

LEGALFOXES LAW TIMES**RIGHTS OF DISABLED PERSONS: A HUMANISTIC****APPROACH****Ms. Supreet Kaur, Ms. Sandipika and Ms. Pinky Bangarh****ABSTRACT**

The concept of Human rights began with the start of human civilization. Human rights are the inherent and indispensable rights of every human being, which are required and are an essential for her/his very existence and to live a dignified life. The theme of the article is to trace the origin and development of human rights with specific reference to the rights of the physically and mentally disabled persons. The researchers have made an effort in analyzing their contemporary status and rights in the society. Evidences of such rights can be found in Ancient India as well in the Rig Veda and the Atharva Veda. Human rights were important during the pre-independence era as well as after independence, though its horizons changed over time. It has been noticed that man has struggled for his existence and freedom from the beginning of human history and these struggles have paved the way to human rights. Thus, human rights are available to every individual including the 'disabled/differently abled' persons. However, due to indifferent attitude of the society and psychological barriers they have always been neglected. But with the passage of time as the human civilization developed, there have been efforts made at the national and international level for their welfare and protection. Even judiciary has time and again asserted the rights of physically and mentally disabled persons. They have received a rights-based approach through various laws and judgements along with the functioning of various social groups providing them medical, educational and psychological assistance. Thus, the horizons of law have expanded and provided a "human friendly environment" to the disabled persons and helped them in overcoming the barriers that impair their development.

Keywords: Disabled, Human Rights, Development, National and International laws, Judiciary.

Human rights are not a privilege conferred by government. They are every human being's entitlement by virtue of his humanity.

-Mother Teresa¹

INTRODUCTION

Generally, it is said that duty is an obligation and right is an entitlement. Rights and duties go hand in hand, so whenever there is a duty, there will be a corresponding right. There may be moral or legal duty or right.² Human rights are the basic and inherent rights and freedoms belonging to every human being in the world, from her/his birth until death. Human rights are available to every human being irrespective of age, caste, gender, region, religion, etc. These rights are indispensable; however reasonable restrictions can be imposed on the exercise of these rights.³ The basis of human rights is the dignity, respect and value for human life. These rights are known as human rights because of their universal nature. Unlike the special rights enjoyed by the specialized agencies and groups, human rights are available to each and every human being.⁴

MEANING AND DEFINITION OF HUMAN RIGHTS

¹Mother Mary Teresa Boiaxhin (August 26, 1910 – September 5, 1997)

²Mohd. Aqib Aslam, "Rights And Duties in the Light of Jurisprudence: An Overview", available at: <http://www.legalserviceindia.com/legal/article-1919-rights-and-duties-in-the-light-of-jurisprudence-an-overview.html> (visited on 22.06.2020)

³What are human rights?, available at: <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights> (visited on 21.06.2020)

⁴Human rights defined, available at: <https://www.humanrights.com/what-are-human-rights/> (visited on 21.06.2020)

The term 'human rights' denote a broad range of rights ranging from the right to life to right to cultural identity and involves all the basic prerequisites of a dignified human existence.⁵ They are the inalienable fundamental rights which are inherent in a person simply because, she/he is a human being.⁶ These are the norms which protect every individual from political, legal and social abuse at any place in the world.⁷ Human Rights have been defined differently by different authors. R.J. Vincent⁸ defined human rights as the rights which are available to every human being by virtue of her/his humanity and human nature. According to him, human rights are the moral rights to which every human being is equally entitled.⁹ Jack Donnelly defined them as the moral claims which are socially constructed and to which every human being is entitled only because of her/his being a human and are exercisable against the State and society.¹⁰ D.D. Basu¹¹ defined human rights as the rights, which an individual possesses against the State or public authority by virtue of her/his being a member of the human community, irrespective of age, gender, physical or mental health, etc.¹² As per Scott Davidson,¹³ there is a strong correlation between human rights concept and safeguarding the individuals from the Government actions in certain areas of life. The human rights are also directed towards the creation of certain conditions in the society by the State so that the individuals can fully develop their potential.¹⁴ Thus, the above definitions, unanimously clarify that human rights are an essential part of the life of every human being.



