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## **DISABILITY RIGHTS MOVEMENT: INDIA AND BEYOND**

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### **ABSTRACT**

This paper provides an overview of the struggle for the Disability Rights Movement, tracing its origins and outcomes, as well as examining the framework of disability law both internationally and domestically. The Disability Rights Movement, which emerged in the late 1960s and early 1970s, aimed to secure equal rights and opportunities for people with disabilities, challenging societal stereotypes and discrimination. The paper highlights key milestones in the movement's history, including the establishment of educational institutions, the invention of Braille, the enactment of eugenic sterilization laws, and the election of Franklin D. Roosevelt as the President of the United States. The impact of the movement is explored, particularly in terms of legislative changes such as the Rehabilitation Act of 1973, the Individuals with Disabilities Education Act (IDEA) of 1975, and the Americans with Disabilities Act (ADA) of 1990. Furthermore, the paper discusses the broader goals of the movement, including promoting disability pride, improving accessibility, and addressing intersectionality. It also explores the efforts made internationally, such as the adoption of the Convention on the Rights of Persons with Disabilities (CRPD) in 2006. Finally, the paper examines the disability rights movement in India, emphasizing its focus on accessibility, international cooperation, employment opportunities, and self-representation, as well as significant legislative reforms like the Persons with Disabilities Act of 1995.

*“When one door of happiness closes, another opens; but often we look so long at the closed door that we do not see the one which has been opened for us.”*

- Hellen Keller.<sup>1</sup>

International Day for People with Disabilities is widely celebrated on the 3<sup>rd</sup> of December of each year<sup>2</sup>. It intends to create awareness concerning the rights of People with Disabilities. (Hereinafter PwD)

This paper intends to illuminate the struggle for the Disability Rights Movement, its origin, and its outcome along with the framework of Disability Law internationally and domestically.

### **I. Pre-Disability Rights Movement:**

The disability rights movement is a social and political movement that aims to secure equal rights and opportunities for people with disabilities<sup>3</sup>. It is a global movement that advocates for the rights of individuals with disabilities, challenging the stereotypes, discrimination, and barriers they face in society.<sup>4</sup>

The disability rights movement emerged in the late 1960s and early 1970s, fueled by the broader civil rights movements of the time. People with disabilities began to organize and demand recognition and equality, challenging the prevailing notions that viewed disability as a personal tragedy or a medical problem to be solved.<sup>5</sup>

However, the modern struggle for the Rights of PwD dates back to the early 19<sup>th</sup> century<sup>6</sup>. The following chart sets out the milestones conquered for and by PwD until a broad movement had begun.

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<sup>1</sup> Hellen Keller, *The Story of My Life*. (1903)

<sup>2</sup> Ref, World Health Organization, Information available at- [https://www.who.int/india/international-day-of-persons-with-disabilities#:~:text=International%20Day%20of%20Persons%20with%20Disabilities%20\(IDPD\)%20is%20observed,every%20year%20on%203%20December](https://www.who.int/india/international-day-of-persons-with-disabilities#:~:text=International%20Day%20of%20Persons%20with%20Disabilities%20(IDPD)%20is%20observed,every%20year%20on%203%20December).

<sup>3</sup> Duke University, Trinity College of Arts & Science, Disability Rights Movement, information available at- <https://socialmovements.trinity.duke.edu/movements/disability-rights-movement>

<sup>4</sup> Id.,3

<sup>5</sup> Anti-Defamation League, *A brief History Disability Rights Movement*, dated March 5, 2017, available at- <https://www.adl.org/resources/backgrounder/brief-history-disability-rights-movement>

<sup>6</sup> Id.,5

<b>1815-1817<sup>7</sup></b>
<b>In the United States, formal deaf education begins.</b>
In Hartford, Connecticut, Thomas H. Gallaudet establishes the Connecticut Asylum for the Education and Instruction of Deaf and Dumb Persons. It is America's first permanent school for the deaf.
<b>1829<sup>8</sup></b>
<b>The Raised Point Alphabet is invented by Braille.</b>
Louis Braille invents the raised point alphabet, which makes him famous today. His approach is not well recognised in the United States until more than 30 years after it is introduced at the St. Louis School for the Blind in 1860.
<b>1907<sup>9</sup></b>
<b>Enacted Eugenic Sterilisation Law for People with Disabilities</b>
Indiana becomes the first state to implement a eugenic sterilisation statute in state facilities, allowing "confirmed idiots, imbeciles, and rapists" to be sterilised. The law quickly spreads and is already in 24 additional states. Compulsory sterilisation is declared constitutional in 1927.
<b>1932<sup>10</sup></b>
<b>Franklin D. Roosevelt, a disabled person, was Elected President</b>
Franklin D. Roosevelt is elected President of the United States for the 32nd time and is re-elected for an unprecedented four terms. Roosevelt caught polio in August 1921 while vacationing on Campobello Island, New Brunswick, resulting in total and lifelong paralysis from the waist down. After becoming President, he advocates for the establishment of the

