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Causes and Impact of Law Avoidance and Disobedience in the Light of Mars Model with Special Reference to Laws for Special Need Persons

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Abstract

To determine reasons and the influence of escaping and noncompliance of laws; data were collected through a mix method approach. Questionnaires and focus group discussion from special needs persons (physically challenged, visually impaired), their parents in case of hearing-impaired and intellectually challenged persons, professional law practitioners and employers of the business organization were taken. The result indicates that most special persons and their parents are unaware of the opportunities and laws related to their special needs. But on the part of employers' willful neglect and avoidance of laws is present because of loopholes available for not complying with these laws. Another reason is non-availability of any motivation for obeying laws, whether obedience of individuals or groups. It was also indicated that employers are not very clear about their roles related to the employment of special need persons.

Key Words: Law Avoidance, Disobedience, Mars Model, Special Need Persons, Rehabilitation

Introduction

MARS model was developed in Singapore to find factors which are linked with human behavior. It displays that four features (Motivation, Ability, Role Perception and Situational Factors) have a joint consequence on individual behavior and concert, if any feature declines, the concert will be suffering ([Steven. M. Shane \(2003\)](#)). Although this model is linked with the business but can also be applied in all fields where employees and employers are present. There was a question of why people show avoidance and disobedience for law with special references to special persons. In finding answers, these four factors were analyzed.

Motivation

It is obviously specified by several researches on conduct that motivation is the foundation that arrays human course, strength, and determination of behavior. The additional motivational features are complicated strength of behavior will be enlarged.

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Ability

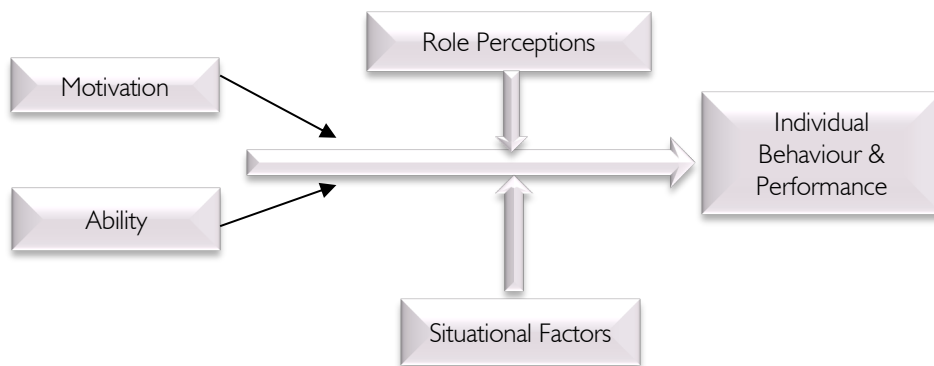
It comprises both the regular abilities and cultured competences. If there is a doubt about the ability of personal motivation, to give him tasks or lack of confidence in his ability, it will be affected. If employers are unsure about the aptitudes and abilities of special persons, they will display an unwillingness to employ them as they cannot see person- job matching.

Role Perception

It is also a very important factor in behavior. If employers and employee have a clear role perception there will be harmony, but in case of special need persons neither employers know about their role nor employee has a perception about his role at workplace, so the situation becomes intolerable for both.

Situational Factors

According to Steven Mcshane and Tony Travaligon, job performance is contingent not just on motivation, aptitude and character awareness. It is also exaggerated by the features which are existing in the setting such as physical services, people around you, financial disorder, work claim, time issue and so forth. Some factors are controllable, and some are not. For increasing likeness and satisfaction and development of positive behavior of both employees and employers, these factors should be controlled efficiently. In case of special prerequisite person's service, setting issues essential change which is regularly abandoned and shunned by the employers, and this is one of the explanations for evasion of laws or ordinance for service of special essentials individuals.



