

CONNECT special



Newsletter April 2017

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Editor's note

Dear friends,

It's a joyous occasion as we celebrate the First Anniversary of Connect Special!

A momentous journey of a year bringing forth issues on disability and inclusion, involving the experts to disseminate information, connect with people to make the society inclusive.

On a personal note I want to say a big thank you to all of you from the bottom of my heart for all the support and encouragement.

The Anniversary edition brings you expert opinion on property rights along with other interesting articles.

Happy reading!

Regards,

Bhavna Botta

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Property Rights of Persons with Disabilities

Ms.Amba Salelkar

Persons with disabilities who are most likely to have problems when it comes to property are those who face greater restrictions in participation on account of impairments that affect their ability to understand, judge and communicate decisions. These are commonly referred to as 'persons of unsound mind'. Under the Indian Contract Act, 1872, a person who is of 'unsound mind' is deemed incapable of entering a contract.

A person is said to have a sound mind if, at the time of entering the contract, they are capable of understanding it and weighing its effect upon their interests. This can apply to able-bodied persons as well who temporarily find themselves unable to make the contract. Property rights can be divided into two categories:

Inheriting and holding property

This is governed by the Indian Succession Act, 1925. After the death of the owner of a property, the decision regarding who the property passed to depends on whether there was a valid will executed at the time of death or not. If a will was executed, the same has to be confirmed by a Court by way of 'probate'. Probate is the copy of a will certified under the seal of a Court for action in accordance with its contents. Probate cannot be granted to a

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person who is of unsound mind. A person with a mental impairment can inherit property, however, the administration of the property will be granted to the Guardian of the person. If there is no Guardian, the Court can appoint one to act in the benefit of the person.

Buying and selling property

This is governed by the Transfer of Property Act, 1882 which is deemed to be an extension of the Contract Act. The assumption is that a person is of sound mind, and as such, a sale or purchase by a person with disability is valid, though it can be challenged in a Court. To avoid controversy, Registrars may refuse to register documents relating to property when they find a person who could be considered to be of unsound mind is doing it.

National Trust Act, 1999

Under the Rules of the National Trust Act, if any person with disability owns property recognized under the Act, it can be registered with the Local Level Committee to ensure that the person with disability is not taken advantage of while disposing of the property.

Impact of the Rights of Persons with Disabilities Act 2016

Under Section 13 of the Act, the State Government is to ensure that persons with disabilities have right, equally with others, to own or inherit property, both movable or immovable.

For this, the Government needs to take steps to amend the laws relating to property rights, and introduce safeguards and procedures to ensure that persons with disabilities can deal with property on an equal basis with others including by making documents and procedures accessible, and recognizing support arrangements in making decisions.

Amba Salelkar is a Board Member at Equals Centre for Promotion of Social Justice, a disability rights advocacy organization. She has previously worked with Inclusive Planet Centre for Disability Law and Policy and prior to that, as a criminal lawyer in Mumbai with Raja Thakare & Chimalkar.



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From the Heart

Meet **Sayomdeb Mukherjee** (fondly called **Den**), author of **Memoirs of Time**.

Den, give us a little insight about memoirs of time

This book is a story of a doctor, his wife who passes away and a daughter who personifies brevity. The time span begins from early 1960's till 2000.

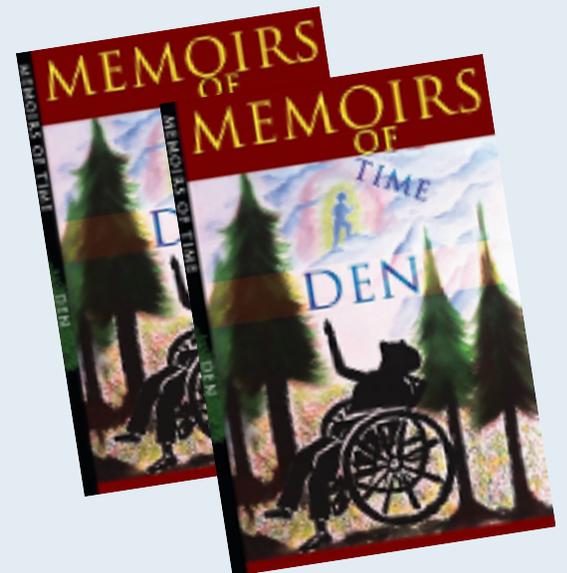
The doctor's character, the main male protagonist does not believe that infrastructure could be an issue when it comes to work for the people. Honestly speaking, the character of the doctor is somewhat a real life character. Personally, the doctor does not believe that earning money is the most important thing in life rather there are aspects of life....