<sup>7</sup>Van Cleave, John V, Crouch, Barry A, A Place of their Own: Creating the Deaf Community in America (1989)

<sup>8</sup> J Alvin, Kugelmass (1951)

<sup>9</sup> Indiana Eugenics Law, 1907, Chapter 215

<sup>10</sup> FDR Library, FDR and Polio, by Amy Berish, available at- <https://www.fdrlibrary.org/polio>

National Foundation for Infantile Paralysis (later renamed the March of Dimes). FDR is memorialised on the dime in acknowledgement of his support for this organisation.

**1934 - 1940<sup>11</sup>**

**The National Federation of the Blind (NFB) Founded**

At the age of 23, Jacobus tenBroek, who has been blind since the age of 14, forms the California Council of the Blind (later renamed the National Federation of the Blind of California). This serves as a model for the national organisation he establishes six years later.

**1935<sup>12</sup>**

**The Social Security Act has been signed into law.**

President Franklin D. Roosevelt signs the Social Security Act, which establishes a permanent aid programme for persons with disabilities.

**1946<sup>13</sup>**

**National Mental Health Foundation Founded**

The National Mental Health Foundation is founded by American conscientious objectors from WWII who served as attendants at state mental institutions rather than serving in the war. The Foundation exposes the abusive conditions at these facilities and becomes an impetus toward deinstitutionalization.

**1947**

**National "Employ the Physically Handicapped Week," Washington, D.C.<sup>14</sup>**

<sup>11</sup> National Federation of the Blind, available at- <https://nfb.org/about-us/history-and-governance>

<sup>12</sup> Social Security Act, Title I & XIX

<sup>13</sup> National Institutes of Health, available at- <https://www.nih.gov/about-nih/what-we-do/nih-almanac/national-institute-mental-health-nimh>

<sup>14</sup> Press Release, National Archives, Govt. of USA, Proclamation for National Employ the Handicapped Week, dated Sept. 22, 1945, available at- <https://www.archives.gov/research/americans-with-disabilities/transcriptions/naid-6087935-proclamation-for-national-employ-the-handicapped->

The Presidential Committee organises public awareness initiatives, which are organised by state and municipal committees, to highlight the skills of persons with disabilities. The campaign employs movie previews, billboards, radio and television commercials to persuade the public that hiring individuals with disabilities is beneficial for business.

**Paralyzed Veterans of America organization founded<sup>15</sup>**

Paralyzed Veterans of America advocates for veterans of the [United States] armed forces who have experienced spinal cord injury. The organization promotes and protects the civil rights of veterans with disabilities.

**1950<sup>16</sup>**

**The ARC Champions Abilities of People with Intellectual Disabilities**  
 The Association for Retarded Citizens (ARC) was founded by parents of children with intellectual disability. The organisation strives to alter public view of intellectual impairment. The Arc, as it is now known, works to guarantee that the estimated 7.2 million Americans with intellectual and developmental disabilities have access to the resources and supports they require to grow, develop, and live in communities around the country.

**1954<sup>17</sup>**

**Brown v. Board of Education**

School segregation is abolished, and public schools are given permission to educate children with significant intellectual disabilities.

**II. Disability Rights Movement:**

One of the key catalysts for the disability rights movement was the deinstitutionalization movement, which sought to move individuals with disabilities out of large institutions and into

week.html#:~:text=%E2%80%9CThat%20hereafter%20the%20first%20week,of%20the%20Physically%20Handicapped%20week.

<sup>15</sup> Paralyzed Veterans of America, Mission Statement, available at- <https://pva.org/about-us/mission-statement/>

<sup>16</sup> The Arc, Our History, available at- <https://thearc.org/about-us/history/>

<sup>17</sup> Brown v. Board of Education, 347 US 483

community-based settings. This shift in thinking and policy laid the foundation for a broader movement focused on achieving social inclusion and full participation for people with disabilities.<sup>18</sup>

The disability rights movement gained momentum through grassroots activism and the efforts of organizations such as the National Federation of the Blind (NFB; established Nov 1940)<sup>19</sup> and the National Association of the Deaf (NAD; established August 25, 1880)<sup>20</sup> in the United States. These organizations, along with others, organized protests, demonstrations, and legal actions to bring attention to the issues faced by people with disabilities.

