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Disability, Disaster and the Law of Legal Erasure in Emergency Governance: Study of the Awareness of Teachers and Parents in Reference to the Legal Provisions for Disabled Children

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Abstract: Disasters disproportionately affect children with disabilities (CwD), with mortality rates often twice as high as the general population due to physical, social, and institutional barriers. This study investigates the “legal erasure” of disability within emergency governance a phenomenon where inclusive mandates, such as those in the Disaster Management Act, 2005, are present in theory but absent in practical, ground-level implementation. Using a survey of parents and teachers, the research evaluates awareness and perceived implementation of inclusive disaster provisions. While there is a general awareness that lack of knowledge leads to exclusion, specific practical measures like inclusive evacuation plans and teacher training are severely lacking. A dominant “Neutral” response trend among stakeholders indicates a widespread lack of definitive knowledge regarding the rights of CwD during emergencies. The study concludes that unless disaster laws are actively harmonized with disability rights frameworks (such as the RPWD Act, 2016 and the UNCRPD), the unique needs of disabled children will continue to be “erased” from emergency response, resulting in systemic exclusion and heightened risk.

Keywords: Legal Awareness, Teachers Awareness, Parents Awareness, Disability Rights, Disaster Governance, Emergency, Disabled Children, Act, Laws

INTRODUCTION: According to the study (*Helen et al., 2012*), recent weather-related disasters (e.g., floods, fires) in Australia may become more frequent and severe as a result of expected climate variability. Insufficient emphasis

has been given to disaster preparedness planning and administration in order to address the requirements of vulnerable pupils with disabilities. The data indicate that catastrophe preparedness is under-resourced and possibly ignored. Although

the specific needs of vulnerable students with disabilities are briefly mentioned in the various state governments' education policies, they have not been systematically considered in the context of overall disaster planning for Australian schools, with the ambiguity of student characterization terms such as “special needs” compounding the issue.

According to a study (*Alexander, D. & Gaillard, et al., 2012*), the scholarly literature on persons with impairments in catastrophes is limited. This tends to indicate that the issue is being overlooked in terms of both research and applications. However, disability in disasters is unquestionably a serious issue—morally, ethically, and practically. The remedy to this problem of neglect is political participation and inclusion initiatives for persons with disabilities, rather than placing them in a 'cocoon' of isolation. It also requires policymakers to recognize that persons with disabilities are not a homogeneous group, but rather a diverse group of people with widely varying needs and capacities. Civil protection and voluntarism uphold principles of civility, compassion, social involvement, self-sacrifice, and dignity, despite their opposing nature. These reach their peak in disaster scenarios.

According to (*Sonpal and Deepa's 2018*) study, people with disabilities face compounding problems of intersectionality, or multiple threats of discrimination when their identities overlap

with a number of minority classes such as race, class, sexual orientation, gender, and religion.

According to (*Dheesha, D. J. 2020*), inclusive education is a system of education in which students with and without disabilities learn together, and the teaching and learning system is suitably adapted to meet the learning needs of various types of students with disabilities (Right to Persons with Disabilities Act, 2016). Inclusive education aims to provide all students with the most appropriate and equal learning environment and opportunity. The study aimed to investigate potential teachers' awareness of disability and inclusive education. 100 prospective teachers from 10 B.Ed. Colleges in and around Coimbatore District, Tamil Nadu, were chosen as samples. The researchers created a questionnaire on several areas of disability and inclusive education to collect data, which was then addressed using quantitative analysis. Prospective teachers have a low level of awareness about disability and inclusive education.

According to (*Nazeer, Naseeha, and K.V. Muhammed, 2024*), constitutional and legal provisions play an important role in guaranteeing justice and equity in all aspects of education, particularly when educating Children with Special Needs (CWSN). The level of awareness, implementation status, and obstacles connected with existing legal provisions for the education

and rehabilitation of students with specific learning disabilities (SLD). The study used a random selection method to identify 75 parents of students with specific learning disabilities. Data were gathered using structured interviews. The document analysis method was used to analyze data, allowing for the extraction of rich, qualitative insights from the narratives presented. Significant gaps in parental awareness of legislative provisions. While certain elements were deemed realistic, others experienced difficulty in applicability and execution. Parents cited a variety of challenges, including bureaucratic roadblocks and a lack of integrated support systems. Furthermore, changes in the clarity and accessibility of legislative provisions are required.

