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With this thought, we hereby present to you

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# **Problem(s) faced by disabled children and their family**

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## **Problem(s) faced by disabled children and their family**

*By: Aakriti Gupta*

### **ABSTRACT**

*The attitude of the society has been taken a from negative to the positive way towards the mentally retarded or the challenged and disabled children. People become more aware about the problems and talk about the problems in a mature manner. Nowadays people become more educated and sympathetic towards this type of topic.*

*This talks about the problem faced by the mentally challenged and disabled children as well as what problem faced by their parents. It also assesses the knowledge of the parents regarding the psycho-social economic problems they face. This paper also tells how parents have to deal with their children who are mentally challenged and disabled.*

*There are so many legal rights for each and every citizen of India including the disabled children. This research also says what are the rights for the disabled children or people in India and what are the acts that prevent or protect the disabled children in the society.*

*Disability is not a disease, it is in our minds. if we want to do something we can do on our own with the disability also. This paper talks about some successful stories who overcome their disability and now at this point of life they are happier by themselves.*

*These people don't want anything from others, they only want acceptance in society and treat them equally like others.*

**KEY WORDS:** CHILDREN, DISABILITY, MENTALLY RETARTED, DISABILITY

## **INTRODUCTION**

“Some of the most wonderful people are the ones who don’t fit into boxes.”  
(Amos, n.d.)

In this world, no one is born similar to the other. Everyone is different and unique by their own but there are similarities in the mentally and physical development of all the normal children. Variation in humanity is so great that it is sometimes challenging to tell the normal from someone caused by a physical or mental disease.

The convention of the Rights of People with Disability defines the disability as: “Persons with disabilities include those who have long term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with the others.”<sup>1</sup>

Problem of mentally retarded children can be caused by behavioural problems, self-injury and accident, Pica, MR with autism, Cerebral Palsy, sleep disorder, eating problem, poisoning, social and sexual abuse, Systematic complication or by genetic of the family.

Earlier in ancient times, it was difficult for the society to accept the mentally challenged and disabled children, they treated them as a “SPECIAL CHILD”. It is difficult for children to live in this society because society discriminates against them and treats them differently in every field. The public perception of disability all over the world is like disability was understood as biological given, whenever a disabled person is confronted with a problem, it is taken for granted that the problem originating from his/her impairment and disability person always seems as a victim. Earlier, society also thinks that the disability is supposed to be linked with the disabled individual’s self-perception and the very idea of disability suggests that they are in need of help.

The disabled children go through with so many issues; Social, Psychological and Economic issues. Socially, society considers them as stand out people. society thinks that they are easy to

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<sup>1</sup> HUMANIUM, <https://www.humanium.org/en/disabled-children>, (last visited on 5<sup>th</sup> april,2021)



discriminate, ridicule and mockery. People deal with them in an unpleasant manner. Psychological issues, these kinds of people go through so many ways in life; like anxiety, depression and some sunny temperaments. Physically challenged person will take in damaging sentiments about them by seeing others. These people lose their self-esteem and feel for themselves that they are not normal. They also face economic issues like the lack of medical care, food and access to basic needs because of the financial issue.

Not only the society and disabled children, the family of the children also face problems like accepting their children, self-blaming themselves of the condition of their child, stigma, helplessness, worry about their future, marital and family problems.

But now in the modern world, the attitude of the society towards them has changed in the positive direction, people become more considerate and sympathetic. Society thinks that no one is different, everyone is equal and everyone including special children can do anything in any field, if they have potential to do and if they want too.

Giving opportunities to the children with disabilities have potential to lead fulfilling lives and also contribute to their communities and the society.

Acts like the person with disability act ,1995, the mental health act 1987, declaration on the rights of mentally retarded persons, etc. There are so many laws, act to protect the legal rights of the mentally challenged and disabled children. The constitution of India applies uniformly to every legal citizen of India, whether they are healthy or disabled in any way i.e., physically and mentally. The constitution is secure to the citizens including the disabled a right of justice, liberty of thoughts, expression, belief, faith and worship, equality of status and of opportunities and for the promotion of fraternity.<sup>2</sup>

Nowadays, there is professional assistance, public awareness of mental illness in children, social support by the government, as well as there are so many non-profit organizations to address the challenges faced by children as well as their parents.

