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The social and legal status of the physically disabled: a critical analysis

Abstract: Millions of Indians with disabilities face a lot of challenges, including social stigma, limited resources, and complex problems. The social and legal status of individuals with physical disabilities represents a critical intersection of rights, attitudes, and lived experiences within society. This research paper examines the multifaceted challenges faced by people with physical disabilities, ranging from social exclusion and discrimination to inadequate legal protection. Despite advancements in awareness and legislation, pervasive societal attitudes and inaccessible environments continue to hinder the full participation of individuals with physical disabilities. This research paper, critically examines the social and legal status of individuals with physical disabilities, focusing on the challenges they face, the progress made in ensuring their rights, and ongoing gaps in social inclusion and legal protections. By analysing existing literature, laws, and international frameworks, this paper seeks to provide insight into the complex interplay between societal attitudes, legal structures, and lived experiences of people with physical disabilities. Additionally, it offers recommendations for advancing social equality and legal protection for this marginalised population.

Keywords: *disabled, disability, social and legal status of the physically disabled*

Objective:

- i.** To examine the social attitudes and perceptions towards individuals with physical disabilities, identifying prevalent stereotypes, misconceptions, and their impact on societal inclusion.
- ii.** To analyse the existing legal frameworks and policies pertaining to individuals with physical disabilities, assessing their effectiveness in protecting rights, ensuring accessibility, and promoting social equity.
- iii.** Contribute to a deeper understanding of the complex interplay between social attitudes, legal structures, and individual experiences in shaping the social and legal status of individuals and physical disabilities.

Introduction: The Social and legal status of individuals with physical disabilities is a complex and multifaceted issue that encompasses a broad range of social, cultural, and legal dynamics. Throughout history, people with physical disabilities have often been marginalised, excluded, and subjected to discrimination due to prevailing societal attitude, and in adequate legal protections. Despite significant advancements in recognising the rights of individuals with disabilities, substantial challenges persist, hindering their full inclusion and participation in society. The Social status of individuals with physical disabilities is shaped by myriad of factors, including prevailing attitudes, cultural beliefs, and structural barriers. Negative stereotypes and misconceptions about disability often lead to stigmatisation and marginalisation, affecting various aspects of life, including education, employment, and social interactions. Moreover, in accessible environment and lack of accommodations. Further compound these challenges, limiting the opportunities for individuals with physical disabilities to fully engage their communities.

The legal status of individuals with physical disabilities is a critical determinant of their rights and access to essential services. While many countries have enacted laws and ratified international conventions to protect the rights of people with disabilities, implementation remains uneven and inadequate in many contexts. Legal frameworks vary widely across jurisdictions, leading to disparities in access to justice, healthcare, education, and employment opportunities for individuals with physical disabilities. Furthermore, the Intersectionality of disability, with other social identity, such as gender, race, socio-economic status, and geographical location, exacerbates disparity in access to resources and opportunities, further marginalising individuals with physical disabilities who are already disadvantaged by multiple layers of oppression.

Literature review: Previous research has extensively examined. The social and legal status of individuals with physical disabilities. in this literature review, we will critically analyse the existing research on our research topic that is the social and legal status of the physically disabled.

Barnes and Mercer – In their work, Barnes and Mercer identify several recurring negative portrayals of people with disabilities in media. These stereotypes cast them as: objects of pity, targets of violence, villains, superhuman outliers, figures of ridicule, or solely responsible for their own struggles. Such portrayals reinforce outdated models that view disability as a medical or social burden, or an anomaly requiring extraordinary feats. Societal attitudes often perpetuate the notion of disabled individuals as ‘dependent’ or ‘less capable,’ leading to marginalisation and exclusion.

Gooding et al - Legal frameworks and policies play a crucial role in protecting the rights and promoting the inclusion of individuals with physical disabilities. However, several studies are highlighted gaps and challenges within existing legal structures. For

example, Gooding et al argue that despite legislative efforts, disabled individuals still face barriers to accessibility and accommodation in various domains, including employment and education.

Bickenbach - While disability can affect a person's health, focusing solely on medical needs can overlook the broader challenges they face. Separating health and disability entirely might be counterproductive. For example, people with intellectual disabilities often require integrated health and social support services. This comprehensive approach is crucial for them to exercise their rights and take part fully in society.

