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**BROCHURE FOR ONE DAY NATIONAL CONFERENCE ON CRITICAL REFLECTIONS ON DISABILITY SENSITIVE LEGAL ORDER: INDIAN SCENARIO, 26TH August, 2017**

**Sponsored by UGC**

**And  
 ORGANISED BY EQUAL OPPORTUNITY CUM ENABLING CELL, ILS LAW COLLEGE, PUNE.**

**BRIEF CONFERENCE STATEMENT**

With the adoption of UNCRPD, there is a paradigm shift in the approach of the political establishment dealing with persons with disabilities (herein after PWDs). Now there is growing recognition of the fact that disability is more a socially created barrier than a medical problem.

One of the main aims of this conference is to generate a critical and reflective discussion on problematizing ableistic notion of personhood underlying existing legal order. By using inputs from UNCRPD, we would insist for a transformation in the thinking of formation of legal orders and civil societies. It will be emphasized during the deliberations that over emphasis on rationality and normality as central criteria of personhood leads to exclusion of PWDs as a social group from the process of formation of society in general and legal order including constitution making in particular. We would also demonstrate by engaging with the critique of equality regime that how it is exclusionary in not paying adequate attention to the principle of rights enabling conditions and reasonable accommodation. We will insist that emphasis should not be on mere conferment of equal opportunities. The same must be genuine. To introduce genuineness in the notion of equal opportunities, assessment of risk factor has to be made and for the same inquiry has to be extended to gauge the level of disadvantage with which lives of PWDs are challenged.

We would also stress the importance of idea of social acceptance of PWDs by doing away with the tendency of ‘demonization of physical and mental disabilities’. E.g. Medical Termination of Pregnancy Act (Central Legislation) permits abortion of a disable foetus. We will problematize such provisions and illicit views on the controversial issue of respecting existence of PWDs on equal basis with ‘normal human beings’.

We would also critique the existing template of non-discrimination regime in our Constitution and by highlighting the words ‘or any of them’ as appearing in Articles 15(1), 15 (2) and 16(2). It will be submitted that by not paying adequate attention to these words, policy makers and judges alike have blocked the use of principle of intersectionality as a part of discrimination law in our Constitution. It goes without saying that disability being only one of the several other makers of social identity intersects with other grounds of disadvantage/ discrimination thereby relegating PWDs to several risks and denial of right of human dignity. In short, they are rendered in an extremely vulnerable position. UNCRPD therefore calls for socio-economic, cultural and legal transformation to bring hope for the PWDs.

## More than two decades have gone by after the enactment of The Persons with Disabilities (equal opportunities, protection of rights & full participation) Act 1995. Although it was the first major legislation recognising and protecting human rights of persons with disabilities, it failed to deliver the results on ground. However the appellate courts with their gloss by way of evolution of principles, doctrines and standards began to raise the hopes of rights of PWDs with recognition of their basic human rights.

## India being one of the pioneering states to have signed and ratified UNCRPD, it is under duty to incorporate obligations set forth in this Convention into her legal order. With this objective, recently the Parliament of India has enacted Rights of Persons with Disability Act, 2016.

## In the proposed One Day National Conference we intend to critically examine the major aspects of this law with special focus on equality, reasonable accommodation and the implement machinery conceived therein. Issues like relationship of transformative equality and Article 14 of Indian Constitution and viability of invocation of principle of reasonable accommodation in the field of public employment will require consideration and serious deliberation. It would also be imperative to enquire whether the implementation mechanism conceived under this law comports with the contingencies spelled out in Article 33 of the Convention.

With a view to attain these aims, following broad objectives can be conceived:

1. To generate discussion for exploring possibilities of revised theory of justice with potential to accommodate PWDs as a social group as part of mainstream society;
2. To critique the existing legal regime in general and constitutional order in particular from disability rights perspective with focus on India;
3. To problematize the existing template of antidiscrimination law regime in India and to suggest an alternative multi grounded and positive action oriented approach to the conception of non-discrimination;
4. To suggest best practices for enhancing social acceptance of PWDs;
5. To orient the audience with the contemporary vocabulary of disability rights jurisprudence with special emphasize on the notion of ‘reasonable accommodation’, ‘accessibility’, ‘universal design’, ‘right of independent living’.
6. Last but not the least, to suggest effective mechanisms for consciousness raising of able bodied community and to sensitize it with human rights of PWDs.
7. To analyse and critique Rights of Persons with Disabilities Act, 2016.

## The interested participants, faculty, students, lawyers, social activists can participate in the deliberations of this important conference through interventions during the discussions or by way of presentation of papers.

**DETAILS OF SESSIONS:**

We propose to divide the conference in four sessions- Two plenary sessions and two parallel sessions for presentation of papers by the participants.

SESSION 1: Exploring the contours of disability rights jurisprudence

PROPOSED RESOURCE PERSONS: Prof. Dr. M.P.Singh, Chancellor, Central University, Haryana & Director, Centre for Comparative Constitutional Law, NLUD

Prof. Dr. Kalpana Kannaviran, Director, Council of Social Development, Hyderabad.

PANEL OF EXPERTS: Dr.S.L.Deshpande, Former Head, Department of Law, RSTM University of Nagpur

Dr. Sanjay Jain, Associate Professor, ILS Law College, Pune

The main objective of this session is to problematize the existing exclusionary theory and to generate discussion for the evolution of an inclusive ad assimilative disability rights sensitive theory of justice. In this connection, inter alia, we would focus on capabilities approach evolved by philosophers like Martha Nusbum and Amartya Sen

SESSION 2: Reflections on key doctrines, standards and principles underlying disability rights jurisprudence

PROPOSED RESOURCE PERSONS: Dr.S.L.Deshpande, Former Head, Department of Law, RSTM University of Nagpur

Dr. Sanjay Jain, Associate Professor, ILS Law College, Pune

PANEL OF EXPERTS: Mr. Arvind Prabhu, Disability Rights Activist, Mumbai

Mr. Nilesh Singit, Disability Rights Activist, Mumbai

Due to time constraint, focus in this session would be on mainly two concepts- Reasonable accommodation and Right to accessibility.

PARALLEL SESSIONS:

Parallel session 1 is dedicated to a) Disability Rights Legal Theory and b) Right to access to justice of persons with disability.

Parallel session 2 is dedicated to the critique of Rights of Persons with Disability Act, 2016.

**EXPECTED OUTCOME:**

We expect to achieve following outcomes-

1. Sensitization of academia with the current developments in disability rights jurisprudence;
2. Creation of space for challenging existing exclusionary approach to the theory of justice;
3. Raising consciousness of PWDs and able bodied students alike about disability rights jurisprudence;
4. Active participation of able bodied students in this area of study;
5. Creation of platform for developing alternative disability rights sensitive vision to the study of legal theory and Constitutional Law.

[**Click Here**](https://ilslaw.edu/news/one-day-national-conference-critical-reflections-disability-sensitive-legal-order/) for more details of Call Papers.