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<sup>2</sup> VIKASPEDIA, <https://vikaspedia.in/education/parents-corner/guidelines-for-parents-of-children-with-disabilities/legal-rights-of-the-disabled-in-india> ,(last visited on 5<sup>th</sup> April 2021)

There are various challenges which show the limit of human nature. When the person faces the challenges and overcome those challenges, then we become God's greatest creation.

## **CHALLENGES THAT ARE FACED BY THE MENTALLY CHALLENGED AND DISABLED CHILDREN**

### **ACCESSIBILITY**

Accessibility refers to the quality of being easy to obtain or use. The mentally disabled children can have several obstacles in every step of their life. They can't move freely from one place to another. For some people, they can't enjoy their own affordable luxuries. even though there are so many public places that they can't go or they can't enjoy because of the disability as well as there are rarely the public places made keeping in mind the comfort of the disabled people.

Like we can take an example that if the person is on a wheelchair, and the building doesn't have the elevator or with no ramp that he/she can't move in that building.

### **EDUCATION**

Education is a basic right for all human beings. All the people have equal right to get education from where they want. Earlier, in some schools and colleges as well as in the competition exam, there was no space for disabled children.

Article 45 of the Indian constitution directs the state to provide free and compulsory education for all the children (including the disabled) until they attain the age of 14 years.<sup>3</sup>

Nowadays there is compulsory reservation for the disabled children in every school, college and other competitive exams.

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<sup>3</sup> INDIA CONST.art.45

### **ACCESS TO HEALTH CARE**

In our country, the health care system is already very stretched. It is very difficult for the poor as well as the disabled people to get the proper health care. Even the health worker treated the mentally disabled people very inappropriately. People need more awareness and empathy. People need to know that the person who is suffering from a mental illness or disability needs proper health care in whatever way possible.

### **FEELING OF BEING IGNORED**

The mentally challenged and disability children are being frequently ignored by the other person. They think that they are not as capable as others are. After being ignored these children start doubting their self-esteem and think that they are different in the society than the others.

### **LACK OF EMPLOYMENT**

Employment is based on the education and skill of the citizen not the disability of the person. There are so many discriminations between normal people and disabled people. Example: if the company interviewed two people, one is normal and other is suffering from some disability but much more educated and skilled than the first person. After that also the company will hire the first person and reject the disabled one because of his/her disability.

So, this discrimination is faced by disabled people in my areas. But now the government introduced a scheme for guaranteeing jobs space for the disabled people.

### **TEASED AND ABUSED**

Mentally retarded and disabled people are easy to abuse. People find themselves more superior than them, so they start bullying them and make them feel underprivileged.

This also affects them mentally and may lower their self-esteem.

### **CHALLENGES FACED BY THE FAMILY OF THE MENTALLY AND DISABLED CHILDREN**

## **ACCEPTANCE**

It is very difficult for the parent to see their child having some problem like mentally retarded or disability. It is difficult for them to accept their child is mentally retarded and will never be completely normal. Mentally retardation is not a disease, it is a syndrome which is caused by genetic factors, hereditary causes or due to some brain damages in children.

## **SELF-BLAMED**

The parents blamed themselves for the condition of their own children that they made some mistake or we can say that they think that they did something wrong during the course or pregnancy or after birth. Sometimes they think that they did something wrong and god is punishing them for something.

## **STIGMA**

Most parents think about society and what their neighbors, friends, relatives think of their child and for them. Most parents are ashamed of themselves and their child and treat them like they are just a mistake.

## **WORRY ABOUT THE FUTURE**

Most of the parents of these children worry about their future i.e., how they survive in this world, how they will learn, or how the other people treat them. They feel that if they will die then who will take care of their children.

## **BEHAVIOR PROBLEM**

Some parents find it difficult to handle their children so they have behavioral issues such as how to be with their children, how to treat them, how to deal with their own anger issues, aggressiveness, stubbornness etc.