The movement's central principle is the concept of "nothing about us without us"<sup>21</sup>. This principle emphasizes the importance of including people with disabilities in decision-making processes that directly affect their lives. People with disabilities began to assert their voices and demand a seat at the table in discussions about policies, laws, and programs that impact them.

## **Impact of the Disability Rights Movement In America**

### **A) Legislative change**

Legislation played a crucial role in advancing the disability rights movement. In the United States, the Rehabilitation Act of 1973<sup>22</sup> and the Individuals with Disabilities Education Act (IDEA) of 1975<sup>23</sup> were significant milestones. These laws prohibited discrimination based on disability and provided opportunities for education, employment, and access to public services.

In 1990, the Americans with Disabilities Act<sup>24</sup> (ADA) was signed into law in the United States, representing a landmark achievement for the disability rights movement. The ADA prohibits discrimination against individuals with disabilities in employment<sup>25</sup>, public accommodations<sup>26</sup>,

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<sup>18</sup> Richard K Skotch, Politics and Policy in the History of Disability Rights, *The Milbank Quarterly*, Vol.67 Supp.2 (Part 2)

<sup>19</sup> National Federation of the Blind *Supra*. Note 11

<sup>20</sup> National Association of the Deaf, About us, available at- <https://www.nad.org/about-us/>

<sup>21</sup> James I. Charlton, *Nothing About Us Without Us: Disability Oppression and Empowerment* Ed. 1 (1998)

<sup>22</sup> Rehabilitation Act, 1973, 87 Stat. 355

<sup>23</sup> Individuals with Disabilities Education Act (IDEA), 1975, 104 Stat. 1142

<sup>24</sup> Americans with Disabilities Act, 1990, 104 Stat. 327

<sup>25</sup> *Id.*, 24, Title I

<sup>26</sup> *Id.*, 24, Title II

transportation<sup>27</sup>, and telecommunications<sup>28</sup>. It also requires reasonable accommodations to ensure equal access and opportunities for people with disabilities.

The ADA had a profound impact, not only in the United States but also internationally, serving as a model for disability rights legislation in other countries. Many nations have since adopted their own disability rights laws<sup>29</sup> and policies, inspired by the principles and achievements of the disability rights movement.

### **B) Beyond legislation**

Beyond legislation, the disability rights movement has focused on raising awareness and changing societal attitudes towards disability. Disability pride and identity have become important aspects of the movement<sup>30</sup>, challenging the notion that disability is something to be ashamed of or hidden. Advocates emphasize that disability is a natural part of human diversity and that society should embrace and celebrate the contributions and perspectives of people with disabilities.

The disability rights movement has also made significant strides in improving accessibility and removing barriers. Accessibility refers to the design of products, services, environments, and communication systems that can be used by people with disabilities. The movement has advocated for universal design principles to be incorporated into the planning and development of infrastructure, technology, and public spaces.

### **C) Changes in recent years**

In recent years, the disability rights movement has expanded its focus to include intersectionality, recognizing that individuals with disabilities may also face discrimination and marginalization based on their race, gender, sexuality, or socioeconomic status<sup>31</sup>. Intersectional approaches seek to address the unique experiences and challenges faced by individuals who

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<sup>27</sup> Id., 24, Title III

<sup>28</sup> Id., 24, Title IV

<sup>29</sup> See, E.g., Rights of Persons with Disabilities Act, 2016 in Republic of India.

<sup>30</sup> Nicola Martin, Disability Identity- disability pride, Perspective: Policies and Practices in Higher Education, Vol.16, Issue 1

<sup>31</sup> Liat Ben-Moshe and Sandy Magaña, An Introduction to Race, Gender, and Disability: Intersectionality, Disability Studies, and Families of Color, Women, Gender, and Families of Color, Vol. 2 No. 2

navigate multiple systems of oppression<sup>32</sup>.

The disability rights movement continues to evolve and tackle new challenges. It advocates for inclusive education, employment opportunities, accessible healthcare, independent living, and the right to make decisions about one's own life. It works to ensure that disability rights are recognized and protected at the local, national, and international levels.<sup>33</sup> The movement is rigorously working in the following realms for the betterment of the PwDs.