Chhabra – The United Nations Convention on the Rights of Persons with Disabilities (CRPD), adopted in 2008, is the world's most recent human rights treaty. It emphasises the inherent dignity and autonomy of people with disabilities, including their right to make their own choices. This focus on self-determination aligns with the core principle of Zen – respecting the individual's path. Norway, which ratified the CRPD in 2013, talks about this philosophy in its disability policy, aiming for full social participation and equal rights for all citizens.

Legal review: The people with physical disabilities face a lot of challenges in the society. Some of them include them not being able to access public spaces, transportation, buildings. The prejudice and a lot of misconceptions that exist in the society lead to social marginalisation of the physically disabled. The physically disabled also face a lot of challenges in education sector, a lack of accommodations and facilities and a shortage of

trained instructors and educators contribute to the academic challenges faced by the physically disabled. They also face a lot of trouble in finding jobs due to discrimination, Lack of facilities in the office. There are a lot of other factors that contribute to the social challenges faced by the physically challenged such as healthcare disparities, transportation, financial strains.

The weaker sections of the society and the people who are physically disabled face a lot of difficulties in their day-to-day life and having a good relationship with others. Hence there are a set of fundamental rights that exist to ensure economic and social equality and justice. Some of the provisions that help the physically disabled and mentioned below,

- The State might not deny to any individual uniformity some time recently the law or the rise to assurance of the laws inside the region of India.
- Nothing in this article or in clause (2) of article 29, might avoid the state from making any extraordinary arrangement for the headway of any socially and instructively in reverse classes of citizens or encourage planned castes and planned Tribes.
- No individual might be denied of his life or individual freedom, but concurring to strategy set up by law.
- The state might, inside the limits of its financial ability and advancement, make viable arrangement for securing the proper to work, to instruction, and to open right hand in cases of unemployment, ancient age, ailment, and disablement, and in other cases of undeserved need.
- The state might advance with uncommon care, the instructive and financial intrigued of the weaker segments of the individuals, and, in specific, of the plan caste and plan Tribes, and ensure them from social bad form, and all shapes of exploitation.

A few of the basic rights said over do not particularly say the word physically disabled or debilitated. But the word in reverse areas of the society is specified in them.

The rights of people with incapacities (RPwD) act was sanctioned within the year 2016 and came into constrain from 19th April 2017. It supplanted the people with incapacities (rise to openings, assurance of rights and full cooperation) act, 1995. The aim of the RPwD act is to guarantee that all people were incapacities can lead their lives with respect without segregation and with rise to openings. The act lays down arrangements to hold such rights. It combines the rights of people with incapacities secured beneath the United Nations tradition on the proper of people with incapacities, to which India could be a signatory.

National trust for the welfare of persons with autism, cerebral palsy, mental retardation, and multiple disabilities act, 1999: This act aims to provide legal guardianship for individuals with autism, cerebral palsy, mental retardation, and multiple disabilities who are unable to take care of themselves. It also establishes the national trust, which works for the welfare of these individuals and their families.

Mental healthcare act, 2017: While primarily focused on mental healthcare issues, this act also addresses the rights of persons with mental illness, including those with physical disabilities, resulting from mental health conditions. It emphasises the right to equality, nondiscrimination, and access to healthcare and rehabilitation services.

Research methodology: to gain a better understanding about the social and legal status of the physically disabled, they study relies on online surveys as its primary research method. This approach helps in collection of data from a diverse population, ensuring that the sample accurately reflects what the people think about the mentioned cause. By

exploring the perceptions of people regarding the physically disabled, it allows to gain a better understanding about what the common public thinks about the certain issue. ultimately, the findings will offer valuable insights into how to counter certain problems that the physically disabled face and how to make the environment more inclusive for the people with physical disabilities.

Data analysis: data analysis consists of examining, cleaning, transforming, and interpreting data to find out meaningful insights and patterns. It consists of various tools and techniques to extract the information from various sources. The ultimate goal is to solve problems and gain a deeper understanding about any topic. in the beginning, you need to collect raw data, by conducting surveys or interviews from diverse sources. Following it, the critical phase of cleaning and transforming the data begins. Statistical models and machine, learning algorithms, serve as advanced technologies, shedding light on the data's deeper significance and historical context. A good visual presentation is also important to convey your message to the world in a positive way. The following survey was given by multiple people from all age groups and gender.

