper age limit
- Regulating the employment
- Health and Safety measures and creation of a non- handicapping, environment in places where persons with disabilities are employed

Government Educational Institutes and other Educational Institutes receiving grant from Government shall reserve at least 3% seats for people with disabilities.

No employee can be sacked or demoted if they become disabled during service, although they can be moved to another post with the same pay and condition. No promotion can be denied because of impairment.

### **Affirmative Action**

Aids and Appliances shall be made available to the people with disabilities.

Allotment of land shall be made at concessional rates to the people with disabilities for:

- House
- Business
- Special Recreational Centres
- Special Schools
- Research Schools
- Factories by Entrepreneurs with Disability,

### Non-Discrimination

- Public building, rail compartments, buses, ships and air-crafts will be designed to give easy access to the disabled people.
- In all public places and in waiting rooms, the toilets shall be wheel chair accessible. Braille and sound symbols are also to be provided in all elevators (lifts).
- All the places of public utility shall be made barrier- free by providing the ramps.

### Research and Manpower Development

- Research in the following areas shall be sponsored and promoted
- Prevention of Disability
- Rehabilitation including community based rehabilitation
- Development of Assistive Devices.
- Job Identification
- On site Modifications of Offices and Factories

**Conclusion :** Women who are disable are likely to get divorced more than women who are not disabled. In the local streets also we can see man who are disable begging in the road but the number is very less women being disable begging in the streets. Also disable women are also not safe from the societal gaze along with the male gaze. Laws are there to safeguard the disable people but it is the high time to change the mindset. Disability is not a taboo and people should not stigmatized this. Parents who have disable children sometimes feel insecure and often they get trolled by their relatives that it is the result of their previous birth. Awareness workshops, seminars and recently in academics new research and studies are going on and it is a positive sign that research scholars, students are welcoming this genre with a open heart.

### References

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