

A Variance of USA, JAPAN and INDIAN Laws in Context of Physically Challenged Persons

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Abstract

Physically challenged persons are also known as physically challenged persons, who are special creation of God, have special capabilities to do their work or to live their life independently and for this purpose they need empathy and support of abled bodied persons. There are many examples which show their special capabilities instead of their physical inabilities to do some work of their day to day life. Government plays a major role to push the people to do better things in their life and better work for the society. By providing better platforms and opportunities the status of physically challenged persons would be uplifted. Many schemes, policies, plans, strategies and programs are there, for the benefit of physically challenged persons but these policies and plans are not implemented properly and there is plethora in their implementation. The objective of the paper is to explain the gap of these policies and plans with the help of legislations, schemes, plans, policies along with comparison of these laws with America, Japan and India. Suggestions will be given for the upliftment of this vulnerable group.

Keywords: Physically Challenged Persons, Education, Employment, Health, Accessibility, Transportation.

I. Introduction

United States of America and Japan are developed nation and their technology and economy are also advanced. They made many separate schemes for the upliftment of weaker sections in their nations and use advanced technology for providing relaxation and easy access of certain things for physically challenged persons. India is a democratic and developing country. Citizens of India enjoy many rights and privileges for their betterment. By these rights, citizens of India have the right to enjoy their life with liberty and dignity. Because of the democracy, people of India also have the right to choose the government in open elections. But in the present scenario the ruling parties who come into the power, not consider or taking care of its populations. The rights of Indian citizens are deserted easily in the present era. Their rights are infringed at many spheres while living in a democratic country. People

spent lots of their time in government offices for ascertaining their rights and forgetting the beneficial schemes run by the government of India.

In legal language, disability is an inability to perform activities in their daily routine life, not spend their life as a normal being. Physically challenged persons are treated separately, separate schools are set up for their schooling, separate teachers are provided to teach and guide them, separate environment is given to them, because our society thinks that they are not a normal being and not able or in a condition to live or spend their life as a normal being. But these opinions and myths are wrong because the physically challenged are special children of God and they also have the same rights and privileges to live their life as normal people. No doubt, they need extra assistance and time in their daily routine to fulfill or to perform certain activities but it

does not mean they can't live like a normal being.¹

II. Legislations related to Physically Challenged Persons

Developed Countries means that who have advanced technology, faster mechanism and developed economy. These types of states are very advance in formation of laws and for their implementation. Many laws, schemes, policies, regulations, benefits etc. are there for the betterment of their country and for their citizens, specially weaker sections. These include United States of America, Japan, China, Norway, Switzerland, Ireland, Germany, Australia, Iceland, Sweden, Singapore and Netherland.²

A) United States of America

United States of America is a developed nation and their economy and technology is also advanced. For the betterment of their citizens right, many laws are made by American Legislation. In 1800s movement had started for the protection of physically challenged persons and in 1900s it holds their path when league has been started for Physically challenged persons. Through this league, physically challenged persons were highlighted in society and other people also think about their special needs. In 1940s, separate group was made for mentally retarded people under the logo that, We are Not Alone. National association was also made in 1950 for mentally retarded children. By these groups steps were taken to connect the mentally ill persons with these groups so that they cannot feel alone and live their life joyfully as abled bodied persons. After these steps President Kennedy make plans and policies for the betterment of physically challenged persons. Separate statutes have been passed for the protection of physically challenged persons.³ These include the following Acts:

i. Equal Pay Act 1963- This act set measures for providing equal pay to all persons living in US without discriminating on the ground of their gender or physical capabilities. Before this act women workers were paid less instead of male workers but this act fill this lacuna by

providing equal pay for all without any barriers.⁴

ii. Civil Rights Act 1964- This Act came into existence on 1967, for restricting the cases of discrimination on the grounds of religion, race, gender and national origin. By this act government of US impose restrictions and barriers to prohibit discrimination while accessing public accommodation at public places including workplaces. Equal Employment Opportunity Commission is also created under this act for providing equal chances to everyone for employment without any discrimination.⁵

iii. Rehabilitation Act 1973- This Act prohibits discrimination on the basis of disability or physical incapacities for doing certain thins or activities. This act explain these provisions under following sections-

a) Section 501 of this act prohibit discrimination at federal sectors which includes postal services, institutions and regulatory commissions and under this act there is no need of minimum numbers of employees for applying these provisions on employer.