The perspectives and practices of mainstream instructors in rural government schools are examined in this work by *(Taneja-Johansson, S., Singal, et al., 2023)*, in light of the growing diversity of learners. The study focuses on how teachers comprehend and address the needs of children with disabilities. Semi-structured teacher interviews and classroom observations were used to gather data from six elementary schools spread across three districts of Haryana. According to our research, teachers' thinking was dominated by deficit-oriented perspectives, but they also shown a willingness to discuss disability concerns and an

appreciation for the importance of universal education. They did, however, find it difficult to accommodate the varied requirements of their students, and discriminatory behaviors were exacerbated for kids with disabilities. In addition to voicing serious worries about their own readiness, teachers were afraid to assume responsibility for the education of students with disabilities and pointed out the dearth of suitable and efficient support systems.

The Indian government made provisions for children with disabilities:

Laws/Acts	Years	Provisions under the enacted laws for disabled children
The Persons with Disabilities Act	1995	Provision of free education for every child with disability up to 18 years of age in an appropriate setting
Action Plan for Inclusive Education of Children and Youth with Disabilities	2005	Inclusion of children and youth with disabilities in mainstream education
National Policy for Persons with Disabilities	2006	Ensure inclusion and effective access to education to children with disabilities
Inclusive Education of the Disabled at Secondary Stage	2009	Inclusive education of the disabled children in grade 9–12
Right to Education Act	2009	Free and compulsory education for all children between 6–14 years, including those with disabilities
The Rights of Persons with Disabilities Act	2016	Free and compulsory education for 6–14-year olds' with disabilities
The Constitution of India	1950	This Act mandates free and compulsory education for all children between 6 and 14, extending this fundamental right to children with disabilities. Constitutional guarantees under Articles 14, 21, and 21A mandate equality, non-discrimination, and the right to education.

Table: 1 shows of the Laws and policies addressing education of children with disabilities

Table 1 show that India has established a comprehensive legislative and policy framework to encourage inclusive education for children with

disabilities. Key legislation, such as the Rights of Persons with Disabilities Act of 2016 and the Right of Children to Free and Compulsory Education Act of 2009, legally require non-discrimination, reasonable accommodation, and free and compulsory education. These regulations are reinforced by national education policies and inclusive education programs that strive to integrate disabled children into mainstream classrooms.

Table 2 shows strong normative alignments between the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and Indian legislation, including the Rights of Persons with Disabilities Act, 2016, and the Disaster Management Act, 2005. Domestic legislation incorporates UNCRPD provisions on accessibility, inclusive education, emergency protection, rehabilitation, and social protection.

Gaps in the Literature:

Despite an expanding literature base, several gaps remain:

- Limited empirical studies on legal awareness among teachers and parents specifically in emergencies and disaster governance.
- Insufficient integration of disability rights law with disaster management practices at the community level.
- Lack of longitudinal research tracking changes in awareness over time and after training interventions.
- Sparse evidence on how demographic factors (e.g., rural–urban differences, socioeconomic status) influence awareness and rights mobilization.

Objective of research study:

UNCRPD Article	Provision in international levels	Corresponding Indian Law / Policy	Relevance in Disaster & Emergency Governance
Article 7 – Children with Disabilities	Equal enjoyment of rights; best interests of the child	Rights of Persons with Disabilities Act, 2016 (Sections on inclusive education & child protection); Right of Children to Free and Compulsory Education Act, 2009	Ensures non-discrimination and protection of children with disabilities during disasters and school disruptions
Article 9 – Accessibility	Access to environment, transport, information & communication	RPWD Act, 2016 (Accessibility & barrier-free access provisions); Harmonised Guidelines on Universal Accessibility (Govt.)	Mandates accessible shelters, evacuation routes, and early warning systems
Article 11 – Situations of Risk & Humanitarian Emergencies	Protection and safety in disasters and conflicts	Disaster Management Act, 2005; National Disaster Management Authority (NDMA) Guidelines	Requires disability-inclusive disaster preparedness, evacuation and relief
Article 19 – Community Inclusion	Living independently and inclusion in community	RPWD Act, 2016 (Community life & social inclusion provisions)	Prevents institutional neglect during displacement and rehabilitation
Article 24 – Education	Inclusive education and reasonable accommodation	RPWD Act, 2016; RTE Act, 2009	Ensures continuation of inclusive education during emergencies (temporary schools, digital learning)
Article 25 – Health	Equal access to healthcare services	RPWD Act, 2016; National Health Mission policies	Guarantees accessible emergency medical care and continuity of
Article 26 – Habilitation & Rehabilitation	Rehabilitation services for independence	RPWD Act, 2016 (Rehabilitation provisions); District Disability Rehabilitation Centres (DDRCs)	Critical for post-disaster recovery and assistive device replacement
Article 28 – Adequate Standard of Living & Social Protection	Access to food, housing, social security	RPWD Act, 2016; Social Welfare Schemes; Disaster Relief Codes	Ensures inclusion in relief distribution, compensation, and welfare schemes
Article 31 – Statistics & Data Collection	Disability-disaggregated data collection	Census of India (Disability Data); National Disaster Data Systems	Essential for planning inclusive disaster risk reduction

