

**“Human Rights Protection for the Wellbeing of Disabled Person”**

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**ABSTRACT:**

The new order of the world came into existences from the spark of the second world war .Legal protection is the key which builds the gap between unfocused sector and its development .The rights of the people focuses on demand and desires of the self development of individual. The Human rights are basic instrumental mechanism which protect the rights of disabled person, on considering the vulnerable group of community the important role is occupied by Disabled one ,whose rights are basically neglected even in current trends. The various international instrument has mainly focused on the protecting the disabled community ,which eventually lead to the formation of municipal laws for those community. The article helps in analyzing the streams of Human rights protection that are framed for the and Disabled person and its community Thus, the article has focused on provide a "human friendly environment" for all of the disabled community to overcome the barriers that restrain their development.

**KEYWORDS: Human Rights, Disabled person, Fundamental rights, Instrument.**

**HUMAN RIGHTS AND DISABLED:**

The Right to life is the fundamental right of individual, which cannot be restrained even during the proclamation of emergency situation. The relationship between individual and state coexist, which eventually lead to the adoption of international instruments in municipal laws for the protection of human Right. The disabled population is the suffering portion of the community. These are various difficulties faced by those communities which the developed and the developing countries address these issues in different context. During the year of 2009 the human rights Advisory committee recommended a study to protect the human rights of disabled person and to make various international aids on providing them a supportive care and attention. On considering the part of disabled community occupies a prominent place on

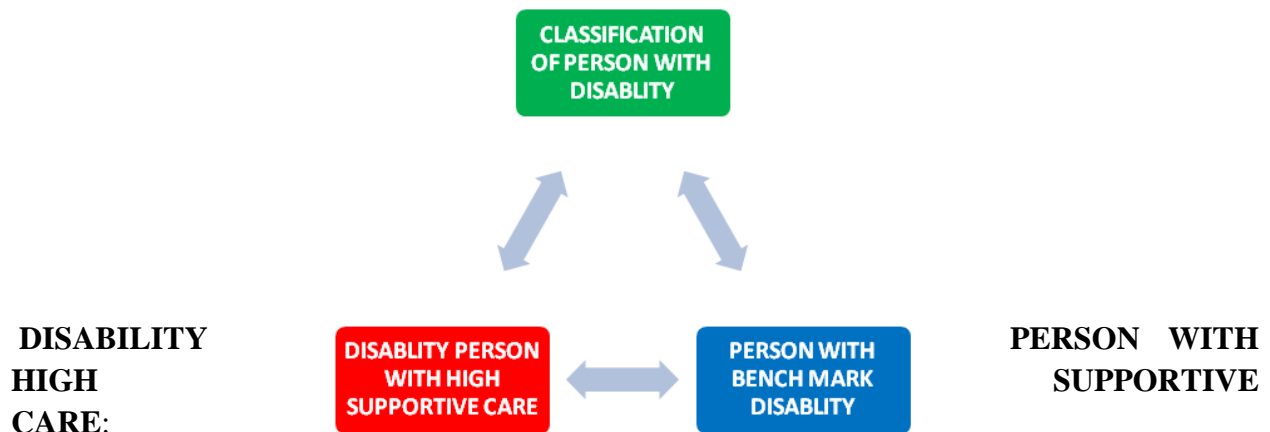
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recognizing their rights. Disabilities can be physical in nature, cognitive, behavioral, or even emotional. This particular topic mainly focused on physical and sensory forms of disability and creates a necessity on protection of their rights

Disability rights and its movement in India started during the year of 1970,. In the year of 1980 various organizations came into existence on protecting their economic and social rights of disabled community. In India disability laws has grabbed its attention through the enactment of “The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.As a result, people with disabilities have got a place in educational institutions government services, etc. This act came to be known as the beginning of a new era for disabled persons. But due to some of its deficiencies and the lack of implementation it failed to achieve its goal



The word supportive care denotes the supportive initiations which has been taken by the state on protecting the rights of the disabled community by providing medical care and assistance and other rehabilitation measures by ensuring their social security.

**PERSON WITH BENCHMARK DISABILITY:**

The benchmark disability has created its necessity recognition after the Rights of person with Disability Act,2016.The main aim of this is to understand and provide equal status for person with benchmark disability. The word disability denotes the long term physical ,mental or sensory impairment which includes not less than 40% of specified disability which can be measured through the certification by certified officers.

The enactment of this Rights of person with disability Act,2016 has created a recognition for protecting their human rights. As the older Act fails to meet up with the recent development. which eventually lead to formation of human rights laws in India.

In recent year the rumors have been created regarding the impending recognition of disabled community which would appear along the rights of minorities, women and children .During the year of 2010 the Advisory Committee of the United nation Human Rights Council created a report which provides the basic necessity of human rights approach and effective mechanism for the human rights of the disabled community. In January 2010 Advisory Committee published a report named “**Chung report**” which created a global impact on the demographic statistic and increasing number of human rights violation faced by the disabled community includes physical and moral integrity, susceptibility to poverty, employment, social security and health care.

### **LEGISLATIVE MEASURES:**

#### **UN PRINCIPLES FOR DISABLED PERSON:**

The UN has exclusively focused on the following principles:

##### **1)INDEPENDENCE:**

- Disabled person should given access to adequate food,clothing,health care ,Medical facilities which eventually helps in providing supportive mechanism.
- Disabled person should be provided opportunities including employment and other facilities.
- organizing various awareness programs as a protective mechanism

##### **2)PARTICIPATION:**

Disabled community should be integrated in society should have voluntary participation in formation and implementation of policies.

##### **3)MEDICAL CARE:**

Disabled person should provide benefit for their own family members and communities. which eventually lead to protection of cultural values.

##### **4)DIGNITY:**

Disabled community should be provided with economic and social integrity by protecting their rights which considered necessary for their well being.

Specific Human Rights for disabled Persons (BIHR, 2009) protects people from:

- The right against torture or inhuman activity
- Right to life and human dignity

**ARTICLE 3 AND ITS RELATION WITH HUMAN RIGHTS PROTECTION OF DISABLED COMMUNITY**

Article 3 of the European Convention on Human Rights explains that no person shall be tortured or degraded. This right is an absolute right, and any sort of such inhuman activities subjected to attraction of penalty as covers within the ambit of human dignity violation.

Unless the various barriers are fortified, disabled persons cannot fully realize their rights. It is high period of enacting various effective laws, which focused on a "rights-based approach" rather on the medical, or social approaches.

**ESTABLISHMENT OF GRIEVANCE REDRESSAL CELL:**

In case of human rights violation, the Grievance cell plays a vital role in redressal of various problems faced by the community. Every municipal law possesses redressal authority as in India, which has been taken to the attention of the Chief Commissioner for Persons with Disabilities in the Central, or Commissioner for Persons with Disabilities in the State.

**CONCLUSION:**

For people with disabilities, a piece of law is a boon. Various Acts have focused on protecting the rights of disabled. It also orders the government to perform its duties in the most diligent manner and to make various plans and programs for the community welfare. The procedures of Government and its initiatives created a recognition and grabbed the attention of Government through this community for recognition of their Right. The reasonable amendment is practically required for protecting the people by uplifting them from economic and social barriers by focusing on the protection of disabled community and their future generation.