MARS Model

International Labour Organization (ILO), an organization that works for the development and improvement of working conditions and living standards for labours, defines a disabled person as an individual who is mentally and physically not fit to earn for himself. Whatever the reason for his disability, this person is deprived of taking up any professional opportunity, and in case he gets any job, he has rear chances to continue it. Because of his disabilities, he may be dismissed any time, and he stays insecure, unlike those who are fully fit. World Health Organization (WHO) that works to improve health conditions worldwide, also viewed the problems of disabled people. This organization has its policy for disabling workers to facilitate them to have employment so that they can work and earn for themselves and for their families. On 28th May 2010, the body declared that this is a serious problem as 10 per cent of the world population constitutes disable people and if they are not supported to have work for their livelihood, they live to become a burden on society.

Some people born with a disability while some become disabled because of some accident. Whatever the cause of a person's disability, employment is the biggest issue for such a person. Mughees Ahmed & Abdul Basit writes were very much concerned about this issue. They were of the view that 10% of the total population of Pakistan comprises of disabled persons that make up 18 million people. Types of disabilities are different, and these individuals are deprived part of our society. They cannot enjoy all privileges that a healthy and fit individual does. Majority of these unfortunate people are not registered citizens of the state.

The government and non-government organizations in the whole world are working to develop such rules and regulation which could in the protection of rights of special needs people. The year 1981 United Nations Organization asked all member nations to arrange such programs which could help in creating awareness in the general public about the rights of disabled people. In this regard in 2006, the UNO arranged a convention on the Disabled Persons Rights, and it was demanded that the governments need to frame such laws which provide equal rights to special need people. Being the member of the UNO Pakistan has also taken a number of steps to provide jobs to special people; moreover, Government of Pakistan has also approved the recommendations given in the convention of ILO especially about the vocational rehabilitation and employment of disabled people and last year their rights. The Ordinance 1981 for disabled people is applicable to all organizations where at least a hundred employees are working at any time during the year

There are different organizations that are working worldwide for the rights of people, as all individuals are important. In this regard, the rights of these special people cannot be ignored. They need more attention and support than a healthy person. The first step for this noble cause is to spread awareness among common people about these disabled masses. They are often underestimated because common people have limited or no awareness about disabilities and people with disabilities. So, to spread awareness about the rights of these people with special needs, the UN declared 1981 as the International Year of Disabled Persons. The purpose of this initiative was to raise voice to safeguard the rights of these people. The United Nations introduced a convention that is called "Convention on the Rights of Persons with Disabilities 2006" in which all member states were asking for ensuring equal rights for the disabled. It was declared that people with disability would be treated equally in all spheres of their lives. The Islamic Republic of Pakistan was also one of the signatories to this convention and took various initiatives to support these deprived subjects. Government of Pakistan ratified 'ILO Convention on Vocational Rehabilitation and Employment of Disabled Persons'. After that, several initiatives were taken in the country to improve opportunities of the disabled. Pakistan also ratified the UN Convention on the Rights of Persons with Disabilities. These initiatives were very effective as people who had been ignored for a long time were secured, and their rights were legalized.

Section 10 of the Ordinance suggested that one percent quota should be reserved for the persons with special needs in all public and private sector organizations so they could contribute their role like other people. Later on, that is, in 1998 the number of seats was increased to 2%. Under this ordinance, it was settled that those organizations that don't hire PWDs will be bound to pay for their rehabilitation fund each month.

A brief summary of some of the important policies, ordinances for PWDs is included here:

Disabled Persons (Employment and Rehabilitation) Ordinance, 1981

Under this ordinance, the National Council for the Rehabilitation of Disabled Persons was established. The council was aimed to formulate a policy that could help them in having worked for their livelihood, availing medical services etc. Moreover, under this ordinance, it was also decided that those who want to recover themselves through medical consultation, they should be helped out for their rehabilitation.

National Policy for Persons with Disabilities, 2002

For the welfare of persons with a disability, to ensure their rights and their facilitation, the National Policy for Persons with Disabilities was made. While making the policy, different needs for these people were considered so they may avail all facilities and live their lives with all privileges as ordinary people do. Therefore, it was a hard process that involved all stakeholders and relevant Federal Ministries including Health, treatment, cure, manual labor, lodging, employment, Science and Technology as well as relevant departments and well-known NGOs.

