

**Two Day International Seminar on
“Socio Legal Aspects and Disability in India”
On 1st and 2nd November, 2017.**

Organized by

**Faculty of Law
Jamia Millia Islamia
New Delhi- 110025**

(A) CONCEPT NOTE

Disability is a concept which is understood and interpreted by various social thinkers, jurists and social workers keeping in mind the inherent philosophy of the term in its actual sense. Though the term ‘disability’ carries with it the assumption of a deficiency whether physical, mental or sensory in respect of some people but there are ample examples of the persons with disability proving their mettle, inspiring by their intellectuality, positive attitudes and outlook towards life. As the term disability carries with it the connotation of a lack or deficiency, it has been defined primarily in terms of medical deficit. However, it has to be acknowledged that the word disability is itself not a homogeneous category, subsuming under it different kinds of bodily variations, physical impairments, sensory deficits and mental or learning inadequacies, which may be either congenital or acquired. Disability has been recognised as a human rights issue in the international arena, with the United Nations Declaration on the Rights of the Disabled Persons focusing attention on the needs of disabled people globally.

Keeping in mind the different situation posed by the disabled persons, it is important that their rights need to be understood and studied from various perspectives including human rights and laws in India which will help mitigate the gap between the abled and the differently abled persons in their attainment of persona and dignity in true sense of the term. Through this Seminar an endeavour would be made to understand various socio legal aspects of disability and the laws in existence in India and abroad in order to make a systematic study on how these laws have contributed towards the development of legal status of the disabled persons.

The disability rights debate is not about the enjoyment of specific rights as it is about ensuring the equal effective enjoyment of all human rights, without discrimination, by people with disabilities. The non-discrimination principle helps to make human rights in general relevant in the specific context of disability, just as it does in the contexts of

age, sex and children. Non discrimination and the equal effective enjoyment of all human rights by people with disabilities, is therefore the dominant theme of the long-overdue reform in the way of disability and the disabled are viewed throughout the world. The primary responsibility for ensuring respect for the rights of persons with disabilities rests with the government. Indian State has taken various steps to provide equal opportunities to persons with disabilities by enacting several Acts and implementing various policies and schemes for the empowerment of persons with disabilities.

Even though our constitution guarantees equal rights to each individual of our country, around 70 million disabled people spread across India continue to be treated as second-class citizens. For them segregation, marginalisation and discrimination are norms rather than exception. Faced with barriers put by stereotypical attitudes, they are generally viewed as objects of charity and welfare as the world merrily goes about trampling their most basic human rights. Sadly, this is despite the fact that the Universal Declaration of Human Rights, 1948 makes observance of human rights a precondition for ensuring justice, freedom and peace. In 1992, India became a signatory to the Proclamation on Full Participation and Equality of People with Disabilities in the Asia Pacific Region. This was adopted in Beijing at a Seminar convened by the Economic and Social Commission for Asia Pacific Region. The proclamation brought an obligation upon the countries to enact legislation as per its solemn affirmations.

THE CONSTITUTION OF INDIA AND THE DISABLED

The Constitution of India applies uniformly to every citizen of India, whether they are healthy or disabled in any way (physically or mentally). Under the Constitution, the disabled have been guaranteed the following fundamental rights:

- (i) The Constitution secures to all its citizens including the disabled, a right of justice, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and for the promotion of fraternity.
- (ii) Article 15(1) enjoins on the Government not to discriminate against any citizen of India on the ground of religion, race, caste, sex or place of birth.
- (iii) Article 15 (2) States that no citizen shall be subjected to any disability, liability, restriction or condition on any of the above grounds in the matter of their access to shops, public restaurants, hotels and places of public entertainment or in the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of government funds or dedicated to the use of the general public. Women and children and those belonging to any socially and educationally backward classes or the Scheduled Castes & Tribes can be given the benefit of special laws or special provisions made by the State. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Despite the constitutional mandate of equality for all, disabled people are always at the receiving end of marginality from the society. Such marginalisation can be termed as social disability. Sometimes, marginalised groups are viewed with hostility and fear.