In the realm of education, the disability rights movement promotes inclusive practices that allow students with disabilities to access mainstream educational settings and receive appropriate support. It emphasizes the importance of reasonable accommodations, individualized education plans, and accessible learning materials to ensure equal educational opportunities for all.

Within the workforce, the movement advocates for equal employment opportunities and the elimination of discrimination in hiring, promotion, and retention practices. It emphasizes the value and capabilities of individuals with disabilities and encourages employers to create inclusive workplaces that accommodate diverse needs and provide the necessary support.

Access to healthcare is another critical area of focus for the disability rights movement. Advocates work to ensure that people with disabilities have equal access to quality healthcare services, including preventive care, specialized treatments, and accessible medical facilities. They challenge discriminatory practices, such as denial of services based on disability, and promote the development of accessible medical technologies and assistive devices.

The disability rights movement recognizes the importance of technology in enhancing the lives of people with disabilities. It promotes the development and adoption of assistive technologies that facilitate communication, mobility, and independent living. The movement also works to ensure that digital platforms, websites, and information and communication technologies are designed in an accessible manner, allowing equal access for individuals with disabilities.

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<sup>32</sup> David I. Hernández-Saca, Laurie Gutmann Kahn and Mercedes A. Cannon, Intersectionality Dis/ability Research: How Dis/ability Research in Education Engages Intersectionality to Uncover the Multidimensional Construction of Dis/abled Experiences, *Review of research in Education*, Vol. 42

<sup>33</sup> *Infra*. Later in this document.



The disability rights movement is not without its challenges. Attitudinal barriers, such as stereotypes, stigma, and unconscious biases, continue to hinder the full inclusion of people with disabilities. The movement strives to challenge these attitudes and promote disability awareness and acceptance within society.

Moreover, there is still work to be done in ensuring that disability rights laws and policies are effectively implemented and enforced. The disability rights movement advocates for strong enforcement mechanisms, accessibility audits, and the involvement of people with disabilities in monitoring and evaluating progress.<sup>34</sup>

### III. Efforts in the International realm: Convention on the Rights of PwD,2006

The Convention on the Rights of Persons with Disabilities (CRPD)<sup>35</sup> is an international human rights treaty adopted by the United Nations General Assembly in 2006. It is aimed at promoting, protecting, and ensuring the full and equal enjoyment of all human rights by persons with disabilities. It has 164 signatories including India. Here are some key features of the Convention:

1. **Non-discrimination:** The CRPD establishes the principle of non-discrimination, emphasizing that persons with disabilities should enjoy all human rights and fundamental freedoms without discrimination on the basis of disability. It prohibits all forms of discrimination and promotes equality of opportunity.<sup>36</sup>
2. **Accessibility:** The Convention recognizes the importance of accessibility in various aspects of life, including physical environments, transportation, information, and communication. It calls for the removal of barriers and the promotion of accessible technologies and services to enable persons with disabilities to fully participate in society.<sup>37</sup>
3. **Right to life:** The CRPD affirms the equal right to life of persons with disabilities, recognizing that they should not be subjected to arbitrary deprivation of life. It

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<sup>34</sup> Doris Zames Fleischer Frieda Zames, *The Disability Rights Movement: From Charity to Confrontation*, Temple University Press (2011)

<sup>35</sup> The Convention on the Rights of Persons with Disabilities, 30 March 2007, A/RES/61/106

<sup>36</sup> *Id.*, 35, Article 5

<sup>37</sup> *Id.*, 35, Article 9

emphasizes the need to ensure effective measures to protect their right to life and safety.<sup>38</sup>

4. Personal autonomy and independent living: The Convention recognizes the right of persons with disabilities to live independently and be included in the community. It calls for the provision of necessary support services, such as personal assistance, to facilitate their full participation and integration.<sup>39</sup>
5. Inclusive education: The CRPD recognizes the right of persons with disabilities to education on an equal basis with others. It emphasizes the importance of inclusive education systems that provide reasonable accommodations and support to ensure effective learning and equal opportunities.<sup>40</sup>
6. Accessibility to justice: The Convention highlights the need to ensure access to justice for persons with disabilities. It calls for the provision of reasonable accommodations, such as accessible information and communication, to enable their effective participation in legal proceedings.<sup>41</sup>
7. Employment and work: The CRPD promotes the right of persons with disabilities to work, earn a living, and enjoy equal employment opportunities. It emphasizes the importance of eliminating discrimination and providing reasonable accommodations to enable their full participation in the workforce.<sup>42</sup>
8. Participation in decision-making: The Convention recognizes the right of persons with disabilities to participate in decision-making processes that affect their lives. It calls for their involvement in policy and program development, as well as the establishment of organizations to represent their interests.<sup>43</sup>
9. Awareness-raising and accessibility of information: The CRPD emphasizes the importance of raising awareness about the rights and capabilities of persons with disabilities. It calls for the promotion of accessible information formats, such as Braille,