Share your experiences of being an author?

People, for a long time told me to write about my life but I did not want to do so! This was due to the reason that I wanted to be establish myself as an author to start with and not a person with disabilities writing about his life. Short stories always fascinated

me thus I wanted to write a collection of 40 short stories.

When I thought of writing *Memoirs of Time*, I really did not know whether I have the ability to write a book! To start with, I began typing in my laptop but shortly I realized that the speed of thinking was not matching with my fingers and there was a big problem. Then I thought if I could use a writer for me, just like the exam time, that could solve the problem. Yes, it did actually work out.



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Why did you choose the subject?

The decision of writing this book was not taken from my mind, it was from my heart.

Being a student of literature, I've read many biographies, out of which very few of them appealed to me.

My father, a doctor in West Bengal Government Service had some outstanding experiences in his life. Every story of this book has certain elements of his experience but this is not a biography.

Thus, I dedicate this book to that doctor, who never thought lack of infrastructure can stop him to work, who believed in innovation, whose life was filled with 'adventurism'. As a doctor, he never believed that money is the ultimate thing to achieve.

I know his patients still miss him, especially those children who suffered from thalassemia; as he dared to do a very complicated operation on them known as Splenectomy. The Operation theater record book of Howrah General Hospital would give anyone the idea that he had a very high success rate.

Den, so how can we get our hands on the book ?

You can get it at-

<https://itunes.apple.com/us/book/memoirs-of-time/id1097553004?ls=1&mt=11>

Amazon:

<http://www.amazon.in/dp/9385892061>



Den works at Indian Institute of Cerebral Palsy, Kolkata, also in past worked as a RJ at 91.9 Friends FM, acted in Black Holes are Not Black which made the debut in the field of theater in 2016.

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Assistive devices on the shelf

Pradeep, tell us about your organization

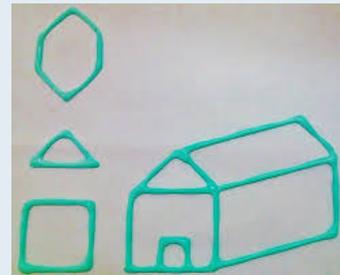
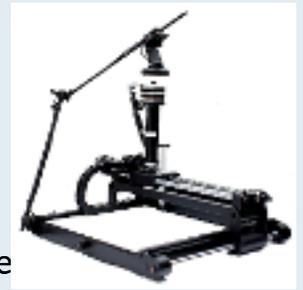
“Enability Foundation for Rehabilitation” is a not for profit company that focuses on delivering assistive technology solutions to the marginalized and disadvantaged sections of society. The assistive technology solutions created aim to provide substantial support to access education, communication, employment, daily living, recreation and rehabilitation.

What are the products now available?

The current products are Tactograph and KAVI – PTS.

The **Tactograph** is very simple, portable and affordable, with low recurring expenses. Tactograph is a motor controlled by the ‘x’ and ‘y’ stage that traces out a predefined picture that is placed on the printing platform. The extrusion of the fluid adhesive gives the tactile picture outlines on a normal A4 sized paper as the user plots the respective image. These tactile printing can be used to create tactile outlines of images for children with low vision, partial vision and

blindness. The schools can easily print tactile worksheets, images and creative materials as it is cheap and easy comparing to the available technologies. For printing the Tactograph just uses an ordinary fluid adhesive (fevicol).



KAVI – PTS is a picture to speech android application available currently in multiple languages as English, Hindi, Tamil, Malayalam and Kannada. This can be used as a communication aid for individuals with a wide range of speech disorders and difficulties. The varied access modes allow the use by individuals with mild, moderate and severe motor difficulties. The app can be personalized with audio and pictures according to the need of the child. The categories can also be customized.

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It can be downloaded from Google Play Store as KAVI-PTS for free, or license a complete picture library.. KAVI is also being developed in few other languages as Bahasa, Vietnamese, Thai, etc.

