

Is going legal the only way?

Let me ease my way into the more serious stuff with a multilingual joke in questionable taste which I heard as a young post-doc. at TIFR, Mumbai more than 30 years ago. Apparently, a former resident of Mumbai and obviously non-resident Indian was annoyed with the behaviour of a BEST bus conductor and kept threatening to sue BEST; finally, in exasperation, the typical no-nonsense Mumbaikar bus conductor tells the angry woman *Arre memsahib, ithar susu nahin karna!* (The reader ignorant of Hindi will forgive me for not including a translation, as the little humour here will only sound crude, and suffer in translation.)

The reason I say all this is a recent conversation I had with a cousin who has returned to India after more than a decade of living in the US and been working in Kozhikode for more than a year and loving it. I had been telling him of my crusade and dreams of a better tomorrow for people with disabilities in India. He was quite supportive, but did underline the opinion that probably the **only** way forward is to use our judiciary, which is the most powerful in the world in his eyes. So this cousin says: ‘use RTI or whatever you want, try to set in place a mechanism whereby lawyers with their hearts in the right places would offer their services on behalf of this cause which can make a great impact, as well as make a great future career for a bright young lawyer who knows how to play his cards right. Basically, he was saying *sue-sue* is the only winning policy!

Let us consider the alternatives and examine the rights of people with disabilities (PWD) in this land of ours which has been ambiguously termed ‘the greatest democracy in the world’. I shall present my arguments in the form of an imaginary baseball match, with the Govt. of India batting, and me as both pitcher and umpire. (You know who will win this mock game!)

1. Education: The Right to Education Act (RTE), 2009 declares, among other things:

Any cost that prevents a child from accessing school will be borne by the State which shall have the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling. No child shall be denied admission for want of documents; no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test. Children with disabilities will also be educated in the mainstream schools. The Prime Minister Shri Manmohan Singh has emphasized that it is important for the country that if we nurture our children and young people with the right education, India’s future as a strong and prosperous country is secure.

Try telling that to the mother of a paraplegic child, who lives in a modest dwelling in Mylapore. Can you cross your heart and tell her that arrangements will be made for her child to get across major thoroughfares like R.K. Slai and Royapettah High Road and get educated in the mainstream schools like Vidya Mandir or P.S. High School?

Strike I.

2. Information: The Right to Information Act (RTI), 2005. mandates:

timely response to citizen requests for government information. It is an initiative taken by Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions to provide a RTI Portal Gateway to the citizens for quick search of information on the details of first Appellate Authorities, PIO's, etc. amongst others, besides access to RTI related information / disclosures published on the web by various Public Authorities under the government of India as well as the State Governments.

In order to access the disability social pension or unemployment allowance, it is necessary to first have a disability card. A recent survey revealed that only 15% of people with moderate disabilities and 21% of people with severe disabilities had such a card. (The survey did not reveal how many of these PWD were even aware of these requirements and allowances.)

As an experiment, I sent an email last sunday to the (TN) state commissioner for disability (to scd@tn.nic.in) that I was a handicapped person confined to a wheelchair, living in Thirunanmiyur, and asked: (a) if I would be able to come with my wheelchair to his office which is apparently on the first floor; and (b) how I might come to his office from Thiruvanmiyur using public transport?

And I had still not received a response as of this Thursday evening. So much for my right to information in the era of information technology if an email from across town cannot be responded to in four days!

Strike II.

3. Life: According to the Wikipedia, 'Right to life' is a phrase that describes the belief that a human being has an essential right to live, particularly that a human being has the right not to be killed by another human being.

We have the mind-boggling practice of having human beings immerse themselves in the sewage ducts to clear clogs or whatever. Not a week goes by without the newspapers carrying a story of a couple of people suffocating to death from the 'lethal fumes and gases' they inhaled when they went down the sewer. And each of those newspaper stories does not forget to remind us that the Government has made it illegal to ask people to go down the sewers to do their dirty work.

Strike III; and you're out of here.

What I am trying to say is that so many people have been clamouring for the need for implementing certain changes which the law of the land would have us believe is our basic right. Clearly, wimpy mathematicians writing clever newspaper articles is not the way to effect change. I am beginning to think that maybe what we need is the strong arm of the judiciary to fortify 'our case'.

People like me do not have the money (or the time or the mobility!) to take on costly and time-consuming legal (as well as my own not very strong) muscle. Maybe what I need is for some young lawyers with the power of righteous anger to offer to give freely of their time and lend my impotent sense of outrage some legal standing on one or more of the above issues. If a group of right thinking people offer to come together for this crying need, maybe only the power of such people can set these anomalies right. Let me conclude with an inspiring quotation that a good friend of mine (thanks Venky, for the perfect punchline), who has devoted his life to enabling the disabled, ends all his emails with:

Never doubt that a small group of people can change the world; indeed it is the only thing that ever has! - Margaret Mead.