HISTORICAL EVOLUTION OF HUMAN RIGHTS

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⁵ Definitions and classifications, available at: <http://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/part-i-the-concept-of-human-rights/definitions-and-classifications> (22.06.2020)

⁶*Ibid.*

⁷ Human Rights, Stanford Encyclopedia of Philosophy, available at: <https://plato.stanford.edu/entries/rights-human/> (visited on 27.07.2020)

⁸ Raymond John Vincent (1943-1990), was a scholar of the [English school of international relations theory](#).

⁹ R. J. Vincent, "Introduction" in Vincent ed., *Foreign policy and human rights: Issues and responses* (Cambridge: Cambridge University Press, 1986), p. 3.

¹⁰ J. Donnelly, The Social Construction of International Human Rights, in Tim Dunne and Nicholas J. Wheeler, eds. *Human Rights in Global Politics* (Cambridge: University Press, 1999) p. 81.

¹¹ Durga Das Basu (1910-1997), was an Indian jurist and a lawyer.

¹² Quoted by Usha Ajithkumar, Human Rights Education, Himalaya Publishing House, (1st Edition), 2011, page 10

¹³ Scott Davidson (1968-2001)

¹⁴ Quoted by Nidhi Madan, "History and Development of Human Rights in India", *IOSR Journal Of Humanities And Social Science*, available at: <http://www.iosrjournals.org/iosr-jhss/papers/Vol.%2022%20Issue6/Version-9/A2206090106.pdf> (visited on 28.07.2020)

Although the expression ‘human rights’ is of recent origin but the idea of human rights is as old as human race. The roots of this concept can be found in the ancient doctrine of ‘natural rights’ founded by Natural Law School.¹⁵ According to the Natural Law, every individual is entitled to certain immutable rights known as human rights.¹⁶ Initially, people had rights only because they were members of a group, society and family, but the human rights are available to every individual.¹⁷

It has always been believed that the struggle to protect Human Rights began with formation of the United Nations and the promulgation of the Universal Declaration of Human Rights in the year 1948.¹⁸ But historical evidences show that the first human rights were declared in 539 BC by the Cyrus, the Great. It is known as “the Cyrus Cylinder” as it was a clay tablet containing his statements, which form the documentary evidence of human rights.¹⁹ Thus, the credit for the first human rights goes to Cyrus the Great, who after conquering the city of Babylon set all the slaves free. He also allowed them to return to their homes and choose the religion of their choice. Then in no time, the idea of human rights spread to India, Greece and Rome.²⁰

After this, the most important codified advances were made in the direction of Human Rights namely, **the Magna Carta, 1215** giving new rights to the people and making even the king as a subject of the law; **the Petition of Right, 1628** which also laid down the rights of the people; **the United States Declaration of Independence, 1776** which proclaimed the right to life, liberty and the pursuit of happiness; and **then a French document named as the Declaration of the Rights of Man and of the Citizen, 1789**, talked about equality of every citizen under the law.²¹

¹⁵Basu D.D., Human Rights in Constitutional Law, (1994), p. 5.

¹⁶S. K. Rungta, “Protection of Human Rights of People with Disabilities Through Legislative Support”, available at:<https://www.dinf.ne.jp/doc/english/asia/resource/z00ap/001/z00ap00110.html> (23.06.2020)

¹⁷ History of Human Rights, available at:<https://www.youthforhumanrights.org/what-are-human-rights/background-of-human-rights.html> (visited on 22.06.2020)

¹⁸Supra note 16.

¹⁹Anuradha Koneru, “ Indias Journey Towards the Establishment of Human Rights Courts”, available at:<http://www.legalserviceindia.com/legal/article-842-indias-journey-towards-establishment-of-human-rights-courts.html> (visited on 22.06.2020)

²⁰What are Human Rights?, available at:<https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx> (visited on 22.06.2020)

²¹Ibid.

Then it was after the World War II, the United Nations was established in the year 1945,²² and for the first time a total of thirty rights which every individual was entitled to were laid down in **the Universal Declaration of Human Rights, 1948.**²³ This was later on reiterated by numerous international conventions, declarations, covenants and resolutions on Human rights.²⁴

HUMAN RIGHTS IN INDIA

Though human rights' language is a product of European nations, but in Indian context, it is as old as Indian civilization. One can trace the concept of human rights from the Vedic period of the fifteenth century B.C. The facts and stories from the ancient India reveal that during the Vedic period the society irrespective of religion, was committed towards the human rights. During the Vedic period, Manu formulated the civil, legal and economic rights. Even the great Emperor Ashoka,²⁵ supported and worked for the protection of human rights. But with the decline of Mauryan Empire,²⁶ the human rights also faced a downfall.²⁷