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<sup>38</sup> Id., 35, Article 10

<sup>39</sup> Id., 35, Article 19

<sup>40</sup> Id., 35, Article 24

<sup>41</sup> Id., 35, Article 13

<sup>42</sup> Id., 35, Article 27

<sup>43</sup> Id., 35, Article 29 and 30

sign language, and easy-to-read materials, to ensure the dissemination of information to all.<sup>44</sup>

10. International cooperation: The Convention promotes international cooperation to support the implementation of its principles and provisions. It encourages the sharing of best practices, technical assistance, and capacity-building among states to advance the rights of persons with disabilities.<sup>45</sup>

#### **IV. Disability Rights Movement in India:**

The disability rights movement in India gained momentum in the late 20th century. Prior to that, people with disabilities faced significant discrimination and exclusion from society. Disability was often seen as a personal tragedy rather than a social issue.<sup>46</sup>

The disability rights movement in India has been a significant force in advocating for the rights and inclusion of people with disabilities. The national movement on disability rights dates back to 1980.<sup>47</sup> For the first time, my organization, the National Federation of the Blind (NBF; established in 1970), organized a demonstration demanding legislation on the rights of PwD in general and the blind in particular - in the areas of employment and education.<sup>48</sup> The movement has aimed to challenge societal attitudes, promote equal opportunities, and secure legal protections for individuals with disabilities. It has goals inspired by the Disability Rights movement in America and various international legislation<sup>49</sup>, such as-

1. Accessibility and Inclusion: A key focus of the disability rights movement has been on accessibility and inclusion. Efforts have been made to ensure accessible infrastructure, transportation, education, and employment opportunities for people with disabilities. Campaigns have been launched to sensitize society and change attitudes towards disability.
2. International Cooperation: The disability rights movement in India has also been connected to global efforts for disability rights. India ratified the United Nations

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<sup>44</sup> Id., 35, Article 8 and 9

<sup>45</sup> Id., 35, Article 32 and 37

<sup>46</sup> Nilika Mehrotra, Disability Rights Movements in India: Politics and Practice, Vol. 6 Issue 6, Feb. 5, 2011

<sup>47</sup> Id., 46

<sup>48</sup> National Federation of the Blind of India, About, available at- <http://www.nfbindia.org/>

<sup>49</sup> See, Convention on Rights of PwDs, 2006

Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007, which further emphasized the rights and inclusion of individuals with disabilities. The movement has actively engaged with international organizations, sharing experiences and learning from global best practices.

3. **Employment Opportunities:** The movement has advocated for equal employment opportunities for persons with disabilities. Efforts have been made to encourage private and public sector companies to adopt inclusive employment practices, eliminate discrimination, and provide reasonable accommodations to employees with disabilities.
4. **Empowerment and Self-Representation:** The disability rights movement has emphasized the importance of self-representation and the meaningful participation of persons with disabilities in decision-making processes. Self-advocacy groups and platforms have been created to amplify the voices of individuals with disabilities and ensure that their perspectives are taken into account.

#### **A) Legislative reforms in dpast:**

The disability rights movement in India has been instrumental in advocating for legislative reforms to ensure equal rights, opportunities, and inclusion for persons with disabilities. Over the years, several significant legislative measures have been introduced to protect and promote the rights of people with disabilities in India. Here are some key legislative reforms in the disability rights movement:

1. **Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995<sup>50</sup>:** This was the first comprehensive legislation in India addressing the rights of persons with disabilities. It defined disabilities<sup>51</sup>, mandated equal opportunities<sup>52</sup>, protection against discrimination<sup>53</sup>, and provided for affirmative action measures<sup>54</sup>.