National Plan of Action for Persons with Disabilities, 2006

UNO has taken initiatives for the welfare of disabled people worldwide. All the nations are bound to follow the policies made for these people to secure their rights and improve their conditions. (NPA) suggests how UNO policies for the disabled should be implemented.

Special Citizens Act, 2008

Disable citizens face lots of difficulties when they need to avail facilities that ordinary citizens do like banking services, transport services etc. So, the Special Citizens Act, 2008 was aimed to facilitate these people to avail all facilities and to ensure these policies were made so that they could benefit. Special seats were allocated in public vehicles for special citizens.

Special Citizens (Right to Concessions in Movement) Act, 2009

Now disable people are facilitated in different ways like Trade Policy (2009-10) they are allowed waiver of import duty on vehicles that indeed a good move in their support. This area has become the focus for the researchers, and a number of researches have been conducted to improve it more. The previous researches were aimed to explore the weaknesses in the system to better it and make it more conducive for the deservers. The researchers also found out the flaws in-laws and their implementations. M. Zaman (2015), in this connection, writes "The Disabled Persons (Employment and Rehabilitation) Ordinance 1981 was not effective for the employment and rehabilitation of persons with disability due to the number of lacunae in the Ordinance. The policies and laws that are made for the welfare of PWDs (persons with disability) are not being followed strictly. He stresses that the policy-makers need to work more for the welfare of the disabled subjects and steps should be taken to ensure the implementations of laws and policies.

Professor Hameed writes that at least 3 million adults (both genders included) need rehabilitation through some kind of employment. How many of them have, in fact, access to decent employment is not known? Mohammad Khan (2015) writes that "It is not proper legislation to tackle the problems and needs of the PWDs, and does not contain an effective mechanism for its implementation due to the number of lacunae in it.

Whenever we face some problems, it is very important to look into deep causes behind that problem, or we will not be able to solve it. Avoidance of law or disobedience of laws is a growing monster which is affecting all institutions in Pakistan, trend or behavioral changes for willful negligence or avoidance of law is increasing day by day. This angle of problems is mostly overlooked by researchers. In this study, the researchers tried to find causes behind this specific behavior of law avoidance and disobedience.

Research Methodology

Research Design

The main aim of the study was to explore the causes behind law avoidance behavior and analysis of employers' behavior towards the employment of Special needs persons. In the light of the MARS model

(Motivation, abilities, role perception, situational factors) of behavior a mixed-method approach was considered as the ideal method to be used because of the nature of the sample.

Population

The population of the study is employers from different organizations, Special need persons (visually impaired, hearing impaired, physically and intellectually challenged). Parents of special need persons and law practitioners.

Sample

Researchers contacted employers of a different organization but received positive response from 26 employers only. Through purposive sampling 50 special need persons were selected above the age level of 18 years with the help of special organizations. 2 parents of special needs persons were selected through snowball sampling. 4 law practitioners were also selected for focus group discussion.

Data collection method/Instrument

Two instruments were used in this study. Structured questionnaires were used, comprising of 10 questions for employers. Another questionnaire was used to collect data from special need persons along with their parents containing 10 questions measured on a Likert scale. After data collection, it was calculated through the percentage method, and respondents' responses were interpreted qualitatively and quantitatively. The two groups of samples ($N=50+26=76$) filled their questionnaire, whereas $n=14$ ($4+4+4+2$) 14 persons were invited for focus group discussion.