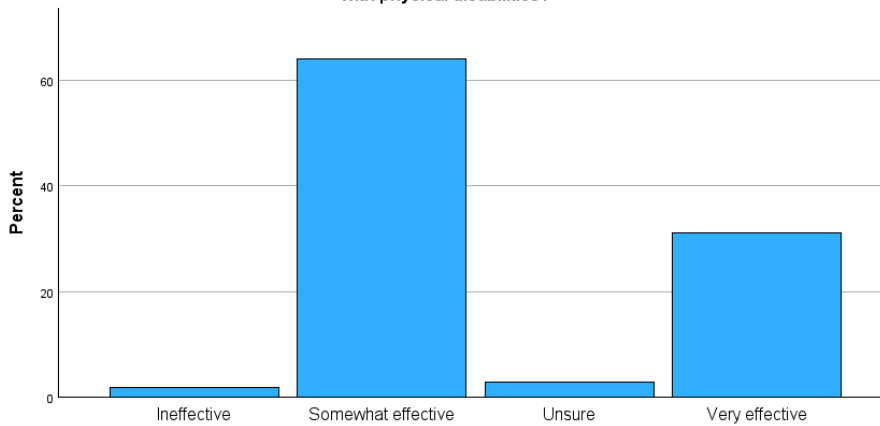
A. Data Interpretation

➤ *Survey Experience*

How effective do you believe existing legal frameworks and policies are in ensuring accessibility for individuals with physical disabilities?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Ineffective	2	1.9	1.9	1.9
	Somewhat effective	68	64.2	64.2	66.0
	Unsure	3	2.8	2.8	68.9
	Very effective	33	31.1	31.1	100.0
	Total	106	100.0	100.0	

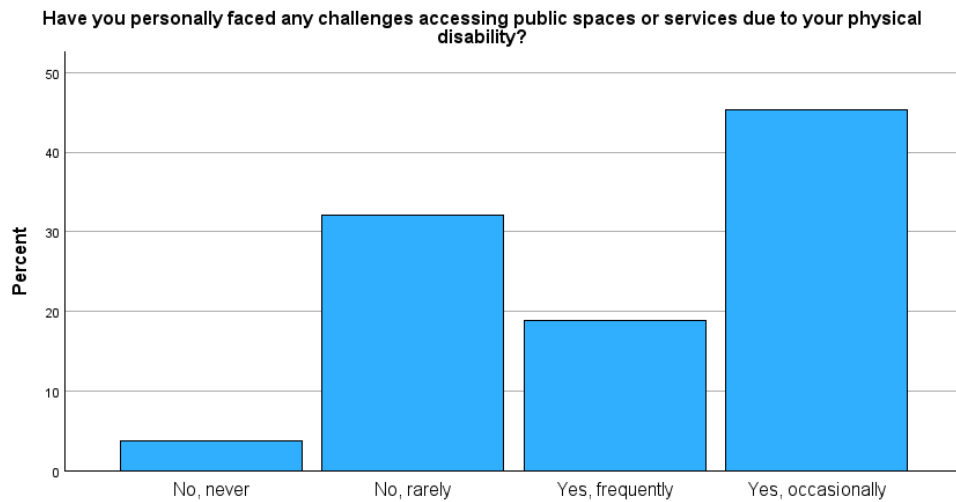
How effective do you believe existing legal frameworks and policies are in ensuring accessibility for individuals with physical disabilities?



Interpretation: The survey data reveals that while a majority (64.2%) perceive existing legal frameworks and policies as effective in ensuring accessibility for individuals with physical disabilities, a sizable portion (31.1%) consider them very effective. However, a small fraction find them ineffective (1.9%) or are unsure (2.8%). These varying perspectives highlight the need for a critical evaluation of the current legal measures, finding potential gaps or areas for improvement. The data underscores the importance of a nuanced approach that considers the complex interplay between social attitudes, legal structures, and individual experiences in shaping the overall social and legal status of individuals with physical disabilities.

Have you personally faced any challenges accessing public spaces or services due to your physical disability?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	No, never	4	3.8	3.8	3.8
	No, rarely	34	32.1	32.1	35.8
	Yes, frequently	20	18.9	18.9	54.7
	Yes, occasionally	48	45.3	45.3	100.0
	Total	106	100.0	100.0	