b) Section 503 set a goal of minimum 7% representation of employees with disablement at workplaces or institutions.

c) Section 504 prohibits discrimination with physically challenged persons while accessing any programs or action.

d) Section 508 imposes duty upon telecommunication servers and companies for easy accessibility of these services for physically challenged persons.⁶

iv. Education of All Handicapped Children Act 1975- This act provides free and appropriate education rights to handicapped children between the age of 3 to 21 years of age without any discrimination and barriers.⁷ This Act changed in 1990 by changing its name also, under the title of **IDEA** (Individuals with Disabilities Education Act). This Act have main four parameters-

a) Creating or setting up Special Education Programs for physically challenged children.

b) Financial support to physically challenged children between the age of 3-21 years of age.

¹ Concept of Disability, available at: www.who.int (Visited on March 22, 2020, at 01:10 p:m).

² www.worldpopulationreview.com (Visited on March 23, 2021 at 11:30 p:m)

³ www.nps.gov (Visited on March 23, 2021 at 10:00 p:m).

⁴ Equal Pay Act, 1963.

⁵ Civil Rights Act, 1967.

⁶ Rehabilitation Act, 1973.

⁷ Education of all Handicapped Children Act, 1975.

c) Provide special assistance services to infant or toddler physically challenged children to grow up in their life.

d) Special activities, programs or contribution for the upliftment of physically challenged children.⁸

v. American with Disability Act 1990- This Act came into force on 1990 for the upliftment and betterment of physically challenged persons. This act prohibits discrimination with physically challenged persons because of their disablement and incapacity of doing certain acts and activities. This act divides into following parts, which includes-

Part 1 (Employment)- The first part of this act relates to the employment rights of physically challenged persons, which means they also have same right to work, to get equal wages, bonus, allowances etc. This provision applies on every employer, who employed 15 or more employees. Then it is duty of that employer to take care the special needs of physically challenged persons by providing them, equal opportunities in employment, reasonable accommodation at workplace, equivalent environment for their working. Separate commissions are also made for providing assistance and help to physically challenged persons who are unemployed. This duty is regulated by US equal employment opportunities commission. This commission prohibits discrimination and cases of harassment at workplace by enquiring about these types of matters and by giving special assistance to physically challenged persons. Under this provision questions about their disability during interviews are also restricted and it would be the duty of employer to keep the information about their disablement confidential.

Part 2 (Public Services at State and Local Level)- Second part relates to assessable rights of physically challenged persons for getting public services without any discrimination and it is the duty of state and local authorities to ensure accessible public services for physically challenged persons according to their needs without any discrimination. This provision is regulated by US department of justice, which ensures all necessary measures for safeguarding the rights of physically challenged persons.

Part 3 (Public Accommodation)- Third part is for providing equal accommodation rights to physically challenged persons at public places. Public places include bars, restaurants, hotels, parks, offices, schools etc. By this provision government of America set measures to restrict the cases of discrimination in case of accessing public accommodation by physically challenged persons. Directions are also there for business or new construction that would be easily accessible for physically challenged persons. This provision is regulated by US department of justice.

Part 4 (Telecommunication)- Under this part separate relay services are started for hearing and speech disabled persons. In US this service is provided at low cost and it provides a communication assistant who is available to type the messages for hearing or speech disabled persons and communicate their messages to other. This service is regulated by Federal Communication Commission of US, which communicates through T.V, radio, satellites or social media etc.

Part 5 (Education)- The Act of 1990 set separate provisions for educating a physically challenged children. Civil Rights Act of 1967 and IDEA 1990 are implemented under the roof of this Act. Local or State government of United States of America are under duty to provide free educational services to physically challenged children between the age of 3 to 21 of age and this rule is applicable on both private and government aided institutions. Special activities or programs are arranged by institutions to uplift the status of physically challenged children and guide them to live their life independently.