Analyses of Data (Special Need Persons Responses)

- 1) In response to questions about their awareness related to the law for the employment of special need persons; 66% respondents stressed that they were aware; signifying that special persons are very much aware of the laws related to the employment of special need persons.
- 2) In answer to question-related to their satisfaction with 2% quota in employment, a majority group of 78% answered strongly negative, thereby showing that special persons are not satisfied with the present quota.
- 3) In response to whether the methods of implementation of 2% quota were just 42% answered negatively strongly; while 48% said no, which shows that in their opinion quota is not justly implemented.
- 4) In response to a question about employer's willingness in providing employment 58%, emphatically said there was none, while 28% said no without emphasis. Thus, the results show that employers are perceived to be unwilling to employ persons with special needs.
- 5) In answer to a question, whether they had seen any advertisements regarding vacancies for persons with special needs, 96% emphatically replied in the negative, whereas the remaining 4% also said that they had not come across such advertisements. This shows such positions are never advertised.
- 6) In answer to question having skills for jobs, 78% were strongly agreed that shows they are aware of the skills needed to do a job.
- 7) In response to question-related to their affiliation with any organization for special need persons, 88% answered positively, that indicates that they have a common platform.
- 8) In response to a question about the preference of employers for paying fine to giving jobs a dominant number of respondents 70% answered that employer prefer to pay fine in place of giving a job to special need persons.
- 9) In answer to the question of whether employers trust on abilities of special persons, 78% answered strongly not, this proves the MARS Model.

- 10) In answer to question-related to situational factors, 79% answered strongly not, it shows that for improvement of employment opportunities, we have to modify the work environment. `

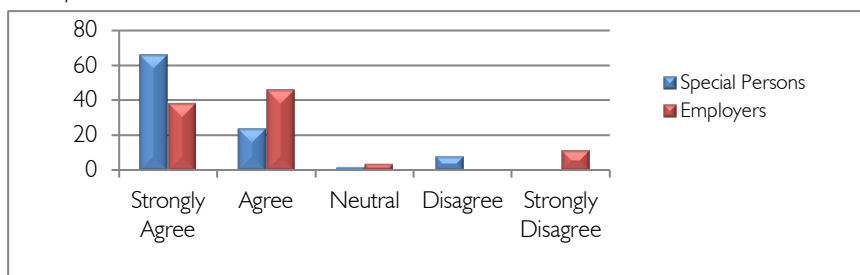
Data Analyses (Employers Responses)

Ten questions were designed to get employers views related to laws for employment and rehabilitation of special need persons, and reasons behind avoidance behavior towards the implementation of these laws

- 1) In response to questions related to employers' awareness about 2% quota of employment of special need persons, 45.6% answered that they are aware of these laws. The same question was asked to special persons, and they also answered in the same way, it shows that both showing willingness, but there are other related factors which have to be analyzed.
- 2) In answer to the question, are they in favor of giving jobs to special persons? 53.2 % answered strongly agreed that shows their willingness.
- 3) In answer to the question about the presence of special persons in their organization, 26.6% answered positive, which is very low and shows avoidance of 2% quota.
- 4) In response to statement special persons can work like other persons, 41.8 % answered strongly not, which indicates a lake of role perception.
- 5) For the statement about the requirement of modification of the environment, 64.6 % answered strongly agree.
- 6) In answer to the quality of work of special persons, 49% answered that the quality of work is different in the case of special persons and others, this also shows misconception about special persons.
- 7) In response to the statement about their preference, 57 % answered strongly not, so it shows that they want to give jobs, but there are some constrain.
- 8) In response to the statement they receive any motivation from government or social sectors for employing special persons, 53.2 % answered strongly not, which shows alarming factor for not motivating them towards obeying this law.