Table: 2 shows of the comparative provisions of UNCRPD Articles and Indian Legal Provisions (Data Source: www.indiacode.nic.in)

- To the find out the Awareness of Disability, Disaster and the Law of Legal Erasure in Emergency Governance: Study of the Awareness of Teachers and Parents in Reference to the Legal Provisions for Disabled Children.
- The study aims to examine the level of legal awareness among teachers and parents regarding the rights and protections available to children with disabilities under the Rights of Persons with Disabilities Act, 2016, Disaster Management Act, 2005, and Right of Children to free and Compulsory Education Act, 2009.

Research Methodology:

The study uses a descriptive survey-based research design. The study included 100 participants: 50 teachers and 50 parents. The study was carried out in a number of Indian schools and communities (both urban and rural). A structured questionnaire was utilized to collect information with it consists of 22 questions. The questionnaire is divided into three sections: (I) Demographic information, (II) Awareness of disability rights laws, and (III) Awareness of Disaster and Emergency Provisions. Data were obtained via online Google Forms and a printed questionnaire. The following statistical procedures are employed to analyze the acquired data: percentage analysis, MS Excel with ANOVA applications.

Results and Discussion:

(I) Demographic information:

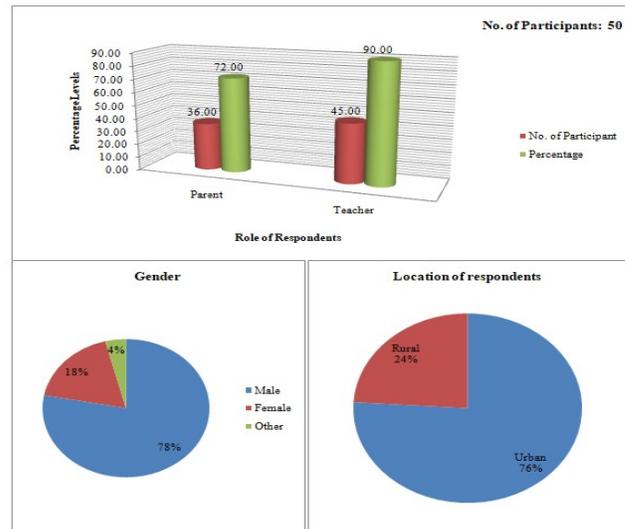


Figure: 1 Shows of the percentage of respondents (Data Source: Questionnaire)

Figure 1 presents the distribution of respondents based on their role, gender and Location in the study. The total number of participants is 50. The figure 1 indicates that teachers show a higher participation/awareness level (90%) compared to parents (72%). The difference suggests that teachers may have relatively greater exposure to disability-related legal provisions and disaster management policies, possibly due to professional training or institutional responsibilities. However, parents also demonstrate a considerable level of awareness (72%), which reflects moderate engagement with disability rights and emergency governance provisions.

The figure 1 shows that the majorities of respondents are Male (78%), followed by Female (18%), while 4% identified as other. This indicates a male-dominated sample, which may influence perspectives reflected in the study findings.

The figure 1 reveals that 76% of respondents belong to Urban areas, whereas 24% are from Rural areas. This suggests that the study sample is largely urban-centric, which may reflect better access to legal awareness and institutional resources in urban settings.