Part 6 (Miscellaneous)- This part includes other services which are available for US citizens like Insurance benefits, exclusion of attorney fee, separate provisions for their transportation services, separate course work for them, separate voting rights which includes services of right to vote by mail, accessible wheelchair facilities, some states offer Curbside Voting which is available at their vehicle and they do not need to go outside polling station for casting their vote.⁹

B) Japan

Japan situated in East Asia and after the world war II and this country see many drastic changes

⁸ www.apa.org (Visited on 25 April, 2021 at 10:14 a:m).

⁹ American with Disability Act, 1990.

and cases of disability increased. In 1972, Japan also launched a independent living centre for physically challenged persons. Many other special laws are also made for the betterment of physically challenged persons. Separate tourist facilities are also there in Japan. Separate elevator facilities are provided in public places, malls, temples for physically challenged persons, so that they can enjoy as abled bodied persons. Security guards and guide facility are also available in public places of Japan for helping and assistance of physically challenged persons. Instead of these following facilities are also provided for physically challenged person:-

i. Easy Use of Transportation- While using transport, special assistance is provided by staff members of railway station or bus stop for choosing their path or way. Separate space for wheelchair user is provided at stations, easy or accessible washrooms are there.

ii. Accessible Hotels- Accessible hotels, rooms are there which include special arrangements for physically challenged persons as per their need.

Thirty separate legislations are made by government of Japan for physically challenged persons. These are as follows:-

- a) *School Education Law, 1947*
- b) *Child Welfare Law, 1947*
- c) *Mail Law, 1947*
- d) *Workmens Association Compensation Insurance Law, 1947*
- e) *Law for Welfare of Physical Disabled Persons, 1949*
- f) *Law for the Welfare of Mentally Retarded disabled persons, 1950*
- g) *Daily Life Security Law, 1950*
- h) *Inheritance Tax Law, 1950*
- i) *Local Tax Law, 1950*
- j) *Public Housing Law, 1951*
- k) *Social Welfare Services Law, 1951*
- l) *Law for Encouragement of School Attendance at Special Schools for blind persons, deaf persons, Physically disabled persons and Mentally retarded persons, 1954*
- m) *Employees Pension Law, 1954*
- n) *Special Measures Act concerning temporary Taxation, 1957*
- o) *National Pension Law, 1959*

- p) *Law for the welfare of Mentally Retarded Persons, 1960*
- q) *Law for Employment, Promotion etc. of Disabled persons, 1960*
- r) *Road Traffic Law, 1960*
- s) *Special children rearing allowance Law, 1964*
- t) *Maternal and Children Health Law, 1965*
- u) *Income Tax Law, 1965*
- v) *Employment Countermeasures Law, 1966*
- w) *Human resource development promotion Law, 1969*
- x) *Disabled persons Fundamental Law, 1970*
- y) *Employment Insurance Law, 1974*
- z) *Telecommunication services Law, 1984*
- aa) *Consumption Tax Law, 1988*
- bb) *Law for promoting business that facilitate the use of communication and broadcast services by Physically challenged persons, 1993*
- cc) *Law for promotion of research, development and distribution of technical aids and equipments, 1993*
- dd) *Law for building accessible to and usable by elderly and physical challenged persons, 1994¹⁰*

iii. Health and Medical Care Facilities:- Following laws are made for providing special health and medical facilities to physically challenged persons:

a) Law for the Welfare of Mentally Retarded Disabled Persons, 1950: This law made for the protection of Mentally retarded persons. Under this Act separate provisions are set up for giving support to them or by giving special medical facilities, supporting aids and services for their rehabilitation. Vocational training programs are organized for providing independent life to them. New hospitals are built for their treatment and rehabilitation.¹¹

b) Maternal and Children Health Law, 1965: This Act came into existence for the betterment of pregnant ladies, newly born babies and for children. Home visit facilities are also provided under this Act in case of need. Special funding and exemption from certain fee, facilities are provided to physically challenged persons.¹²

¹⁰ www.dinf.ne.jp (Visited on March 23, 2021 at 11:20 a:m).