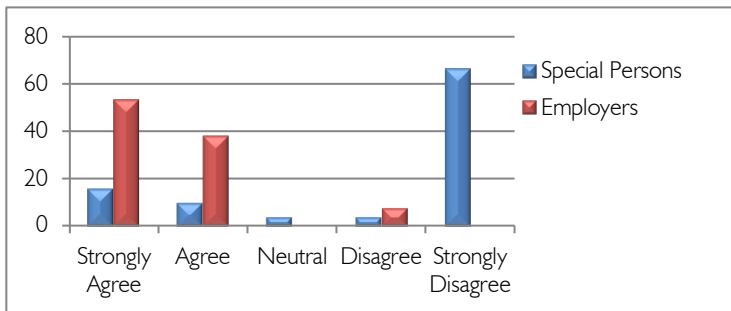
Focus Group Discussion

Lawyers emphasized on neglect and disobedience of laws because of the inadequacy of punitive clause on avoiding or disobedience of laws. They also pointed out that amount of penalty is very small, which is easy to pay as compared to requirements for modification in the workplace. Parents and all other participants said that they never heard any punishment for neglecting this quota. Employers, parents and all other participants highly emphasized the importance of motivation, encouragement and appreciation from society and government on obeying the law. Parents emphasized that there is no linkage between special need persons, their special institution, government organization and employment. In response to question employers declined this obligation, they said they are willing to provide jobs, while all others answered that most employers are not interested in giving jobs to special need persons because they think that special need persons don't work like a normal person and they themselves don't feel comfortable while working with special need persons



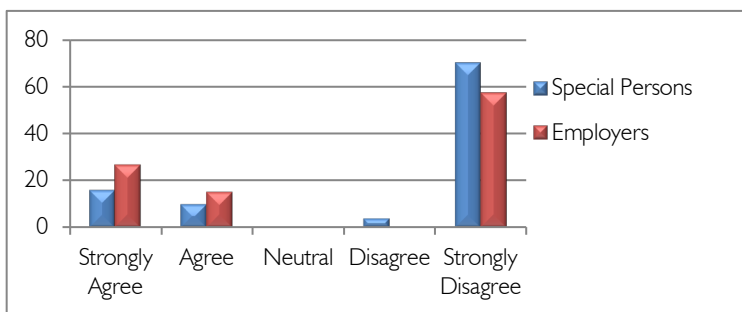
Graph 1.

Perceived perception of employers and special need persons regarding Knowledge about special law/ordinance about the employment of special persons. They have the almost same perception.



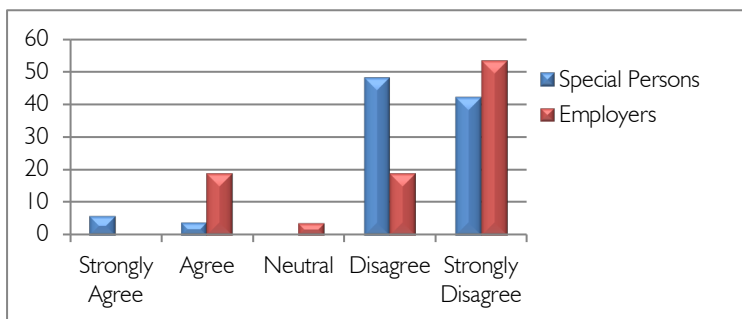
Graph 2.

Perceived perception of employers and special need persons regarding giving a job to special need persons. Employers said they are interested in giving job while special need persons strongly disagreed.



Graph 3.

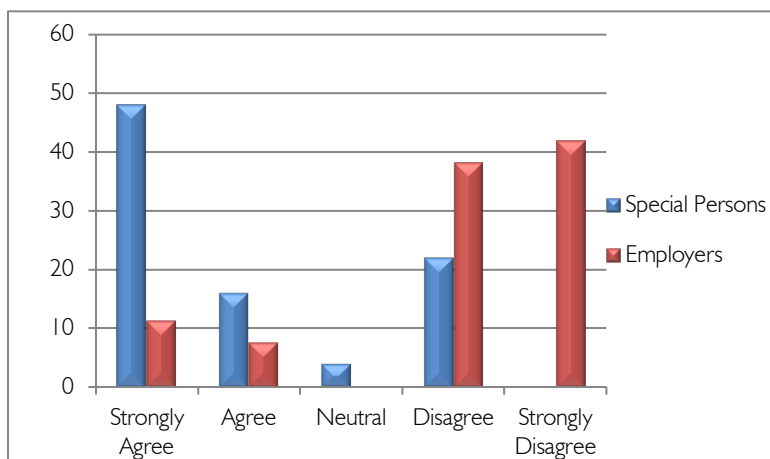
Perceived perception of employers and special need persons regarding employers prefer to pay fine in place of giving jobs. Both the respondent group strongly agreed that the practice is to pay a penalty amount in place of giving jobs.