The Medieval period, was the era of the Muslims. There were a series of social, cultural, political and religious rights recognized in the pre-Mughal period. But with advent of Mughals in India, the human rights were lost especially for the Hindus. It was only with the entry of Akbar, the Great,²⁸ that the social, religious and political rights were revived. Along with this the religious movements like the Bhakti movement²⁹ and the Sufi movement³⁰ contributed towards the emergence of the human rights.³¹

The Indian Modern period started with the advent of the British Empire. The Britishers suppressed the social, political, economic and religious rights of the Indians. They were denied

²²*Supra* note 17.

²³*Supra* note 20.

²⁴*Ibid.*

²⁵Ashoka (304 B.C. – 232 B.C.) was the third emperor of the Mauryan Dynasty, who ruled Indian Subcontinent from 268 B.C. to 232 B.C.

²⁶Mauryan Empire (322 B.C. – 185 B.C.) was founded by Chandragupta Maurya.

²⁷*Supra* note 14.

²⁸Abu'l-Fath Jalal-ud-din Muhammad Akbar (1542- 1605), the greatest Mughal Emperor who reigned from 1556-1605.

²⁹Bhakti Movement was started by Ramananda in the South India during the 7th to 8th Century BC.

³⁰Sufi Movement was a socio-religious movement in 14th to 16th Century.

³¹*Supra* note 14.

of even basic rights such as right to life, equality, etc. They started regulation of the Indian Administration by introducing the Regulating Act, 1773. Then with time the Indians started demanding their rights back and the first demand for the Fundamental Rights was via the Constitution of India Bill, 1895. Thereafter, between 1917 and 1919, there were a series of resolutions demanding civil rights and equality. In the year 1927, there took place a prominent development with the passing of the Common Wealth Bill of 1925, which consisted of seven fundamental rights. It is also known as the Nehru Report as it was chaired by Motilal Nehru. Second, achievement was the adoption of the Karachi Resolution by the Indian National Congress in 1931. In 1940's the activities of the United Nations increased towards the recognition of fundamental rights, which form a part of the human rights.

After India got independence, various laws were passed and suggestions made by different committees to expand the horizons of fundamental rights so that entire human community can be covered. Human Rights have been recognized in the Constitution of India in its Preamble, Fundamental Rights, Directive Principles of State Policy and the Fundamental Duties.³²

DEFINITION OF DISABILITY

Disability is a human condition and being a dynamic concept, it is difficult to give it a precise definition. Disability can be physical or mental, or can be by birth or developed at a later stage of life. According to the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the General Assembly in 1993, the term 'disability' refers to various functional limitations in any given population of any country of the world. People may be disabled by physically, intellectually or having sensory impairment, or suffering from any sort of mental illness. Any such disability can be either temporary or permanent.³³

The United Nations Convention on the Rights of Persons with Disabilities, 2006 (UNCRPD) states that 'disability is an evolving concept'.³⁴ According to it, Persons with disabilities include persons having long-term physical, mental, intellectual or sensory impairments which are

³²*Ibid.*

³³Stanley Mumuta, "The Legal Definition of Disability", available at: <https://journals.openedition.org/eastafrica/434#ftn1> (visited on 29.07.2020)

³⁴The United Nations Convention on the Rights of Persons with Disabilities, 2006, p.1

barriers in their leading a normal life and hinder their full, effective and active participation in the society on an equal basis with others.³⁵

INTERNATIONAL RECOGNITION OF RIGHTS OF PERSONS WITH DISABILITY

As discussed above, though the right to freedom and equality of the individuals has been recognized by the Universal Declaration of Human Rights, 1948, but it did not specifically cover people with disabilities, who also form a part of the world's population. They have been time and again denied opportunities in different spheres of life and even faced discrimination and isolation at the hands of the society. Most of the governmental policies had a passive approach towards them, as the main focus of the policy makers was industrialization. Thus, the people with disabilities took the struggle for their fundamental human rights of equality and of dignified life on themselves.³⁶

For the first time the rights of persons with disability were formally recognized by the International Labor Organization under the International Covenant in the Discrimination (Employment and Occupation) Convention, 1958. In order to meet the specific needs, the said Convention laid down special measures in favor of various disadvantaged groups, including people with disabilities.³⁷ On 20th December, 1971, the United Nations General Assembly made the first International Proclamation on the Rights of Mentally Retarded Persons which provided equal rights to them as are available at other citizens. It also recognized their right of development in every sphere of life along with medical care and physical therapy. But the persons with physical disabilities were still ignored.³⁸

In 1975, vide Declaration on the Rights of Disabled Persons, the United Nations General Assembly protected certain human rights of disabled persons, like right to human dignity,³⁹ right to enjoy same civil and political rights as other human beings,⁴⁰ right to medical treatment, social

³⁵*Ibid.*, p.4

³⁶*Supra* note 17.