¹¹ Law for the Welfare of Mentally Retarded disabled persons, 1950

¹² Maternal and Child Health Law, 1965

iv. Education: For providing special education services to physically challenged persons, following laws are made:

a) School Education Law, 1947: Separate and general school are set up for physically challenged children. They can opt general or special school facilities as per their requirement. Home tuition facilities are also provided to physically challenged children who are unable to go to school. Separate committees are set up for giving assistance to them.¹³

b) Law for Encouragement of School Attendance at Special Schools for Blind Persons, Deaf Persons, Physically Disabled Persons and Mentally Retarded Persons, 1954: For encouraging physically challenged children for attending schools, special relaxation are given by government of Japan. These relaxations include exemption from paying school fee, providing meal facility at schools, transportation facility for them.¹⁴

v. Employment: For providing employment or more employment opportunities for physically challenged persons, following laws are made by government of Japan:

a) Law for Employment, Promotion etc. of Disabled persons, 1960: According to the reports and survey, reservation system plays a major role for providing special opportunities to physically challenged persons in employment. Government of Japan provide 2.0% quota for physically challenged persons in government bodies and increased to 2.1% in the year of 1998. 1.6% quota in private sector and this increased to 1.8% in the year 1998. Penal and fine conditions are also imposed on employer who did not follow these provisions while providing facilities to physically challenged employees and further amended in the year of 2016 for prohibiting the discrimination with physically challenged persons while hiring them.¹⁵

b) Employment Insurance laws and laws for their promotion are also made.

vi. Accessibility: Other accessible services are also provided by making separate telecommunication services, establishing new buildings by taking into consideration the needs of physically challenged persons.¹⁶

¹³ School Education Law, 1947

¹⁴ Law for Encouragement of School Attendance at Special Schools for blind persons, deaf persons, Physically disabled persons and Mentally retarded persons, 1954

C) India

India is developing Country and according to the changing time and need certain new laws and benefits are provided by Indian government for the benefit of their citizens and for weaker sections. Indian Constitution, provides these relaxation policies under Article 15 (4), 15(5), 15 (6), 16 (4) & 16 (6) for weaker sections based on their economic and social backwardness. No doubt, support to weaker sections is needed but this support should not be based on caste and class.

i. Indian Legislation for Physically Challenged: Indian government enacted, two Acts in favor of physically challenged;

a) Person with Disability Act 1995: This Act came into existence in 1995 for the benefit of people who are faces physically challenges. By this Act, physically challenged would elect to get equal rights and opportunities.

Section.2 (i) of the Act defines the term disability, includes,

"Blindness, Low vision, Leprosy-cured, Hearing impairment, Locomotor disability, Mental retardation, Mental illness".

Section.25 of the Act states that,

"Within the limits of their economic capacity and development, the appropriate Governments and the local authorities, to prevent the occurrence of disabilities, shall-

(a) Undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) Promote various methods of preventing disabilities;

(c) Screen all the children at least once in a year for the purpose of identifying "at-risk" cases;

(d) Provide facilities for training to the staff at the primary health centers;

(e) Sponsor or cause to be sponsored awareness campaigns and is disseminated or cause to be disseminated information for general hygiene. Health and sanitation,

(f) Take measures for prenatal, parental and post-natal care of mother and child;

¹⁵ Law for Employment, Promotion etc. of Disabled persons, 1960

¹⁶ www.dinf.ne.jp (Visited on March 23, 2021 at 11:20 a:m).

(g) Educate the public through the pre-schools, schools, primary health Centers, village level workers and Anganwadi workers;

(h) Create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted

Every state in India is under a duty to conduct the periodical survey about the physically challenged persons, aware the people about the causes of physically challenged and put measures for the prevention of causes of disability. Further states are under duty to arrange the programs for providing skilled training to physically challenged persons so that they can live an independent life.

Section.33 of the Act states that,

"Every appropriate Government shall appoint in every establishment such percentage of vacancies not less than three percent for persons or class of persons with disability of which one percent each shall be reserved for persons suffering from-

(i) Blindness or low vision;

(ii) Bearing impairment;

(iii) Locomotor disability or cerebral palsy, in the posts identified for each disability:

Provided that the appropriate Government may, having regard to the type of work carried on in any department or establishment, by notification subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.