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<sup>50</sup> Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, available at- <https://liddashboard.legislative.gov.in/sites/default/files/A1996-1.pdf>

<sup>51</sup> Id., 50, Chapter I, Sec. 2

<sup>52</sup> Id., 50, Section 28

<sup>53</sup> Id., 50, Chapter VIII

<sup>54</sup> Id., 50, Chapter VII

2. Inclusive Education: There has been a growing emphasis on inclusive education in India. The Right to Education Act (2009)<sup>55</sup> mandates free and compulsory education for children with disabilities in an inclusive setting. Efforts have been made to provide accommodations, support services, and training for teachers to ensure that students with disabilities can access quality education on an equal basis with their peers.
3. National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999: This Act established the National Trust to enable legal guardianship, provide support, and promote the welfare of persons with autism, cerebral palsy, mental retardation, and multiple disabilities.<sup>56</sup>
4. Rehabilitation Council of India Act, 1992: This Act established the Rehabilitation Council of India (RCI), which regulates the training of professionals and personnel working in the field of rehabilitation and special education.<sup>57</sup>

#### **B) Beyond Legislation:**

Various advocacy groups and organizations have played a crucial role in the disability rights movement in India. Organizations such as the National Centre for Promotion of Employment for Disabled People (NCPEDP; established in 1996), Disabled Rights Group (DRG), and National Association of the Deaf (NAD; founded in 2005) have been actively involved in raising awareness, lobbying for policy changes, and empowering individuals with disabilities.

Moreover, the representation of people with disabilities in the media and entertainment industry has improved. Films, TV shows, and advertisements now feature more diverse and inclusive portrayals of disability. This increased representation helps challenge stereotypes, promotes empathy, and encourages a more inclusive perception of disability in society. Few movies have highlighted the woes of the disabled.<sup>58</sup>

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<sup>55</sup> The Right to Education Act, 2009, Act 35 of 2009.

<sup>56</sup> National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities Act, 1999, Chapter II, Section 3

<sup>57</sup> Rehabilitation Council of India Act, 1992, Chapter III

<sup>58</sup> Sameer Boray, Depiction of Disabilities in Movies: Disability Portrayal in the Media Through the Eyes of Bollywood and Hollywood, Social Science Research Network, dated 22 Jan 2020

### C) Changes in recent years:

**There are significant changes that have taken place in the last few years.**

Accessible India Campaign (Sugamya Bharat Abhiyan), launched in 2015, is an initiative that aims to make public spaces, transportation, and information and communication technology accessible for persons with disabilities. It includes provisions for making buildings accessible, providing accessible transportation, and ensuring accessible websites and mobile applications.<sup>59</sup>

Another major initiative is the Rights of Persons with Disabilities Act, 2016<sup>60</sup> is an Indian legislation that aims to ensure equal opportunities, protection of rights, and full participation of persons with disabilities in various aspects of life. The act was enacted by the Parliament of India and came into effect on December 31, 2016. It replaced the earlier law, the Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995<sup>61</sup>.

#### **Here are some key features of the Act:**

1. **Definitions:** The act provides a comprehensive definition of disability, including physical, intellectual, mental, and sensory impairments. It recognizes 21 categories of disabilities.<sup>62</sup>
2. **Rights and entitlements:** The act guarantees certain rights and entitlements to persons with disabilities, including the right to equality, non-discrimination, and protection from exploitation and abuse.<sup>63</sup>
3. **Reservation in education and employment:** The act mandates a certain percentage of seats in educational institutions and reservations in government jobs for persons with disabilities.<sup>64</sup>

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<sup>59</sup> Accessibility India Campaign, Govt. of India, available at-  
<https://disabilityaffairs.gov.in/content/page/accessible-india-campaign.php>

<sup>60</sup> THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016, Act 49 of 2016

<sup>61</sup> Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995, Act 1 of 1996

<sup>62</sup> Id., 60, Chapter I, Section 2

<sup>63</sup> Id., 60, Chapter II

<sup>64</sup> Id., 60, Chapter VI, Sec. 34, also see, Chapter III and IV

4. Accessibility: The act emphasizes the importance of accessibility in public places, transportation, and information and communication technologies. It requires the government and other authorities to take measures to ensure barrier-free access.<sup>65</sup>
5. Special provisions for women and children: The act includes specific provisions to address the needs and concerns of women and children with disabilities, including protection from violence, abuse, and exploitation.<sup>66</sup>
6. Rehabilitation and support: The act emphasizes the promotion of rehabilitation services, assistive devices, and barrier-free access to public facilities to enhance the independence and quality of life of persons with disabilities.<sup>67</sup>
7. Legal capacity and guardianship: The act recognizes the legal capacity of persons with disabilities and provides for the appointment of guardians only when necessary and in a manner that respects the rights and choices of the person.<sup>68</sup>
8. Grievance redressal: The act establishes authorities and mechanisms for the redressal of grievances related to the rights of persons with disabilities.<sup>69</sup>

Mental Healthcare Act, 2017<sup>70</sup> is equally important. While not exclusively focused on disabilities, this Act decriminalized suicide and provided provisions for the protection<sup>71</sup>, treatment, and rehabilitation of persons with mental illnesses<sup>72</sup>, including their right to access mental healthcare services.<sup>73</sup>

However, it's important to note that implementation and enforcement of these laws remain a challenge. Efforts are ongoing to ensure better implementation and create a more inclusive society for persons with disabilities.