That's great , are there any new products on the anvil?

The products under development are iGest, vPlay, Aditi – wireless, Mozhi, VSim.

iGest is a wearable device that identifies the natural gesture of an individual and associates it with a predetermined sentence of their choice enabling communication.

The device captures the gestures carried out by the users with the help of the combination of sensors. This could help in communication through the gestures made by the people with cerebral palsy, speech disorders



vPlay is a wireless dual-touch pad system that can be used independently or jointly for computer games that encourage control and response. With two large active surfaces, it is easily adopted by children with motor disability.

VSim (Visual Simulator) is an application designed for Android phones and tablets. It aims to educate the patients and their relatives see the effects of the visual impairment due to various eye diseases using the camera in the phone or tablet.

ADITI is a non-contact switch for a person with motor disability, helping them "click" on a computer screen. ADITI , which has already been features in these columns ,is now being developed as a wireless device

Mozhi is a sound to speech based android application with a set of sounds, using most words that can be formed to a fair degree of approximation using just a few sounds from a list of 12



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ANXIETY, STRESS AND THE SPECIAL NEEDS PARENT

Originally published at
<http://www.patientsengage.com>

Q1. Different research and surveys across the world show that more than 50% of the parents of children with disabilities suffer from anxiety, stress and depression. In your experience in India what are the top few factors that contribute to such high anxiety and stress levels.

The disability sector is a neglected one in our country, as opposed to its Western counterparts. The government of India practically has very limited and skewed provisions for the disability sector. On top of that, the professionals are also not consistent with their method of interventions as well as treatment. Parents of a disabled child usually run helter-skelter for support and proper guidance.

Practitioners often take advantage of this helplessness and mislead them due to their professional insecurities. There are also professionals who try to treat disabled children without the requisite expertise. As a result, the child and the parents end up being a deprived lot because they don't know any

better. The hapless parent, as a result, moves from one doctor to another in the hope of getting relief. The training in this sector is also very varied, which results in an inconsistent approach. We have poor facilities for the disabled child at most institutions and very little help is available under one roof in a standardised format. Very few pediatricians also do regular follow up. There is limited team approach from the medical side as well.

Play school is the other hurdle - first the admission and then how the child conducts himself in school. The school, if at all, usually employs one therapist, which is not adequate for the entire school. People working with disabilities need to be committed and accountable, which is not always the case, which leads to malpractices. The child suffers and the parents of course.

Our government is not proactive enough to take care of the expenses of the disabled children who are financially challenged, which naturally adds to the burden. There is no insurance accorded to these children as is the norm in more developed countries. In our country, therefore, a disabled child is deprived of every support: financial, medical, emotional as well as infrastructure-wise.



Q2. Every parent is anxious about their child. How does anxiety in a parent of a disabled child differ?

Parents of a child with disability feel a disproportionate level of anxiety. Labels are thrown very easily, some of them distasteful, some inaccurate, some are just in vogue, whereas others useful to understanding and planning.

The first and foremost thought is what will happen to the child should they not be there. The child will not be able to fend for himself without them. In case of a sibling, there is usually a lot of baggage on the sibling. The stress for a family in case of a disabled child is far more intense and deep rooted. Under these circumstances, lot of marriages break apart or maybe the parents just stay together for social purposes. In the case of both parents working, how will they manage for a parent to

be always available for the child.

Then there are obviously the financial issues. A family needs adequate financial backup for the proper upkeep of a disabled child. There are also developmental issues about the child which need close inspection. Social issues also play a huge role as most families develop a negativity which is hard to counter. Environmental issues also pose a problem, like malls, supermarkets and even roads are not even conducive to the movement of disabled children. Assistance in any form, whether it is government certification or even rehabilitation consultants are hard to come by. Most people do not even know about this certification as they are also ignorant about a disability pension, which, if availed, can make life a little less difficult. But none of these are

well-defined in any manifesto as a ready reckoner.

Having said that, physical disability is still relatively better structured than intellectual impairment, or autism spectrum disorders. Even visual impairment is better accepted. Hence, there is no end to the parents' misery and anxiety. They have limited free time and a decrease in relationships with other people. Increased levels of anxiety and frustration build up due to social, emotional and financial isolation.

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