Further section.38,39,40,41,45,46,47,67,68 & 68 also made for providing separate beneficial policies in favor of physically challenged persons.¹⁷

b) Rights of the Persons with Disability Act of 2016: For providing more benefits to physically challenged persons, this act came into existence in the year of 2016, which increased the reservation from 3 to 4% for

physically challenged persons and also covers the other kind of disability.

ii. Legislative Provisions: This body enacts many schemes and policies for the amelioration of physically challenged persons, these are:-

a) Schemes for the Benefit of Physically Challenged Women: Many schemes have been run by the Indian government for shielding the rights of physically challenged women These includes, *"Deendyal Disabled Rehabilitation Scheme, Scheme for Implementation of Persons with Disability Act,1995, Schemes of Inclusive Education for Disabled at Secondary Stage, Sarva Shiksha Abhiyan, Rajiv Gandhi National Fellowship Scheme for Students with Disabilities, Scheme of National Overseas Scholarship for Students with Disabilities, Scheme of Pre-Matric Scholarship for Students with Disabilities Gyan Prabha Schemes of National Trust, Scholarship Scheme from Trust Fund and Scholarship Scheme from National Fund is implemented for the upliftment of all persons with disabilities including women"*,¹⁸

Beside all these schemes there is a slight change in the position of the physically challenged person, especially of physically challenged women. Actually saying and doing are different things and in India, there is also a big difference in actual provisions of these schemes and in their implementation.

iii. Constitutional Provisions: Indian Constitution is made for a democratic state which means for the welfare of the public. Many rights, remedies, duties are there in the Indian Constitution. Indian Citizens also have fundamental rights and no one can infringe these rights and these are available without any discrimination. So, physically challenged also have the same rights under the Indian Constitution. These rights are:-

Article.14¹⁹

Article.15²⁰

Article.16²¹

¹⁷ Person with Disability Act, 1995.

¹⁸ www.enabled.in (Visited on September 14, 2020 at 09:00 p:m)

¹⁹ *State shall not deny to any equality before the law or the equal protection of laws within the territory of India.* Dr. J.N Pandey, *The Constitutional Law of India 77* (Central Law Agency, Allahabad, 49th edn., 2012)

²⁰ *The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.* Dr. J.N Pandey, *The Constitutional Law of India 131* (Central Law Agency, Allahabad, 49th edn., 2012).

²¹ *"States about equal opportunities for all citizens in matters of employment."* Dr. J.N Pandey, *The Constitutional Law of India 146* (Central Law Agency, Allahabad, 49th edn., 2012).

Article.21²²

Article.39 (d) of Indian Constitution²³

All people are equal and have the same rights and enjoy these rights freely and independently. These rights to Equality, equal opportunities and right to life also guarantee to live with human dignity and to have adequate means of livelihood. But these rights are not accessible in the present era for physically challenged persons.

After the independence of India, the leaders who play an important role in the independence of India saw a dream of a free democratic state. But this dream has not come true in the actual sense. Today, our public policies and procedures are not simple or flexible, so that venerable sections of society

can access these easily. Still, there is a need for flexible public procedures so that weaker sections of society can access these easily and live their life with dignity and equity.²⁴

III. Methodology

In this research work, knowledge or information was acquired through doctrinal method. Researcher used secondary methods for the collection of data. This doctrinal research involves comparative study of developed nations with Indian laws related to physically challenged persons by analyzing their policies, laws, rules or implementations. Data was collected from books, articles, journals, reports, notifications of government available in library and on internet.