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<sup>65</sup> Id.,60, Chapter II

<sup>66</sup> Id.,60 Chapter II, Sec. 4

<sup>67</sup> Id.,60, Chapter V

<sup>68</sup> Id.,60, Chapter II, Sec. 13 and 14

<sup>69</sup> Id.,60, Chapter XII and XIII.

<sup>70</sup> Mental Healthcare Act, 2017, Act 10 of 2017

<sup>71</sup> Id., 69, Chapter XVI, Sec. 115

<sup>72</sup> Id., 69, Chapter II

<sup>73</sup> Id., 69, Chapter V, Sec. 18

**Important Judgements:**

1. *Vishakha v. State of Rajasthan*<sup>74</sup> (1997): This landmark case led to the establishment of guidelines known as the Vishakha Guidelines, which provided a framework for preventing and addressing sexual harassment in the workplace. The case recognized the vulnerability of women, including women with disabilities, and emphasized the need for a safe working environment.
2. *National Federation of the Blind v. Union Public Service Commission*<sup>75</sup> (2013): In this case, the Supreme Court of India directed the Union Public Service Commission (UPSC) to provide appropriate assistance and accommodations to visually impaired candidates appearing for the Civil Services Examination. The ruling highlighted the importance of ensuring equal opportunities for persons with disabilities in competitive examinations.
3. *In the case of Disabled Rights Group v. Union of India*<sup>76</sup> & *Rajive Raturi vs. Union of India*<sup>77</sup>: The Supreme Court directed the government to ensure reservation for the PwDs.

**V. Crime against PwDs: Omnipresent!**

Crimes against people with disabilities, also known as disability hate crimes or disability-related violence, refer to any criminal acts that are targeted specifically at individuals with disabilities. These crimes can take various forms and can be motivated by prejudice, discrimination, or hostility towards people with disabilities. Some common examples of crimes against people with disabilities include physical assault, verbal abuse, harassment, bullying, theft, sexual assault, and vandalism.<sup>78</sup>

It is important to recognize that these crimes not only cause physical and emotional harm to the victims but also perpetuate social stigmatization and marginalization of people with

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<sup>74</sup> *Vishakha and others v state of Rajasthan*, AIR 1997 SC 3011

<sup>75</sup> *National Federation of the Blind v. Union Public Service Commission*, 1993 AIR 1916

<sup>76</sup> *Disabled Rights Group v. Union of India*, WRIT PETITION (CIVIL) NO. 292 OF 2006

<sup>77</sup> *Rajive Raturi vs. Union of India*, WRIT PETITION (CIVIL) NO.243 OF 2005

<sup>78</sup> World Health Organization, Violence against adults and children with disabilities, available at-  
<https://web.archive.org/web/20131109190956/http://www.who.int/disabilities/violence/en/>



disabilities. Such acts violate the basic human rights and dignity of individuals and can have long-lasting effects on their well-being and quality of life.<sup>79</sup>

Efforts have been made in many countries to address and prevent crimes against people with disabilities. Legislation and policies have been enacted to ensure legal protection, enhance reporting mechanisms, and promote awareness and understanding of disability-related crimes. Law enforcement agencies, disability organizations, and advocacy groups work together to raise awareness, support victims, and prosecute perpetrators.