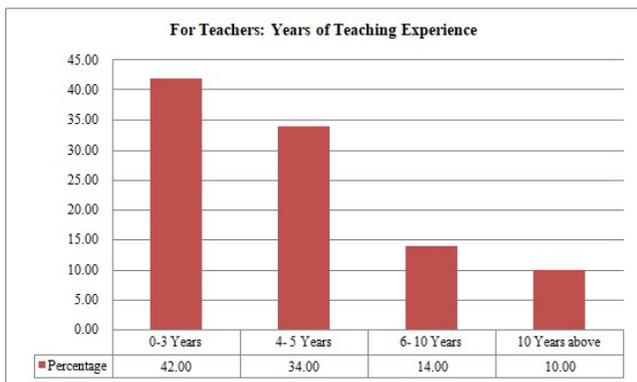


Figure: 2 shows of the teachers teaching experience (Data Source: Questionnaire)

Figure 2 presents the distribution of teachers based on their years of teaching experience. The data reveals that a significant proportion of teachers (42%) have 0–3 years of teaching experience, followed by 34% with 4–5 years of experience. Only 24% of teachers have more than 6 years of experience. The predominance of early-career teachers suggests that the study sample is largely

composed of relatively new professionals. This may influence the awareness levels observed in the study, as newer teachers might have updated academic training but comparatively less practical exposure to disaster management and disability-related legal implementation.

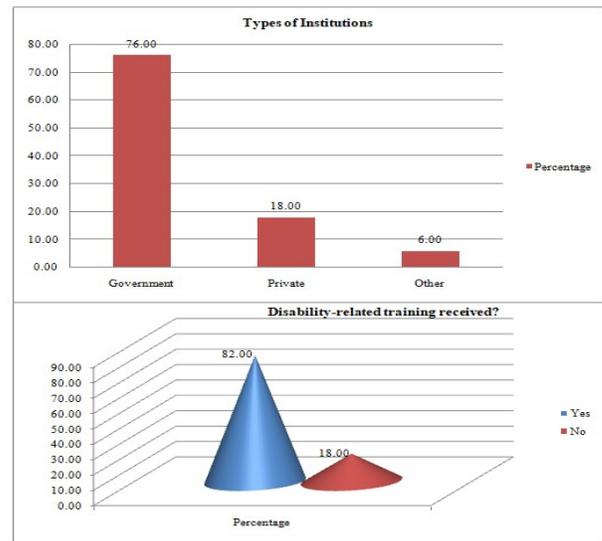


Figure: 3 Shows of percentage types of Institutions with disability-related training (Data Source: Questionnaire)

Figure 3 presents data regarding the type of institutions and whether respondents have received disability-related training.

The majority of respondents belong to government institutions (76%), indicating that the sample is largely public-sector oriented. Private and other institutional representations are comparatively low. This suggests that the findings may primarily

reflect the practices and awareness levels prevalent in government educational settings.

A significant proportion of respondents (82%) reported having received disability-related training. This indicates a relatively strong exposure to disability awareness programs. However, 18% of respondents have not received any such training, highlighting a potential gap in professional preparedness.

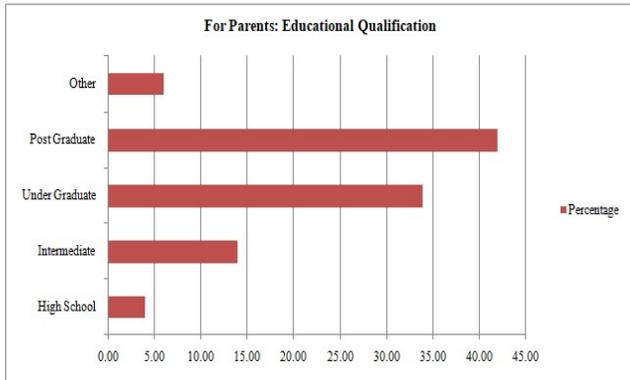


Figure: 4 Shows of percentage of parents educational qualifications (Data Source: Questionnaire)

Figure 4 presents the educational qualifications of parent respondents. The data indicates that a majority of parents possess higher educational qualifications, with 42% being postgraduates and 34% undergraduates. Only small proportions have education up to high school (4%) or fall under other categories (6%). The sample reflects a comparatively educated parent group, which may

contribute to moderate to higher levels of legal awareness observed in the study.

