The focus of Indian legislations governing disability (RPWD, 2016, National Trust, 1999 and RCI Act, 1992) is primarily on educational and health needs of persons with developmental disabilities. However, their needs are much broader and beyond the provisions of these legislations. Reaching out and addressing only persons with disability and their caregivers, teachers and health professionals leaves out many agencies that are equally relevant. There are many areas where exploitation of these persons goes unnoticed.

Exploitation by law enforcement agencies: There is evidence that police arrest and killing of persons with disability has not declined despite strong legislation. Children with developmental disabilities have 4 to 10 times higher risk of becoming victims of crime as compared with those without disabilities (Sobsey, 1994). Another study from United States found that 4-10 percent prison population comprises of persons with developmental disabilities (DD) and the number is even much higher in juvenile homes (Petersilia, 2000). Factors such as limited cognitive abilities and judgment, lack of knowledge on how to protect themselves, unable to defend before the investigating agency and judiciary and poor resources to seek bail increases their vulnerability to get caught and remain in prison for petty crimes for long duration. On the other hand, whenever the persons with disability are the victims of heinous crimes like physical assault and rape, these are recorded as abuse. Many persons with DD may not report crimes as they are dependent upon the perpetrator of crime and whenever, the crime is reported, the police and court may not take their allegations seriously. Police lacks even basic training and whenever they encounter anybody who looks confused, agitated or has difficulty in communication, the person is labeled as mad and whenever he is involved/suspected to indulge in some unlawful activity, the only place for this person is either in mental hospital or jail. Many persons with DD unintentionally might give irrelevant and inappropriate responses to the investigating police officers, which increases their vulnerability for arrest, incarceration and possibly execution, even if they have not committed any crime (Perske, 2003).

How can the rights of persons with developmental disability be protected?

In order to ensure equal justice to persons with ID, education and training is most important task. Parents and teacher looking after these individuals have to train them how to protect their rights during encounters with police and how to speak up if they are being victimized. The training has to move beyond health professionals and teaching staff in schools and it must include police department, persons involved in rescue operations of children, prison and staff of juvenile homes, courts, social welfare agencies, advocate and judiciary. Building alliances across these departments can improve the knowledge and sensitivity of the community while dealing with people with intellectual disability who come in contact with the criminal justice system either as victims or suspects. Lack of capacity to stand trial in the court is a major factor which debar these persons from seeking natural justice and without any assessment; these persons are presumed to lack capacity. Whereas Article 12 of the United Nations Convention on the Rights of Persons with Disability (UNCRPD) affirms that persons with disabilities have the right to recognition everywhere as a person before the law and they enjoy legal capacity on an equal basis with others in all aspects of life and the state agencies should provide appropriate support so that they are able to exercise their legal capacity. Further, section 12 of Rights of Persons with Disability (2016) specifically states that Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal,
authority, commission or any other body having judicial or quasi-judicial powers without discrimination on the basis of disability. The Government is required to take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those requiring high support for exercising legal rights. The State Legal Services Authorities (SLSA) is required to make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by the Government to public. Although, theoretically these legal provisions look very impressive, however, the ground situation has not changed much.

**Poverty and Disability:** There is strong evidence for a link between the disability and poverty in Low- and Middle-Income Countries (Banks et al 2017) and large number of persons with disability (PWD) come from lower socio-economic status. Some of the reasons for association between disability and poverty include poor antenatal care, malnutrition, higher risk of infections to the newborn and mother, poor care of the child etc. The other causes include employment discrimination, unequal access to education, and high health care costs. Thus, poverty alleviation and disability intervention programmes must be implemented together in order to have effective outcome.

**Limited access to health care facilities:** Despite having high rate of physical co-morbidity, access to health care facilities is limited. In the absence of specialized health facilities for the PWDs, the access of general health services in the crowded public health facilities is very difficult and they cannot afford costly diagnostic and treatment facilities in the private sector. In addition to difficulty in reaching out to the doctor, larger number of their health issues go undiagnosed and untreated due to ambiguity in their communicating the symptoms. The doctors also have limited exposure to disability during undergraduate and postgraduate training of the doctors.

There is a need of convergence of all the programmes and departments so that the following basic needs of PWDs are fulfilled:

1. They should be able to live independently, in their own places, not in nursing homes or institutions.
2. PWDs need financial security, and they need to be paid at par with other employees.
3. They need to be protected from physical harm and exploitation.
4. Finally, the disability policies and programs should be implemented by people who understand the needs and priorities of PWDs.
5. Access to medical care must be suited.
6. integrated approach to training, executive, legislative, medical and corrective system.

**References**

7. National Trust Act 1999

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Corresponding Author: Prof. BS Chavan, Professor and Head, Department of Psychiatry, Government Medical College and Hospital (GMCH), Sector 32, Chandigarh-160032, Email: drchavanbs@gmail.com

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