**All these reactions the children as well as the parents are completely normal because disability issues may occur these kinds of reactions but there are like psychiatrists, clinical psychologist, occupational therapy which will help both of them to deal with the challenges.**

## **ROLE OF PARENTS IN DEALING WITH THEIR CHILDREN WITH SPECIAL NEEDS**

No parent is ready or prepared for how to deal with their mentally challenged and disabled children. Firstly, parents must have the awareness of the problem and recognition of the problem of their child properly by the doctor as well as they have to talk to their children about the problem. After knowing of the problem parents have to search for the cure as well as the cause of the problem. And most importantly they have to accept their own child.

Parents must encourage their children to build up their self-esteem and tell them that they are not difficult from the others. Parents have to stop comparing the performance of their child to the other children's. they have to identify the strengths of their own child and they can help children to develop the sense of responsibility. parents provide them an opportunity to make their own life decisions and choices and promote self-discipline.

Parents can also take counselling with their children as well as the training programme. Training programme will help to groom and build the understanding between the child and parents.

## **LEGAL RIGHTS OF THE DISABLED IN INDIA**

Disabled people have their own rights, laws and acts to protect themselves like others. They have their special acts like –

- The Person with Disabilities Act, 1995
- The Mental Health Act, 1987
- The Rehabilitation Council of India, 1992
- The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999
- Declaration On The Rights Of Mentally Retarded Persons

In our Indian constitution , every citizen including disabled people have the right to protect themselves. The articles of Indian constitution which secures the rights of disabled people are-

Article 15(1) which says that the government does not discriminate against citizen of India (including disabled) on the ground of sex, religion, caste or place of birth.<sup>4</sup>

Article 15 (2) States that no citizen (including the disabled) shall be subjected to any disability, liability, restriction or condition on any of the above grounds in the matter of their access to shops, public restaurants, hotels and places of public entertainment or in the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of government funds or dedicated to the use of the general public.<sup>5</sup>

Disabled children who are from poor families , become beggars and other forms of forced labour . Human trafficking is punishable under Article 23.<sup>6</sup>

## **RIGHTS OF THE DISABLED CHILD**

Disabled children are equal to the other children. The right of non-discrimination which is mentioned above, it is necessary that disabled children are enjoy all rights guaranteed by the conventions and rights.

### **RIGHTS TO PROPER TREATMENT**

Article 23 of the convention of the rights of the child says that children with disabilities guarantee their right to get special care and to request the granting of state assistance, adapted to the child's country and to the financial standing of his parents or his guardian.<sup>7</sup>

Every child has the right to get the proper health treatment. Also there are the provisions for health of the citizens including the disabled also in the Mental Health Act,1987.

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<sup>4</sup> INDIA CONSTI art 15(1)

<sup>5</sup> INDIA CONSTI ,art 15(2)

<sup>6</sup> INDIA CONSTI, art 23

<sup>7</sup> CONVENTION OF THE RIGHTS OF THE CHILD, art 23

## **RIGHT TO EDUCATION**

Article 45 of the Constitution directs the State to provide free and compulsory education for all children (including the disabled) until they attain the age of 14 years. No child can be denied admission into any education institution maintained by the State or receiving aid out of State funds on the ground of religion, race, caste or language.<sup>8</sup>

Now the government makes compulsory reservation seats in school, colleges and competition exams .

Article 29(2) says that no citizen shall be denied admission into any educational institution maintained by the state or receiving aid out of state funds on the ground of religion, race, caste or language.<sup>9</sup>

## **RIGHT TO LEISURE**

Being totally engrossed in the special care given to disabled children, people around them forget that they are, before anything else, children who need to enjoy themselves, who need to play, express artistically, engage in sports, etc.<sup>10</sup>

Right to leisure includes in the article 31 of the convention of the rights of the child which naturally applicable for differently abled children.

## **RIGHT TO PARTICIPATION**

This right is a fundamental need of the disabled children. According to article 12 of convention of the rights of the child ,the handicapped child must be given the opportunity to be heard in any proceeding affecting him .<sup>11</sup>

He has all rights to get connected in social life ,and keep informed and express his opinion and right to be heard.