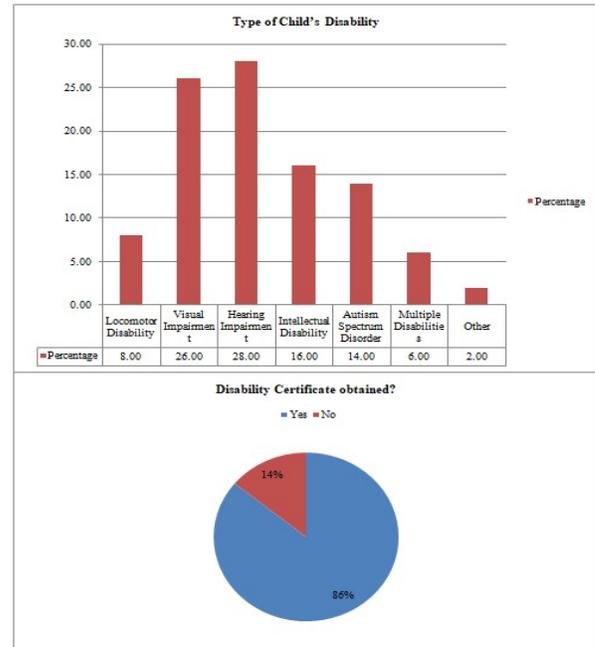


Figure: 5 shows of the Type of Child's Disability and Certificate obtained (Data Source: Questionnaire)

Figure 5 presents information regarding the type of child's disability and the status of disability certificate acquisition. The majority of children fall under Hearing Impairment (28%) and Visual Impairment (26%), indicating that sensory disabilities are most represented in the sample. Intellectual disability and Autism Spectrum Disorder together account for 30%, reflecting a significant presence of developmental disabilities.

A large majority (86%) of children have obtained a disability certificate, indicating formal

recognition under legal frameworks. However, 14% have not obtained certification, which may restrict access to legal entitlements, educational accommodations, and disaster-related protections.

II: Awareness of disability rights laws

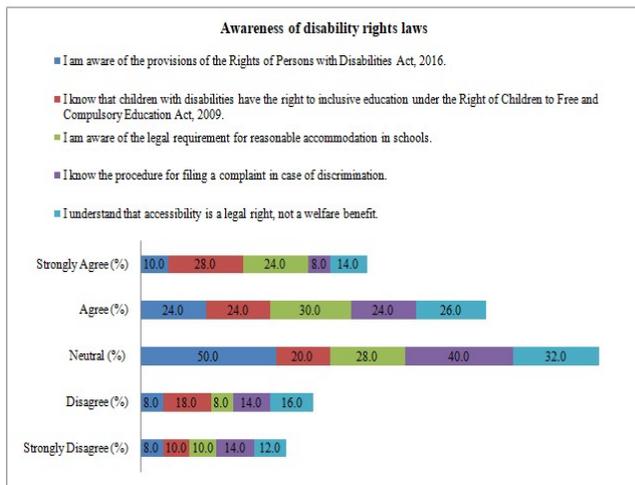


Figure 5: shows of the awareness of disability rights laws (Data Source: Questionnaire)

The figure 5 suggests a moderate to low level of firm awareness across several key legal areas. While there is a base of agreement for most statements, a significant portion of respondents remain “Neutral,” indicating uncertainty or a lack of definitive knowledge.

RPWD Act, 2016 Provisions: This area shows the highest level of uncertainty, with 50% of respondents feeling Neutral. Only 34% (combined “Strongly Agree” and “Agree”) feel they are aware of its provisions.

Right to Inclusive Education (RTE Act, 2009): This statement has the highest level of strong awareness, with 28% strongly agreeing they know about these rights. Combined agreement is relatively high at 52%.

Reasonable Accommodation in Schools: Awareness here is the strongest overall, with 54% of respondents agreeing or strongly agreeing that they are aware of this legal requirement.

Complaint Procedures for Discrimination: This area reflects a significant gap in practical knowledge. Only 32% know how to file a complaint, while 40% are neutral and 28% disagree or strongly disagree, indicating they do not know the procedure.