IV. Comparison

Sr. No.	America	Japan	India
1. Health	<p>a. American with disability Act, 1990 covers both public and private healthcare facilities for physically challenged persons. It is duty of both public and private healthcare to give assistance, preference to physically challenged persons without any discrimination.</p> <p>b) Hospital Survey and Construction Act, 1946 impose duty upon hospital development authorities that these would be accessible for physically challenged persons also.</p> <p>c) Civil Rights Act, 1964 prohibit discrimination while providing medical facilities to physically challenged persons.</p>	<p>a) Article 1 of physically challenged persons fundamental law, 1970, explain the object of this act, which impose a duty upon local and state government to ensure full participation of physically challenged persons in cultural, social and economic activities.</p> <p>b) Article 4 of this act, set measures for ensuring welfare of physically challenged persons.</p> <p>c) Article 10 relates to the provision of easy accessibility of medical treatment.</p> <p>d) Article 11 provides a lifelong protection policy for that persons who are unable to live their life independently.</p>	<p>a) Section 24 and 25 of Rights of the Person with disability Act, 2016 provides health related benefits for physically challenged persons. Under Section 24 of this Act it is duty of appropriate government to provide better living standards to physically challenged persons by improving the facilities of safety, sanitation, health care, by providing aids, medicines. Section 25 relates to measures of providing preference to physically challenged persons in case of need of</p>

²² "No person shall be deprived of his life or personal liberty except according to the procedure established by law."Dr. J.N Pandey, *The Constitutional Law of India* 239 (Central Law Agency, Allahabad, 49th edn., 2012).

²³ "States about equal pay for equal work both for men and women."Dr. J.N Pandey, *The*

Constitutional Law of India 107(Central Law Agency, Allahabad, 49th edn., 2012).

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www.thehindu.com/the/crisis/of/Indian/democracy
(Visited on 13 September, 2020 at 10:25 p:m)

			<p>healthcare. It is duty of their local government to take care about their hygiene, health, better nutrition etc.</p> <p>b)Swavlamban Health insurance scheme for physically challenged persons.</p>
2. Employment	<p>a) Under the Act of 1990 (American with Disability), it is duty of every employer to employee the physically challenged persons and give them equal wages and reasonable accommodation at workplace. These provisions are regulated by Equal employment opportunity commission.</p> <p>b) Section 504 of this Act, provides a separate provision of courses regarding employment rights of physically challenged persons. Under this Act, they can join these type of courses to know about their employment, accessibility, accommodation rights.</p> <p>c) Equal employment opportunity commission, prohibit discrimination with physically challenged persons at workplaces.</p> <p>d) Civil rights Act of 1967, provides fair and equal pay or wages to the persons suffering from physical challenges.</p> <p>e) Set a measure of 7% representation of physically challenged persons in every public or private institution.</p>	<p>a) Separate Act of employment promotion of persons with disabilities, was made in 1960, to secure the employment related rights of physically challenged persons. Section. 8 of this act impose a duty upon government to make sure equal wages to all workers and grants to employers for setting accessible surrounding for physically challenged persons.</p> <p>b) Vocational training programs are also organized by government of Japan so that physically challenged persons can participate in every activities and live a independent life.</p> <p>c) Reservation in public (2.1%) and private sector (1.8%) for employing a physically challenged persons.</p> <p>d) Government of Japan also provides funds and grants for the self employment of physically challenged d persons.</p>	<p>a) Section 19 to 23 of Rights of person with disability act, 2016 set provision of non discrimination and equal employment rights to physically challenged persons. In case of non compliance of these provisions that aggrieved person can approach to Grievance Redressal Officer, who is appointed to provide relief to aggrieved one within 2 weeks of the registration of that complaint.</p> <p>b) Section 34 of this act also provides reservation policy of 4% in government jobs for physically challenged persons.</p> <p>c) Article 39 (d) of Indian Constitution, provides measures for equal pay and wages to all without any gender discrimination.</p>
3. Education	<p>a) Education for the handicapped children Act, 1975 (Implemented in 1990), provides right to get free education from the age of 3 to 21 years of age.</p>	<p>a) For encouraging school education, separate facility of home tuition, General or special school.</p>	<p>a) Right to education act, 2009 was made for providing free education to children between the age of 6</p>

