

It's Necessary to Enact Law for Persons with Disability

by Jowaherul Islam Mamun

The slogan is "Education for all citizens in the country", but what sort of education is being imparted to the persons with disability of our country? There is neither required educational appliances nor proper provisions and instructors for the education of the handicapped in the general institutions and training centres.

QUESTION may arise, why is the necessity of enacting law or rule for persons with disability? According to Section 15 of the Constitution of Bangladesh, the State is to ensure the basic rights of the people — food, cloth, shelter, education, healthcare, among others. But are all the persons with disability enjoying those basic rights? If we can find out the reason why are they being deprived, then we would get the implied reply. The said Section contains the rights or advantages for the poverty-stricken people of having government assistance like rest, recreation, social security. Section 17 contains right to provisions for public oriented education for all. It also contains compulsory and free education for all. Sections 20 and 21 contain directions for ensuring employment for all — direction for abolition of discrimination. There exists a direction for creating favourable atmosphere for the underdeveloped section in society. But the persons with disability are not enjoying those rights. There should be specific law for them since no suitable environmental and required arrangement as such exist now.

The 22 ideal principles for establishing equal rights and full participation of persons with disability adopted at the 48th session of the UN General Assembly are:

1. The State will take necessary measures for creating public awareness about persons with disability.
2. The State will ensure medical care for persons with disability.
3. The State will ensure rehabilitation of the persons with disability.
4. The State will ensure suitable provision for enabling the handicapped to be self-reliant.
5. The State will ensure accessibility of the handicapped to every sphere of life.
6. The State will ensure integration of the handicapped and proper environment for prosecution of their education in every general school.
7. The State will ensure creation of employment opportunities for the handicapped in every field.
8. The State will ensure social safety including protection of property of the handicapped.
9. The State will ensure undisturbed self-respect for the handicapped in the family-life.

10. The State will create equal opportunities for participation of the handicapped in cultural activities.

11. The State will ensure equal participation in the games and cultural functions with all others by the handicapped.

12. The State will ensure participation in various religious functions.

13. The State will ensure publicity of all researches and information on persons with disability amongst general public.

14. The State will bear the responsibility of planning and laying down the principles on the subject of persons with disability and ensure proper implementation of those.

15. The State will frame laws for equal participation of the handicapped in national activities.

16. The State will ensure financial help assistance if the handicapped desire to participate in national activities.

17. The State will ensure formation of national organisations or society for coordination of the activities concerning disability.

18. The State will ensure government assistance and congenial atmosphere for working locally or regionally by the organisations for handicapped.

19. The State will ensure arrangement of wide/comprehensive training for the handicapped.

20. The State will form National Inspection and Evaluation Team for looking after proper implementation of the plans and programmes for the handicapped.

21. The State will ensure required technical and financial assistance for the handicapped (for passing their days) in developing countries, and

22. The State will ensure overall equal participation by the handicapped in international activities.

Although the above mentioned principles are approved and accepted internationally, yet the handicapped are being neglected and deprived of these rights.

A National Forum of Organisations has been formed with the organisations working for the disabled on the basis of mutual understanding and co-operation in Bangladesh. A

draft law containing basic need for the handicapped with the initiative of the Forum was prepared and submitted to the government. The national policy was duly approved by the Cabinet in the month of December, 1995. But yet there is no activities on these policies. Majority of the people of Bangladesh even do not know about this. The law is a government approved rule where there is provision for punishment in case of violation. There is no specific provision for protection of basic rights of the handicapped thereof in the Constitution of Bangladesh.

The cheapest but prime means for improvement of human resource is education whereas no required and effective step exists for education of the persons with disability.

The slogan is "Education for all citizens in the country", but what sort of education is being imparted to the persons with disability of our country? There is neither required educational appliances nor proper provisions and instructors for the education of the handicapped in the general institutions and training centres.

Bangladesh government runs only a few educational institutions for the handicapped and these too are not running properly. There are 64 integrated institutions for the sight-impaired/retarded, 11 institutions for the deaf and dumb and only one institution for the mentally retarded being run by the government. There is no provision for the mentally retarded students' admission to the general schools. Eleven schools for the blind in the northern zone of the country have been closed due to absence of teaching materials and paucity of fund. It has become an unbroken chain of failure in education in more than 15 schools for the blind. There is no financial grant for running the programme for the last ten years. Proper education and sympathetic attitude towards the retarded will be conducive in establishing their equal status and rights in the society. That is why, it calls for public awareness and mass initiative, required for a social movement.