³⁷ The Discrimination (Employment and Occupation) Convention, 1958, art. 5

³⁸*Supra* note 17.

³⁹Declaration on the Rights of Disabled Persons, 1975, para 3, available at:<https://www.equalrightstrust.org/content/un-declaration-rights-disabled-persons> (visited on 29.06.2020)

⁴⁰*Ibid.*, para 4

rehabilitation, education and vocational training,⁴¹ right to economic and social security along with a decent level of living,⁴² right of protection against any sort exploitation or discrimination,⁴³ etc.

INDIAN PERSPECTIVE ON THE RIGHTS OF PERSONS WITH DISABILITIES

Although, the United Nations recognized the rights of people with disabilities in 1975, still actions were required at the national level to guarantee these rights.⁴⁴ The Preamble of the Indian Constitution seeks to secure social, economic and political Justice, liberty, equality and fraternity to all its citizens. Part III of the Constitution deals with Fundamental Rights which are applicable to all its citizens including persons suffering from any sort of disabilities, even though they do not find any special and express mention either in the Preamble or Part III. However, the “handicapped and mentally retarded” persons have been expressly mentioned in the Constitution under Article 243-G, which provides for social welfare including the welfare of handicapped and mentally retarded persons, and Article 243-W which makes provision for the safeguard of the interests of the weaker sections including the handicapped and mentally retarded.⁴⁵

In India, a lot of social movements took place during the late 20th Century and the Disability Rights Movement was one of them.⁴⁶ Unlike Western Countries, where the Disability Rights Movement took pace during 1950s and people started challenging Governments by 1970s, in India the Disability Rights Movement was a battle between the individual rights and the rights of the society as a whole.⁴⁷ The most prominent developments in the Disability Rights Movement (DRM) in India took place during the last four decades.⁴⁸

⁴¹*Ibid.*, para 6

⁴²*Ibid.*, para 7

⁴³*Ibid.*, para 10

⁴⁴*Supra* note 17.

⁴⁵Constitution Confers Equal Rights to Persons with Disabilities: All you need to know about Divyangjan and Role of CCPD office in protecting their rights, *available at:* <https://www.indiatvnews.com/news/india-divyangjan-persons-with-disabilities-rights-under-constitution-ccpd-office-dr-kamlesh-kumar-pandey-392164> (visited on 28.06.2020)

⁴⁶Jagdish Chander, The Disability Rights Movement in India: Its Origin, Methods of Advocacy. Issues and Trends, *available at:* https://link.springer.com/chapter/10.1007/978-81-322-3595-8_10 (visited on 29.07.2020) OR

⁴⁷Martand Jha, “The History of India’s Disability Rights Movement”, *available at:* <https://thediplomat.com/2016/12/the-history-of-indias-disability-rights-movement/> (visited on 13.07.2020)

⁴⁸*Ibid.*

Before 1970, people with disabilities were looked down upon and considered as a burden on the society. They were treated as outcasts as people had the perception that their disability is due to the sins they committed in their previous life. They were forced to be beggars and upto the maximum they were allowed to be singers to earn their livelihood.⁴⁹ The demand for the rights of persons with disabilities started during early 1970s. Throughout the 1970s, various NGOs all over the nation came forward demanding the rights of the persons with different kinds of disabilities like visual impairment, hearing impairment, intellectual disabilities, etc. Many organizations and groups were being run for their welfare with the help of foreign aids and charity from those sections of the society who were economically well-off and were willing to help them.⁵⁰ Baba Amte,⁵¹ took initiatives for the rehabilitation and empowerment of people suffering with leprosy, which sensitized people regarding importance of the Disability Rights Movement and people started coming forward for the cause.⁵²