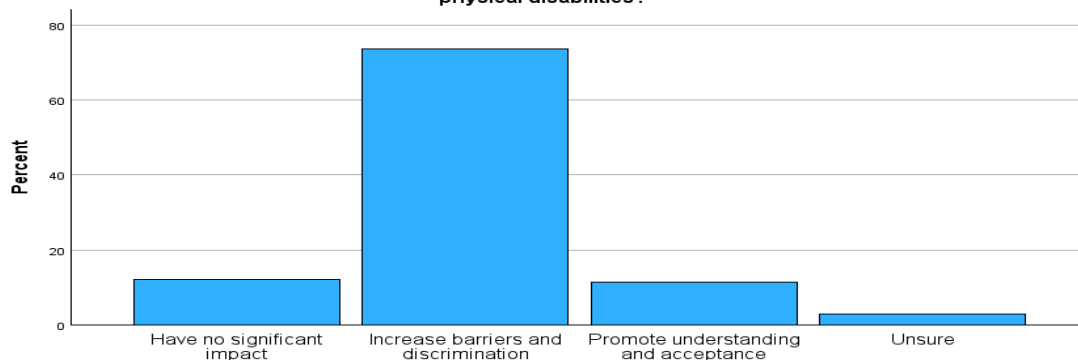
Interpretation: The survey data provides insights into the lived experiences of individuals with physical disabilities in accessing public spaces and services, which relates to the research objective of analyzing the effectiveness of existing legal frameworks and policies in ensuring accessibility and promoting social equity. A significant majority (64.2%) face challenges either frequently (18.9%) or occasionally (45.3%), suggesting that current measures may be falling short in adequately addressing accessibility barriers. Conversely, a notable portion (32.1%) rarely meets issues, and a small minority (3.8%) reports never facing challenges. This range of experiences underscores the complex interplay between legal structures and individual realities, highlighting the need for a nuanced understanding that considers varied perspectives and accounts for potential gaps

or inconsistencies in policy implementation and societal inclusion of individuals with physical disabilities.

In your experience, how do stereotypes and misconceptions impact societal inclusion of individuals with physical disabilities?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Have no significant impact	13	12.3	12.3	12.3
	Increase barriers and discrimination	78	73.6	73.6	85.8
	Promote understanding and acceptance	12	11.3	11.3	97.2
	Unsure	3	2.8	2.8	100.0
	Total	106	100.0	100.0	

In your experience, how do stereotypes and misconceptions impact societal inclusion of individuals with physical disabilities?



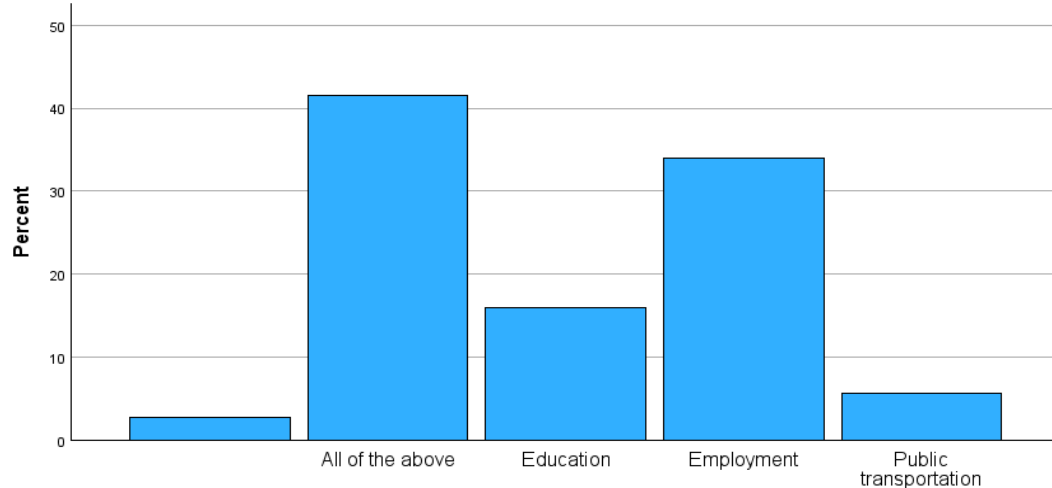
Interpretation: The survey data directly addresses the research objective of examining social attitudes and feelings towards individuals with physical disabilities, and their impact on societal inclusion. The results show that a significant majority (73.6%) believe stereotypes and misconceptions increase barriers and discrimination faced by this group. Alarming, only a small portion (12.3%) feel these stereotypes have no significant impact, while an even smaller fraction (11.3%) believe they promote understanding and acceptance. This highlights the pervasive negative effects of societal stereotyping and misconceptions, which act as major obstacles for individuals with physical disabilities. The data shows the urgent need to challenge and dismantle these harmful attitudes and feelings

through education, awareness, and advocacy efforts and more diverse ways. Addressing these societal biases is crucial for fostering a more inclusive and fairer environment for individuals with physical disabilities, shaping their overall social and legal status.