Graph 4.

Perceived perception of employers and special need persons regarding receiving appreciation/

the motivation for giving jobs to special persons. Both groups of respondents answered that there is no motivation for the application of employment law.



Graph 5.

Data shows a maximum difference in perception of the different group regarding Special persons can work like normal persons

Conclusion

It is a general observation that people try to find an easy way out for their problems. Behavior of avoidance and paying less attention towards those factors which are social and not personal is very common, trying to neglect traffic laws regarding parking of vehicles, driving laws, traffic signals, throwing garbage out of their houses, giving or offering bribes to make work easy or escape from penalties. This is the general behavior about all laws in Pakistan. MARS model explained about causes behind these behaviors as having no motivation for positive behavior, no trust on abilities of special persons their own role as a good citizen or employer or presence of situational factors that required special attention. If we want to implement laws or especially laws related to the employment of special need persons, we must consider all those factors which are producing law avoidance or disobedience behavior.

Recommendation

The following recommendations are made on the basis of results

- The need for coordinated efforts between all stakeholders
- Providing motivation for obeying laws and giving employment
- No alternative be given to employers against employing special need persons
- Media would be used to develop awareness about the skills and abilities of special need persons
- Jobs vacancies should be announced through all media
- Strict actions should be taken against those organizations who are not complying with employment laws
- A comprehensive training program should be developed to give training to special need person, employers and employment organization to prepare all stakeholders to compete in the job market
- Developing awareness among special need persons along with their parents and the general public about their abilities and the laws of employment for special need persons.

References

- Almond, A. Gabriel. (1993), *Comparative Politics Today, A World View*, Islamabad: National Book Foundation, Islamabad.
- Ashman, A., & Elkins, J. (Eds.) (2002). *Educating Children with Diverse Abilities*. French's Forest: Pearson. *The Australasian Journal of Special Education*.
- C. C. Pinder, *Work Motivation in Organizational Behaviour* (Upper Saddle River, NJ: Prentice Hall, 1998); and E. E. Lawler III, *Motivation in Work Organizations* (Monterey, CA: Brooks/Cole, 1973), pp.2-5.
- Cole, P., & Chan, L. (1990). *Methods and Strategies for Special Children*. Sydney: Prentice-Hall
- Coleman and N. V. Schaefer, (1990). 'Weather and Absenteeism', *Canadian Journal of Administrative Sciences*, 7, 35-42; and S. R. Rhodes and R. M. Steers, *Managing Employee Absenteeism* (Reading, MA: Addison-Welsey, 1990).
- Luthans, F. and Kreitner, R. *Organizational Behaviour Modification and Beyond* (Glenview, Ill: Scott, Foresman, 1985), 53-4.
- Ahmed, M. The Policies of United Nations and their Implementation: A comparative study of policy implementation in Pakistan. *Journal of Political Studies*. 18, (1), 125-140.
- Kerri-lee, K., Sandra, B. & Sue, D (2003). *Educational psychology for learning and teaching*.
- Mughees. A. & Abdul B. K. (2006). *National Plan of Action for the Persons with Disabilities Report on National Census of Pakistan, 1998; Population Census Organization, Government of Pakistan*.
- Miceli, M, P. (1992). *Blowing Whistle. The organizational and Legal Implications for Companies and Employees*.
- P. Eaton-Robb, 'For Employees, Solutions That Work', *Providence Journal*, 10 January 2001, p. E1; D. F. Special Citizens (Right to Concessions in Movement) Act, 2009; Government of Pakistan SRO No: 16(1)/2006-import II, dated 28th September, 2009; Ministry of Commerce; Government of Pakistan.
- Steven. M. Shane (2003). *Organizational Behaviour on the Pacific Rim*. Mc Graw-Hill Australia. pg. 36-62
- U.N. Decade of Disabled Persons 1983-1992, 1983, *World Programme of Action Concerning Disabled Persons*, New York: United Nations