In 1980s there was a shift from the welfare model to the development model in the India policy framework. The disabled, who were only the recipients of charity during 1970s, were made participants in the development process. By the end of 1980s, the main focus was to provide medical assistance to such people and help them in leading a normal life to the maximum possible extent.⁵³ In the year 1986, the Government of India set up the Rehabilitation Council of India in order to regulate and standardize policies and programs for the training and rehabilitation of persons with disabilities. Then in 1987, the Mental Health Act was passed to regulate the standards in the mental health institutions. Despite of all these efforts there was not much significant change in the plight of the persons with disabilities.⁵⁴

During the last decade of the Disability Rights Movement, there was a drastic change in India. In 1995, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act was passed which provided and focused on more rights of such people.

The key features of the Act are as follows:

⁴⁹*Ibid.*

⁵⁰*Ibid.*

⁵¹Murlidhar Devidas Amte, (26 December 1914 – 9 February 2008) was an Indian social activist worked particularly for the rehabilitation and empowerment of people suffering from leprosy.

⁵²*Supra* note 47.

⁵³*Ibid.*

⁵⁴*Ibid.*

1. prevention and early detection of any sort of disability,⁵⁵ by conducting survey and research in order to know the reason behind its occurrence; training of the staff at the Primary Health Centers; annual screening of children; spreading awareness and pre-natal and post-natal care of the mother and the child.⁵⁶
2. Provision for education,⁵⁷ employment and training⁵⁸ and setting up institutions for the research and development⁵⁹ opportunities for such people.⁶⁰
3. Reservation up to three percent to the persons with disabilities in the educational institutions and Government jobs,⁶¹ as until 1995, they were not allowed to take up the higher grades in the government jobs.
4. The Act also provided classification of the disabilities on the basis of medical grounds.⁶²

The 2001 census was highly criticized by the activists working for the people with disabilities as it did not mention the accurate number of disabled persons. This inaccuracy in data leads to insufficient training and educational institutions and opportunities.⁶³ It was finally revealed by the 2011 census that there were around 26.8 people million people in India who suffer disability of one kind or the other, which formed the 2.21 percent of India's total population.⁶⁴

In 2006, the Union Government of India introduced a New Policy on Disability as an effort to meet and handle the condition of disabled persons in the society.⁶⁵ In the same year, United Nations Conference on the Rights of Persons with Disabilities was convened to ensure proper implementation of the rights of persons with disabilities. It contains fifty Articles covering various aspects of issues related to disability, which were reaffirmed by 160 member states

⁵⁵ The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, s. 25

⁵⁶ The Persons with Disabilities Act of 1995, simplified, available at: <https://yourstory.com/2016/05/disabilities-act-simplified#:~:text=The%20Act%20provides%20for%20both,allowance%20for%20the%20disabled%2C%20special> (visited on 23.06.2020)

⁵⁷ *Supra* note 55, s 26

⁵⁸ *Ibid*, s 38

⁵⁹ *Ibid*, ss. 48, 49

⁶⁰ Disability Rights Movement's History in India, available at: <https://medium.com/@ashabhavancentre/disability-rights-movements-history-in-india-7fb1f7399517> (visited on 27.07.2020)

⁶¹ *Supra* note 55, s. 33

⁶² *Supra* note 47.

⁶³ *Supra* note 56.

⁶⁴ *Supra* note 55, s 26

⁶⁵ *Supra* note 47.

including India in 2007.⁶⁶ India being a signatory to the United Nations Conference, 2006, it became mandatory for India to incorporate the principles of the Conference. Thus, on the basis of the principles of the United Nations Conference, amendments were made in the Act of 1995 and a new law known as the Rights of Persons with Disabilities Act, 2016 was passed. The Act of 2016 repealed the Act of 1995,⁶⁷ and stated that there should not be any kind of discrimination against persons with disabilities and their dignity should be maintained.⁶⁸

SALIENT FEATURES OF THE ACT OF 2016

1. It provided persons with disabilities into three categories, i.e. persons with benchmark disability,⁶⁹ persons with disability,⁷⁰ and persons with disability having high support needs.⁷¹
2. Identified twenty-one different categories of specific disabilities.⁷²
3. Prohibits any kind of discrimination against persons with disabilities except in case of necessity to fulfill any legitimate objective.
4. Imposes duty on the government to make necessary rules, laws and policies like, same equality, dignity and respect as that of normal people;⁷³ personal liberty;⁷⁴ right to live in a community;⁷⁵ access to polling stations⁷⁶ and electoral processes, any court, tribunal, authority, commission or body;⁷⁷ ownership and succession rights over property (movable or immovable);⁷⁸ etc. in order to protect their rights.

