



ELECTIONS AND DISABLED PERSONS - GS II MAINS

Q. The ECI's recent advisory on disability-sensitive guidelines for political parties is a pivotal step towards fostering inclusivity. Discuss (10 marks, 150 words)

News: *Election Commission directs political parties not to use terms derogatory to people with disabilities*

What's in the news?

- The Election Commission of India, on December 21, issued a crucial advisory urging political parties to adopt disability-sensitive terminologies.

Key takeaways:

- This initiative aims at fostering disability-inclusive communication, ensuring accessibility of information, and promoting inclusion within political party frameworks.
- It is a commendable step forward amid recent cases of national leaders using disability (in their election speeches) in a demeaning manner, dehumanising PwD and resulting in an “attitudinal barrier” under the Rights of PwD Act, 2016.

Rights of Persons with Disabilities (PwD) Act, 2016:

- It is an important legislation that aims to protect and enhance the rights and entitlements of persons with disabilities.
- It replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- This act represents a significant step towards promoting the rights and inclusion of persons with disabilities in India.

Key Features of the Act:

1. Definition of Disabilities:

- The Act recognises various disabilities, including physical, intellectual, mental, and sensory disabilities.

2. Rights and Entitlements:

- The Act outlines the rights and entitlements of persons with disabilities, including the right to equality, non-discrimination, and full and effective participation in society.

3. Education:

- It ensures that persons with disabilities have the right to free education up to 18 years of age and promotes inclusive education.

4. Employment:

- The Act promotes equal opportunities in employment and prohibits discrimination.



- It also mandates that the government and private sector establishments reserve a certain percentage of jobs for persons with disabilities.

5. Reservation in Higher Education:

- The Act provides for reservation of seats for persons with disabilities in higher educational institutions.

6. Special Employment Exchanges:

- The Act calls for the establishment of special employment exchanges to facilitate employment for persons with disabilities.

7. Accessibility:

- It emphasises the need for barrier-free access in public buildings, transportation and information and communication technologies to enhance accessibility for persons with disabilities.

8. Healthcare:

- The Act ensures that persons with disabilities have access to affordable and quality healthcare services.

9. Legal Capacity:

- It recognises the right of persons with disabilities to equal recognition before the law and supports their decision-making capacity.

10. Social Security:

- The Act promotes social security and welfare measures for persons with disabilities.

11. National and State Advisory Boards:

- The Act provides for the constitution of National and State Advisory Boards to oversee the implementation of the Act.

12. Offenses and Penalties:

- It prescribes penalties for offenses committed against persons with disabilities and ensures that legal proceedings are accessible to them.

Key Aspects of ECI's Disability-Inclusive Communication Guidelines:

1. Banning Ill-Health Terminologies:

- The guidelines stress the avoidance of ill-health terminologies when referring to persons with disabilities.
- This prohibition seeks to counter the tendency of using language that may stigmatise or marginalised individuals with disabilities.
- Instances such as the derogatory comparison made by Tamil Nadu leader A Raja in September 2023 highlight the real-world consequences of such language, creating an urgent need for corrective measures.

2. Dehumanisation and Stereotype Prevention:

- Another crucial aspect of the guidelines is the call to refrain from dehumanising portrayals and the perpetuation of stereotypes related to PwDs.
- Instances of national leaders using disability as a demeaning tool during election speeches exemplify the deep-rooted problem these guidelines aim to address.



- By discouraging the use of language that fosters stereotypes, the guidelines work to dismantle the attitudinal barriers identified under the Rights of Persons with Disabilities Act, 2016.

3. Legal Implications:

- The advisory recognises the legal implications of violating these communication guidelines.
- Breaches, particularly in disability-inclusive communication, could make political parties and their members subject to action under section 92 of the Rights of PwD Act.
- This section, a punishment provision for atrocities against PwDs, underscores the severity of the issue.
- The guidelines, therefore, not only aim at improving communication but also contribute to legal measures that protect the rights and dignity of PwDs.

WAY FORWARD:

1. Need for Uniform Mandate:

- Despite the imperative nature of these guidelines, a critical analysis reveals a potential area for improvement.
- While guidelines under the disability-inclusive communication category use mandatory language like 'should' and 'shall,' other guidelines, especially those concerning inclusion within the political party framework, employ discretionary terms such as 'may'.
- To strengthen the impact, a uniform mandate across all categories is necessary, providing a consistent and enforceable framework for political parties.

2. Guidelines need to be incorporated into Model Code of Conduct (MCC):

- These guidelines are still not part of the MCC and the advisory mentions that the breach of guidelines related to disability-inclusive communication would make political parties and their members prone to action under section 92 of the Rights of PwD Act.
- It is unclear whether a breach of other guidelines will also invoke this provision.
- Section 92 is a punishment provision for atrocities against PwDs. These guidelines must be given teeth by including them within the MCC on the lines of gender guidelines.

3. Address the ambiguity in phraseology:

- There is some ambiguity within the guidelines with respect to the usage of specific phraseology.
- For instance, it cites words like blind, deaf and dumb as examples of wrong terminologies.
- Although their translation in Hindi or another language might be derogatory, these are technical words to refer to people with visual, hearing, and speech disability.
- A detailed list of disability-sensitive words and phraseology under the UN Disability Inclusion Strategy can guide the ECI.

4. Incorporation of a Chapter on Political Inclusion in the National Policy:

- The draft National Policy for PwD released last year for public consultation did not have any chapter on political inclusion.
- The ECI advisory says that political parties must endeavour to include PwD at all levels as members and party workers.
- It also prescribes adherence to accessibility norms by political parties, which are the first instance of access to political space for PwD.



- As these guidelines are expected to catalyse the political inclusion of PwD, a chapter on political inclusion in the national policy should be incorporated.
- This will align with the principles of Article 29 of the UN Convention on the Rights of Persons with Disabilities.

5. Creation of a Database on Legislators with Disabilities:

- There is still no data on the number of legislators with disabilities and the ECI still does not have any column on disability in the nomination forms and affidavits filed by contestants during elections.
- The lack of data has contributed significantly to the political exclusion of PwDs.
- It is hoped that the ECI will also correct this anomaly and the 2024 general elections are an opportunity to address this lacuna and it can be the second step towards the political inclusion of PwD.

The ECI's recent advisory on disability-sensitive guidelines for political parties is a pivotal step towards fostering inclusivity. However, to realise the full potential of these guidelines, several enhancements are needed, such as a consistent and mandatory language, inclusion in the MCC, and a comprehensive approach to political inclusion within national policies. By addressing these aspects, India can pave the way for a more inclusive political landscape that respects and empowers persons with disabilities.