If we look at the international arena, it is found that excepting Bangladesh and Cambodia, there are law for the persons with disability in every country. In Bangladesh, from

the perspective of sufferings of the persons with disability, it is very urgent and essential to frame law for the persons with disability. A day-long workshop was held for detailed discussion on the law drafted by NFOED on 28th November, 1996. Efforts were being made to get this draft approved. Copies of this draft were sent to the Leader of the House, Leader of the Opposition, Ministers, Members of the National Parliament and respective Ministries. By this time, Ministry of Social Welfare, after examination of the subject, has forwarded the same to the Ministry of Law. Hon'ble Prime Minister stated in the South Asian Conference on Community Based Rehabilitation (CBR) of persons with disability in the mainstream, held on 3rd December, 1997 that this draft would be passed as law in the parliament on the occasion of observance of 3rd December, the International Day of the Disabled.

Discussion took place with the Minister of Law about this matter. It is, no doubt, true that a law will be passed with the rightful need of the time. But publicity is required for this. Co-ordination is required among the law-makers, law enforcing agency and implementation group. Mass awareness is necessary, otherwise, law may come into force, but due to ignorance, that may not be obeyed or followed. The persons with disability too will remain far away from the purview of the enacted law.

So, before approval of the law, a seminar or workshop may be held with the participation of the people concerned for their further involvement. In this connection NFOED rolled a day long workshop on 4th July 1998 with the active participation of member of the parliament, journalists, doctors, social and human rights activists and government high officials. We hope that the law will be enacted by the parliament and everybody will come forward with commitment to the cause of persons with disability.

The writer is secretary general, Society for the Care and Education of the Mentally Retarded, Bangladesh and General Secretary, National Forum of Organisations Working with the Disabled.

Caring for the Mentally Retarded

Bangladesh Protibondhi Foundation (BPF) has been screening, diagnosing, treating and rehabilitating persons with mental retardation and cerebral palsy, especially the children, from all over the country since its inception in June, 1984. BPF through its programme of "Distance Training Packages" has already stretched its services to children living in remote areas of Bangladesh.

They have undertaken a number of projects, for the purpose, one of which is Kalyani School housed in their premises at 12 New Circular Road, Dhaka. Here is a Photo Feature on the activities of Kalyani by our chief photographer AKM Mohsin.



Left: One of the techniques of physio-therapy. Below: Regular health check of the students.



Biodiversity or Bio-plurality?

by Gopal K Kadekodi

A more comprehensive way of understanding biodiversity is to go by its horizontal linkages. The link between one plant species, for instance, hibiscus, with the insects, other plants, soil type, altitude, air and water quality, wild and domesticated animal life, and above all, with the homo sapiens, reveal the true attributes of biodiversity.

I do not like the word biodiversity, meant to express variability among living organisms from all sources including, *inter alia* terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part. We all know that there are basically two life forms on the face of the earth, plants and animals. One does not know for sure if plants and animals, other than *homo sapiens*, have thought of biodiversity.

One can talk of two distinct types of diversities. I label them as vertical and horizontal, for the purpose of this discussion. Take the plant life system. There is a considerable degree of diversity among them, species-wise, product-wise, usefulness-wise, length of life-wise and so on. Should we opt for one species that can offer a variety of uses (for utility) or several species that can offer one single use or purpose; or should one choose a plantation of short life or long life? Should one opt for species that have certain attributes such as distinctiveness, rarity, an endangered status? This is also true for the debate on animal life.

I call this way of identifying the issue as a vertical dissection of true biodiversity conservation process. The logic is vertical for the reason that one speaks about one form of life system without reference to the other. More importantly, other non-life characteristics and attributes of the earth, such as soil (including minerals), air, altitude, and water are not brought into the discussion.