⁶⁶ Human Rights and Disability Laws in India, available at: <https://blog.ipleaders.in/disability-laws-in-india/> (visited on 23.06.2020)

⁶⁷ The Rights of Persons with Disabilities Act, 2016, s.102

⁶⁸ *Ibid.*, s. 3

⁶⁹ *Ibid.*, s. 2(r)

⁷⁰ *Ibid.*, s.2(s)

⁷¹ *Ibid.*, s.2(t)

⁷² Different Types of Disabilities: List of 21 Disabilities, available at: <https://wecapable.com/types-of-disabilities-list/> (visited on 29.07.2020)

⁷³ *Supra* note 68.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*, s. 5

⁷⁶ *Ibid.*, s. 11

⁷⁷ *Ibid.*, s. 12

⁷⁸ *Ibid.*, s. 13

5. Provides additional benefits like, free education (between the ages of 6 to 18 years),⁷⁹ reservation in educational institutions,⁸⁰ government jobs,⁸¹ etc.
6. Increase in reservations from three percent to four percent for persons with disabilities in Government job.⁸²
7. Provision for the establishment of special courts for speedy trials in case of violation of their rights.⁸³

JUDICIAL APPROACH TOWARDS THE RIGHTS OF PERSONS WITH DISABILITIES

In *Suchita Srivastava v. Chandigarh Administration*,⁸⁴ the Supreme Court said that under the Medical Termination of Pregnancy Act, 1971, for the termination of pregnancy of a rape victim her consent is mandatory, except Section 3(4)(a) which is applicable to a pregnant woman who is mentally ill. In this case, the Apex Court said that there is a distinction between 'mental illness' and 'mental retardation'. Thus, the consent of a mentally retarded woman cannot be done away with in case of question regarding the termination her pregnancy.

*Deaf Employees Welfare Association v Union of India*⁸⁵, the Supreme Court held that any sort of discrimination between blind persons and persons with hearing impairment is violative of Article 14 of the Constitution of India. In this case, the Court held both are performing same government functions and hence are entitled to equal benefits including amount of transportation allowance from the Government.

In [RajiveRaturi v. Union of India](#),⁸⁶ the Supreme Court issued directions to make the physical infrastructure of India ranging from railway stations to the government websites, that it is easily accessible to the blind. The Court also set out a time frame for compliance of these directions by the concerned authorities.

⁷⁹*Ibid*, s. 31

⁸⁰*Ibid*, s. 32

⁸¹*Ibid*, s. 34

⁸²*Ibid*, s. 34

⁸³*Ibid*, s. 84

⁸⁴2009 (9) SCC 1

⁸⁵Civil Petition 107 of 2011, decided on December 12, 2013.

⁸⁶Writ Petition (Civil) No. 243 of 2005, decided on 1st January, 2017

In [Disabled Rights Group v. Union of India](#),⁸⁷ the Supreme Court gave directions to all Government run or Government aided educational institutions to comply with the obligation to reserve at least 5% seats for the disabled persons. The institutions were also directed to send report to the concerned authorities set up under the Act of 2016. And further ordered the setting up of a committee to give suggestions on the physical infrastructure and teaching pedagogy to be adopted to make education accessible to the disabled within the stipulated time-frame.

CONCLUSION

The impairment of a person's cognitive, intellectual, physical or sensory ability, either by birth or at some later stage of life is known as disability. Every person born on earth is entitled to certain inherent rights and any sort of disability cannot take away such inherent rights. The persons with disabilities are spread all over the world and they experience violation of their human rights, discrimination and stigma at the hands of the society. To uplift them and to protect their rights efforts have been at the national and international level through various declarations and conventions. The Indian Courts have interpreted the laws keeping in view the welfare of such people. In spite of all such efforts, the disabled persons lag behind and are not provided equal rights and treatment in the society. We all need to develop a humanistic approach towards them as they are also the part of our society and are entitled to same and equal rights and participation available to other people.

"OUR MISSION YOUR SUCCESS"

⁸⁷Writ Petition (Civil) No. 292 of 2006, decided on 15th December, 2017