If you or someone you know is a victim of a crime or needs assistance, it is important to report the incident to the appropriate authorities, such as the police, and seek support from local organizations or helplines that specialize in supporting individuals with disabilities. A few such cases include-

1. Disability Home Invasion (United States, 2017)<sup>80</sup>: In Chicago, a young man with an intellectual disability was held captive and tortured for several hours by four individuals who live-streamed the assault on Facebook. The perpetrators verbally abused and physically assaulted the victim, making derogatory comments about his disability. The incident received widespread media attention and sparked outrage, leading to arrests and criminal charges against the attackers.
2. Sagamihara Attack (2016)<sup>81</sup>: 19 persons with intellectual disabilities were killed and 24 persons with intellectual disabilities were injured by a man using knives. It took place at a prefectural residential institution and the alleged killer was a former employee who had drug issues and espoused ableist ideas against persons with disabilities.
3. Disability Hate Crime in Australia (2023)<sup>82</sup>: A young man with autism is suffering severe mental stress after being told to “get off the f\*\*\*\*\* train”, then kicked and

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<sup>79</sup> Krnjacki Lauren, Emerson Eric, Llewellyn Gwynnyth, Kavanagh Anne M. (2016) Prevalence and risk of violence against people with and without disabilities: findings from an Australian population-based study, Australian and New Zealand Journal of Public Health, Vol.40 Issue 1, dated Feb. 2016

<sup>80</sup> CBS News Chicago, available at- <https://www.cbsnews.com/chicago/news/handicapped-man-victim-of-home-invasion/>

<sup>81</sup> Osamu Nagase, Sagamihara Attack and Challenges of Community-Living, Vivendi Journal No.10, available at- <https://www.ritsumeai-arsvi.org/en/wp-content/uploads/sites/2/2019/02/Sagamihara-Nagase.pdf>

<sup>82</sup> 7 News, Australia, available at- <https://7news.com.au/news/crime-melbourne/lilydale-train-assault-leaves-man-with-autism-injured-as-victoria-police-search-for-offender-c-9009986>

punched in Melbourne”.

4. Murder of Bijan Ebrahimi (United Kingdom, 2013)<sup>83</sup>: Bijan Ebrahimi, an Iranian refugee with disabilities, was subjected to years of harassment and abuse by his neighbours in Bristol. He was falsely accused of being a paedophile and endured physical attacks and threats. In a tragic turn of events, Bijan was beaten to death and his body was set on fire. The case shed light on the failure of authorities to respond adequately to his pleas for help and the devastating consequences of disability-related hate crimes.
5. Assault on Disabled Teenagers (United States, 2017)<sup>84</sup>: In Chicago, a mentally disabled teenager was kidnapped, bound, and assaulted by four individuals who streamed the ordeal on Facebook Live. The attackers racially taunted the victim, made derogatory comments about his disability, and cut his scalp with a knife. The incident received national attention and highlighted the intersections of disability, race, and hate crimes.

Unfortunately, such incidents do take place in India as well, with very few of them getting reported. One such reported incident are as follows:

1. Rape and Murder of a Woman with Intellectual Disability (2022)<sup>85</sup>: In Chennai, a woman with an intellectual disability was raped by a group of men. The incident highlighted the vulnerability of individuals with disabilities to sexual violence and the need for improved safety measures and support services.

A fact that should haunt every citizen is that in India a child is sexually abused every 15 minutes as per reports by the reputed organisation Child Rights & You (CRY).<sup>86</sup>

These incidents demonstrate the challenges faced by people with disabilities in India and the importance of strengthening legal protections, raising awareness, and improving support services to ensure their safety and well-being. Efforts are being made by activists,

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<sup>83</sup> Disability News Service, See also BBC, available at- <https://www.disabilitynewsservice.com/murdered-disabled-refugee-was-repeatedly-failed-by-council-and-police/>

<sup>84</sup> CBS Chicago, available at- <https://www.cbsnews.com/chicago/news/facebook-live-torture-guilty-plea-mentally-disabled-teen/>

<sup>85</sup> The Times of India, dated May 20,2022, available at- <https://timesofindia.indiatimes.com/city/chennai/three-men-held-for-raping-mentally-challenged-woman/articleshow/91674150.cms>

<sup>86</sup> The Wire, Ignoring Sexual Abuse of Disabled Children Shows India’s Lack of Commitment, available at- <https://thewire.in/rights/ignoring-sexual-abuse-of-disabled-children-shows-indias-lack-of-commitment>

organizations, and the government to address these issues and promote inclusivity and equality for people with disabilities.

In conclusion, the disability rights movement, which emerged in the late 1960s and early 1970s, has played a crucial role in advocating for equal rights and opportunities. From legislative changes to societal shifts in perception, the movement has made significant strides in promoting inclusivity and empowerment. The Convention on the Rights of Persons with Disabilities has provided a framework for global cooperation in advancing disability rights. In India and worldwide, the disability rights movement has fought for legislative reforms and societal inclusion, addressing issues of accessibility, employment, and self-representation. While challenges persist, the movement continues to work towards ensuring that the rights of people with disabilities are recognized and protected worldwide.