	<p>b) ADA 1990 also provides duty upon private and government institutions to provide free education facilities to physically challenged children without any discrimination.</p>	<p>b) Exemption from paying school fee or bus fair.</p>	<p>to 14 years in government schools. b) Section 31 of Rights of person with disability act, 2016 provides free education to children between the age of 3 to 18 years, suffering from physical challenges. c) Section 32 of Rights of person with disability act, 2016 provides a facility of reservation of 5% for physically challenged persons in higher education.</p>
4. Accessibility	<p>a) Easy accessibility of public accommodation for physically challenged person. b) Easy accessibility of telecommunication services for physically challenged person. c) Provision of curbside voting for physically challenged person.</p>	<p>a) Law for promoting business that facilitate use of communication and broadcast services by physical challenged persons, 1993, imposes a duty upon business persons or telecommunication servers to facilitate these services for physically challenged persons. b) Law for building accessible and usable by elderly and physical challenged persons, 1994, set measures to make proper ramps, railing, elevators for physically challenged persons.</p>	<p>a) National social assistance program, created for providing financial assistance to widows, weaker sections or to physically challenged persons. b) Under this scheme assistance to disable persons for purchasing fitting and movable aids are provided. c) Section 11 of Rights of person with disability act, 2016 provides right of accessible polling stations to cast their cast. d) Section 12 of Rights of person with disability act, 2016 provides right to get accessible justice system and impose duty upon National and state legal services authorities to ensure these facilities barrier free.</p>
5. Transportation	<p>a) American with disability act, 1990, set measures for easy</p>	<p>a) Easy use of transportation, facility</p>	<p>a) Section 41 of Rights of person</p>

	<p>transportation facilities for physically challenged persons. It includes proper ramps, railing and elevators for physically challenged persons at every public place, so that they can enjoy their visit without any difficulty.</p>	<p>of guide and separate space for wheelchair users. b) Road traffic law, 1960, provides measures to ensure safe transportation for physically challenged persons, which include flat buses and flat ramps at railway stations and facility of tie of their wheelchair while transportation, separate signals on road for their walk. c) Separate tourism facility, guides and assistance at railway stations and bus stops.</p>	<p>with disability act, 2016 provides facility to get accessible transportation at bus stop, airports and railway stations. This accessibility includes facility of parking spaces, toilets, ticket counters etc. b) While travelling facility of free travelling for blind persons is provided by Indian government and 50% travelling charges to other disables while travelling in government buses.</p>
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Unquestionably, there are many policies and schemes which are executed by government of United States of America, Japan and India, but still a difference in their implementation. At present 26% in America of their population living with disability²⁵, 4.8% of the population of Japan living with disability²⁶ and 2.15% approx. people in India living with physical challenges²⁷. Instead of certain measures, this ratio of disability is increases day by day. World has to give their attention towards this problem and need stringent actions to prevent this. By studying the laws related to physically challenged persons of America and Japan, researcher found that Indian government can add these laws in India for the benefit of physically challenged persons. Separate laws are there for their betterment but many are still needs to make.

In India there is a lack of proper transport facility which would be easily accessible for physically challenged persons and need to advance the railways or bus stop services for their betterment. Need of advanced assisting aids for physically challenged persons, better healthcare facilities, better

nutritional diet and easy accessible services in all spheres of their life. A Periodical survey must be conducted by state governments for collecting accurate data on physically challenged persons. Need to encourage private institutions, companies and agencies for making more opportunities for physically challenged persons and for providing free skilled and coaching services for them, so that they can easily access these services as other weaker sections. Government has to set local help desk for providing assistance to physically challenged persons and government has to reduce the rates of assisting aids for the physically challenged persons so that they can access these easily. Facility of separate local justice or redressal forums, for providing justice or relief to physically challenged persons. Justice providing system in India also takes time because our judiciary is over burdened; in that case it is difficult for physically challenged persons to approach the judiciary for getting relief or justice. If there are special or separate forums to deal with disputes of physically challenged persons then it would be easy for them to approach the judiciary easily. In

²⁵ www.edc.gov (Visited on April 15, 2021 at 10:30 a:m)

²⁶ Wakuma Miho, *Being Disabled in Modern Japan: A Minority Perspective* 125-126 (2003).

²⁷ www.department/of/empowerment/of/persons/with/disabilities (Visited on July 05, 2020 at 12:49 p:m).

education system government has to put measures to make it mandatory for all private and public institutions for giving free educational facilities without any discrimination. No doubt, changes are not easily done but these changes are need of physically challenged persons and for their better life and growth, these changes are needed. Government of India has to put these measures as soon as possible.

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