Discrimination against individuals with physical disabilities can occur in which of the following areas?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	3	2.8	2.8	2.8
All of the above	44	41.5	41.5	44.3
Education	17	16.0	16.0	60.4
Employment	36	34.0	34.0	94.3
Public transportation	6	5.7	5.7	100.0
Total	106	100.0	100.0	

Discrimination against individuals with physical disabilities can occur in which of the following areas?



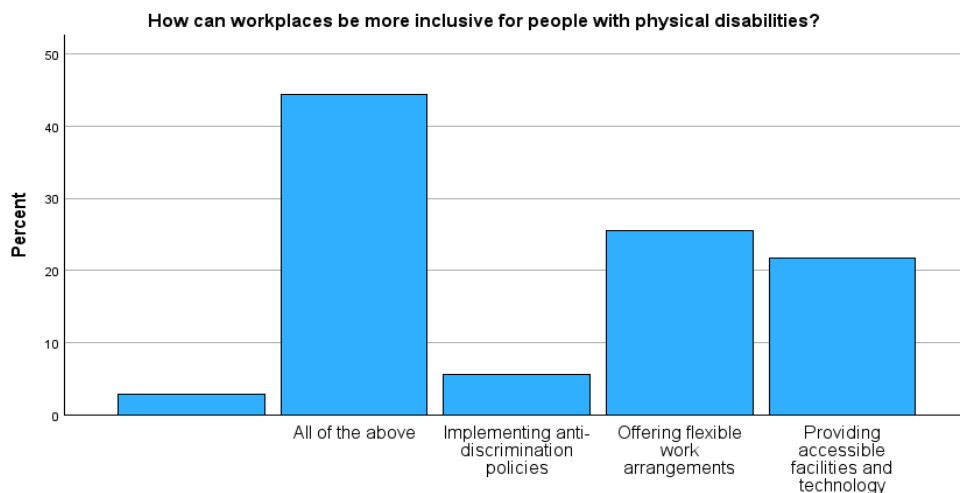
Interpretation: The survey data sheds light on the various areas where individuals with physical disabilities face discrimination, directly impacting their social and legal status. A sizable portion (41.5%) of respondents believe discrimination occurs across all areas mentioned, showing a pervasive issue. Employment (34%) and education (16%) appear as major domains where discriminatory practices are prevalent. Concerningly, even public transportation (5.7%), a fundamental service, is not immune to discrimination against this group.

These findings underscore the multifaceted challenges faced by individuals with physical disabilities, as discrimination permeates various spheres of life, hindering equal

opportunities and full societal inclusion. The data points to the need for comprehensive legal frameworks and robust policy implementation to safeguard the rights and promote fair access for individuals with physical disabilities across all sectors, including employment, education, and public services. Addressing these systemic barriers is crucial for fostering a more inclusive society that upholds the dignity and ensures the social and legal status of individuals with physical disabilities.

How can workplaces be more inclusive for people with physical disabilities?

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	3	2.8	2.8	2.8
All of the above	47	44.3	44.3	47.2
Implementing anti-discrimination policies	6	5.7	5.7	52.8
Offering flexible work arrangements	27	25.5	25.5	78.3
Providing accessible facilities and technology	23	21.7	21.7	100.0
Total	106	100.0	100.0	



Interpretation: A survey found that most respondents (44.3%) believe multiple measures are required to create inclusive workplaces for people with disabilities. These measures include accessible facilities and technology (21.7%), flexible work options (25.5%), and anti-discrimination policies (5.7%). This suggests a multifaceted approach is necessary to address physical accessibility, work arrangements, and legal protections.

Overall, these changes can improve social and legal standing for people with disabilities and promote greater inclusion in society. By implementing these recommendations, workplaces can create a more welcoming and fair environment for all employees, fostering a culture of respect and dignity. This can lead to a more diverse and talented workforce, helping both employers and employees.

Conclusion: This survey exposes a complex reality for individuals with physical disabilities. Legal frameworks exist but require evaluation due to ongoing accessibility issues and diverse experiences. Societal attitudes pose a barrier, demanding education, and advocacy to dismantle stereotypes. Discrimination is widespread, highlighting the need for stronger legal protections and enforcement. A glimmer of hope appears; workplaces can create a more inclusive environment through accessible facilities, flexible work options, and anti-discrimination policies. A collaborative effort is vital, with policymakers strengthening legal frameworks and social advocates challenging societal biases. By working together, we can foster respect, dignity, and equal opportunities, achieving true social and legal equity for individuals with physical disabilities.

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