A more comprehensive way of understanding biodiversity is to go by its horizontal linkages. The link between one plant species, for instance, hibiscus, with the insects, other plants, soil type, altitude, air and water quality, wild and domesticated animal life, and above all, with the *homo sapiens*, reveal the true attributes of biodiversity. They are to be looked into at any point in time and over time, which alone enables us to understand the real problem of conservation.

Are we doing all this in our analysis of the conservation problem? Or are we just satisfied by the definition? Most of the debate on biodiversity conservation is centred on conserving everything one can preserve. But everything we want to do in life costs something, including conserving biodiversity. Are we prepared for that?

The reason I stated that I do not like the word biodiversity is perhaps now becoming clear. The biosphere, being very complex, is an expression of bio-plurality. It is the composition of the living and non-living entities whose harmonious coexistence alone can make the ecosystem sustainable. This set of plurality is what we should be aiming at. The present approach, on the other hand, by many scientific communities is to look at it in a more diversified and isolated way. While they add to the knowledge base, they have much less to do with sustainability of the diversity. And sustaining bio-plurality is much more than conserving biodiversity.

I am often posed with very queer questions like what is the value of a tiger? The answer depends upon whether one looks at biodiversity among competing species or horizontally across all species. Following a vertical logic, among the animals on ground (by not comparing with aquatic animals) one approach is to redefine the question as what is a tiger can do for *homo sapiens* as compared to any other animal. Take the meat, bone, teeth, nails, hide, eyes or other parts of a representative tiger and find what value or price they fetch; alternatively look for the substitutes for each of these, value them and assign the same to the tiger.

Another alternative is to assess the cost of preserving a tiger in a reserve forest. All these yield, what economists call the use value of a tiger.

However, the real but complex way of looking at the value of a tiger is to identify it in a bio-plurality. Then, the dynamic links between a tiger with forests, water, soil, other animals, birds and trees can give us its true value. A meaningful way of arriving at the bio-plurality value of a tiger is to assess what happens if tigers are not there in this biosphere. Economists use terms such as bequest value and existence value to express this. Is our scientific community prepared for this level of analysis?

I now have another problem in answering the same question, from a socio-economic perspective. I ask a reverse question such as from whose perspective should we value a tiger, or for that matter any thing else, say fuelwood?

Let me begin by saying that there are a number of players in the human ecological system. I group them broadly as individuals, communities, regional, national and global entities. Take the case of fuelwood. Individuals, particularly those living in forest villages, are dependent on fuelwood for their basic need, cooking. However, their valuation may not come in their expression of willingness to pay. After all, willingness to pay depends upon attributes such as economic background and compulsions, historical, social and cultural heritage. Clearly, their expression of willingness to pay and the value they assign would differ considerably, the latter being quite high.

As far as the community is concerned, it depends on whether a community as a single entity ever thought of valuing fuelwood. If they have ever thought of it as a single entity, they would have also thought of managing it. Hence, at the community level, the value of fuelwood depends upon the management practice and the existence of community institutions. Given the human attitude in general about community level management of common

property resources (distinct from individual level), I would imagine that they would value fuelwood at a level lesser than the individual level. At the regional level, the state may be acting on collection and distribution of fuelwood, having economies of scale.

At the national level, the value of fuelwood, perhaps, is based on considerations such as forestry management, contracting and collection of short and long timbers (commercially), guaranteed revenue for the states and so on, making fuelwood more as a by-product. I, therefore, presume that it will have a still lower value.

At the global level, fuelwood, perhaps means carbon. Hence, its removal and burning would be considered as loss of carbon sink and adding to atmospheric pollution. Hence, it may be valued in terms of the carbon sink loss and pollution abatement costs. Both of these being quite small as compared to those from hydro-carbon sector, the global fuelwood value would be the lowest. I, therefore, find it extremely difficult to attempt a valuation of any component of bio-plurality as a single number, expect for saying that its value decline as one moves away from the individual, local and regional to national and global levels.

This value pessimism need not discourage the drive for maintaining bio-plurality. We are now looking for the total value of biodiversity and of its constituents. One can have the following working rule for valuation. In a complementary or cooperative way, the more complex the mutual dependency, the higher would be the value of that resource. It is this level of complex dependency and cyclic relationships that need to be identified and quantified for arriving at some meaningful ranking of such resources for taking views on conservation.

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