Accessibility as a Legal Right: There is a decent understanding that accessibility is a right rather than a welfare benefit, with 40% agreement. However, 32% remain neutral and 28% express disagreement.

The highest levels of “Strongly Disagree” (14%) and “Disagree” (14%) are tied to the procedure for filing a complaint. This suggests that even among those who might know the laws exist, a practical understanding of how to seek justice or report discrimination is severely lacking.

(III) Awareness of Disaster and Emergency Provisions:

The figure 6 shows the level of awareness regarding various disaster and emergency provisions for children with disabilities.

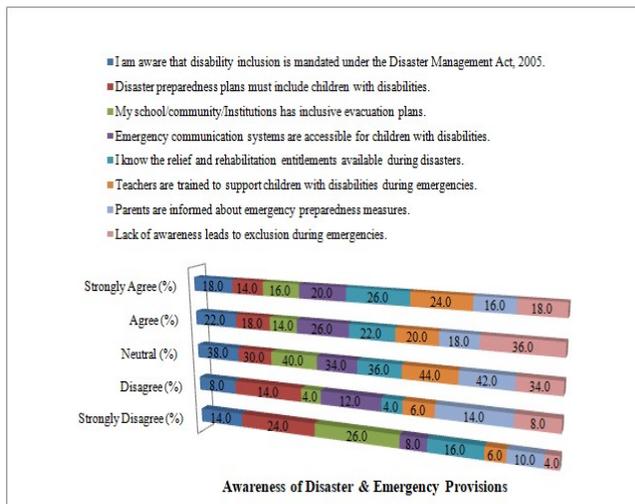


Figure 6: Shows of the Awareness of Disaster & Emergency Provisions (Data Source: Questionnaire)

Recognition of Systemic Gaps: The highest level of agreement is for the statement “Lack of awareness leads to exclusion during emergencies,” with 54% (18% strongly agree and 36% agree) of respondents acknowledging this critical issue.

Neutrality and Uncertainty: Across almost every category, “Neutral” is the most frequent response, often hovering between 30% and 44%. This suggests a pervasive lack of clear knowledge or

experience regarding specific inclusive disaster measures.

Gaps in Local Readiness: While there is moderate awareness of legal mandates (40% agree they know inclusion is mandated under the 2005 Act), actual implementation appears lower. For instance, 50% of respondents disagree (26% strongly) that their institutions have inclusive evacuation plans.

Professional and Parental Awareness: There is a notable deficiency in training and communication. Only 44% agree that teachers are trained, and only 34% agree that parents are adequately informed about emergency preparedness.

The data highlights a disconnect between legal mandates and ground-level execution. While nearly half of the respondents understand the entitlements and legal requirements, a significant portion (up to 38% for evacuation plans and 30% for general disaster plans) feel their local environments are unprepared. This indicates a need for practical, drill-based training for teachers and more transparent communication channels with parents to move from “Neutral” awareness to active preparedness.

Conclusion:

In this study uses a descriptive survey-based research design. The study included 100

participants; 50 teachers and 50 parents. A structured questionnaire was utilized to collect information with it consists of 22 questions. The questionnaire is divided into three sections; (I) Demographic information, (II) Awareness of disability rights laws, and (III) Awareness of Disaster and Emergency Provisions. Data were obtained via online Google Forms and a printed questionnaire. Disasters disproportionately affect children with disabilities (CwD), with mortality rates often twice as high as the general population due to physical, social, and institutional barriers. This study investigates the “legal erasure” of disability within emergency governance a phenomenon where inclusive mandates, such as those in the Disaster Management Act, 2005, are present in theory but absent in practical, ground-level implementation. Using a survey of parents and teachers, the research evaluates awareness and perceived implementation of inclusive disaster provisions. While there is a general awareness that lack of knowledge leads to exclusion, specific practical measures like inclusive evacuation plans and teacher training are severely lacking. A dominant “Neutral” response trend among stakeholders indicates a widespread lack of definitive knowledge regarding the rights of CwD during emergencies. The study concludes that unless disaster laws are actively harmonized with disability rights frameworks (such as the RPWD Act, 2016 and the UNCRPD), the unique needs of

disabled children will continue to be “erased” from emergency response, resulting in systemic exclusion and heightened risk.

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