This sense of difference and exclusion leads to communities not having access to resources and opportunities and in their inability to assert their rights. They experience a sense of disadvantage and powerlessness vis-a-vis more powerful and dominant sections of the society, who own land, are wealthy, better educated and politically powerful. Thus, marginalisation is seldom experienced in one sphere. Economic, social, cultural and political factors work together to make certain groups in society feel marginalised.

The Seminar is intended to provide platform for lawyers, disability researchers and activists from across India and abroad to share their learning and perspectives on issues concerning socio-legal aspects of disability in India. The intention is to not only explore the process of accessing justice through litigations and procedural justice practices but also explore matters concerning how law indirectly and often directly impacts the lives of people with disabilities in India. The platform also intends to discuss both national and international laws that concern people with disabilities. Rights of Persons with Disabilities Act, 2016 (RPD Act) has come in to provision and the rules have also been notified by the Government. We feel that it is time to open up the discussion to include perspectives and experiences of people with disabilities in to issues concerning their everyday lives. RPD Act identifies 21 types of disabilities and the task remains to create assessment and definition tools for all these types of disabilities as well as inclusive practices for all the types of impairments included in the Act. We expect through this seminar we will be able to understand the problems faced by this specially-abled community all over the world with a special reference to India.

The outcomes of the Seminar will be published in order to strengthen the existing knowledge framework on socio-legal aspects of disability in India. This seminar will be first of its kind in the Faculty of Law, Jamia Millia Islamia. We expect it to have wider implications upon disability law related research in India.

(B) AIMS, OBJECTIVES AND JUSTIFICATIONS

Against this background, the proposed International Seminar on Socio Legal Aspects of Disability has been conceptualized with the basic objective of taking stock of the progress made by India in the sphere of law, and creates a space for discussion on all matters pertaining to legal issues concerning disability. Hence, this seminar is basically intended to open discussion in the following relevant areas--

- (i) Rights of Persons with Disabilities
- (ii) Disability Law in India
- (iii) Social Exclusion
- (iv) Gender Rights
- (v) Inclusive Education
- (vi) Access to Employment
- (vii) International Instruments and Practices
- (viii) Livelihood and Skill Development

C) SUBJECTS/ CONTENTS IDENTIFIED FOR DISCUSSION

The following themes/sub- themes are identified for extensive discussion at the National Seminar: (i) United Nation Convention on the Rights of Persons with Disabilities; (ii) Rights of Persons with Disabilities Act, 2016; (iii) Barriers Faced by People with Disabilities in Accessing Legal Recourse; (v) Involvement of Persons with Disabilities in Policy Making and Implementation Processes; (vi) Legal Disability Research; (vii) Social Exclusion and Discrimination; (viii) Gender Rights; (ix) Barriers, Issues and Challenges.

Overall the themes will be around Disability and Law: International Perspective, Disability and Law in India, Litigations, Disability Research, Socio-cultural Aspects of Disability, Exclusion and Inclusion, Disability and Education, and Disability and Technology.

Sub-Themes

1. Disability and Law: International Perspectives
2. Disability and Law in India
3. Affirmative Action and Disability
4. Legal Theoretical Frameworks and Disability Research

IMPORTANT DATES

Submission of Abstract	- August 10, 2017
Intimation of Selection of Abstract	-September 10, 2017
Submission of Full Paper	- October 10, 2017
Information of Selected Papers for Presentation	- October 24, 2017
Registration	- From October 10, 2017 to October 24, 2017
Last date of Registration (to present the paper and to attend the Seminar)	- October 29, 2017

Registration Fees:

1. *Single Author* - Rs. 800/-
2. *Double Author* - Rs. 1500/-
3. *Attendees* - Rs. 300/-

Submission guidelines for Abstract:

- Abstract in 300 words in word file with details of author, designation, affiliation etc.

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