## **IMPORTANT ACTS FOR DISABLED CHILDREN**

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<sup>8</sup> INDIA CONSTI, art 45

<sup>9</sup> INDIA CONSTI, art 29(2)

<sup>10</sup> HUMANIUM, <https://www.humanium.org/en/disabled-children> (last visited on 6th April 2021)

<sup>11</sup> CONVENTION OF THE RIGHTS OF THE CHILD, art 31

### **THE PERSON WITH DISABILITY ACT,1995**

This act protects the full rights and participation and equal opportunity to the disabled person. The main provision for the acts are education ,employment, non-discrimination, research and manpower development, affirmative action, society security, grievance redressal of the mentally retarded and disabled person. This act came into force on February 7,1996.<sup>12</sup>

### **THE MENTAL HEALTH ACT,1987**

In this act, the mentally ill person entitled to some rights that are Minors under the age of 16 years, persons addicted to alcohol or other drugs which lead to behavioural changes, and those convicted of any offence are entitled to admission, treatment and care in separate psychiatric hospitals or nursing homes established or maintained by the Government.<sup>13</sup>

Every mental ill patient has the right to get the proper health under the supervision of the doctors and nurse. The patient have all the rights to get regulated, directed and co-ordinated mental health services from the government.

They have all the rights to get treatment in psychiatric hospitals or nursing homes of the government.

## **SUCCESSFUL STORIES**

“DISABILITY IS A STATE OF MIND” (SWACHH ABILITY RUN, 2017)

There are so many successful stories of the mentally challenged and disabled children like Ravindra Jain, famous dancer Sudha Chandran, Girish Sharma, Satyendra Singh, etc.

### **GIRISH SHARMA**

Girish Sharma is a badminton champion. He lost his leg when he was a kid, but he didn't stop himself. He has just one leg and he plays badminton with that leg only. With hard work and a faith in himself, he not only plays the game but also easily covers the entire court.

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<sup>12</sup> LEGISLATIVE DEPARTMENT, <https://legislative.gov.in/actsofparliamentfromtheyear/persons-disabilities-equal-opportunities-protection-rights-and-full>, (last visited on 7<sup>th</sup> April 2021)

<sup>13</sup> MENTAL HEALTH ACT,1987



### **SUDHA CHANDRAN**

She is an actress and a classical dancer. She met with the accident when she was 16 and the doctor missed a small wound in her ankle and plastered that leg, later the infection spread and she amputated her leg. But she overcame that disability and now she is the most famous dancer even in her 50's.

### **IRA SINGHAL**

She is an IAS officer who topped the UPSC exam in 2014. She has a disability named SCOLIOSIS by birth but she overcome and become the successful women.

### **JYOTI AMGE**

She has a Guinness world record for being the world's smallest living woman. She has the disease called 'DWARFISM'. She appeared in many tv shows and interviews. her height is restricted because of the genetic disorder.

## **CONCLUSION**

“It shouldn't matter how slowly a child learns. What matters is that we encourage them to never stop trying.” (Meehan, n.d.)

Indian society has developed at a faster rate. In general people's attitudes are changing in some important issues like this mentally challenged and disabled children. Disabled people are not sympathized or protected, ridiculed, they just need help in growing and developing. Want to know their own strength and limitations, they need their equality, their own space in society. Even in the modern time, people become more educated and aware and this modern generation doesn't take disability problems as a disease. They want to help them, encourage them.

Not only the society, parents of the disability children become more aware now they also encourage their children and tell time to time that everything is normal, you are also the same

like others. This kind of thinking changes the ways of seeing the situation and handling them in the positive manner.

Nowadays, there are so many schools, programs and NGO to help these kinds of children. But after all these children like these experience many psychological, social and economic challenges like stress, sadness, anxiety, etc. there are so many professional assistance, public awareness of mental illnesses in children, social and financial support by the government as well as the private sectors and non-governmental organization for addressing or helping to overcome these challenges.

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*This case study is for information purpose only. Nothing contained herein shall be deemed or interpreted as providing legal or investment advice.*