

DISABILITY

A Journey From Welfare To Right



Editors

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Dr. Neha

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Human Rights of Disabled Person in A Globalized World: *A Critical Analysis*

*Mirza Juned Beg**
*Mohd Sufiyan Khan***

I Introduction

"Injustice anywhere is a threat to justice everywhere"

Martin Luther King

The term handicap originated and popularly believed to have derived from the phrase "*cap in hand*" referring to the medieval custom where the beggars would extend their cap to receive the handouts. It in fact is a derogatory term. Disability of people for physical challenges from birth now euphemistically called as *divyang*. Like a normal individual a disabled person has the capacity to think, feel and act as a normal individual and thus deserves equal status and opportunity in the society. The term disabled should be pronounced as differently-abled meaning thereby to fulfil the basic nuances of human needs their way of doing is different. Unlike a normal human being the disabled person also has the same physical needs of food, shelter, sense of belonging, love, care, affection and opportunity for new experiences and personal growth. However, they are considered to be second-class citizens in the eyes of laymen. The normal tendency among them is to view disability as a source of ineffectiveness, charity and sympathy, etc. Throughout history, the disabled have been labelled, marginalised and discriminated against in almost all the societies.

Persons with disabilities face discrimination, impartiality and barriers that poses restriction on them from participating in normal functioning of the society on an equal basis with others every day. They are commonly denied their rights to be included in the general school system and the workplace, to live independently in the community, to vote, to participate in sport and cultural activities, to enjoy social protection, to access justice, to choose medical treatment and to enter freely into legal affairs such as sale and purchase of the property. Although the enactment of the *Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995* in India, the basic concerns of the disabled individuals-such as, accessibility, education and employment were in the vague state.

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ABOUT THE BOOK

The Book "Disability: A Journey of Welfare to Right", is a collection of excellent pieces on disability laws and policies at the national and international level. This monumental work is a comprehensive exploration of the legal frameworks, policies, and jurisprudence surrounding disability rights. Drawing on the expertise of eminent legal scholars, practitioners, and activists, this book covers a wide range of topics, offering critical insights into the challenges, advancements, and future prospects in the field.

Encompassing a diverse array of disability-related topics, the book examines National Education Policy 2020 and its impact on inclusive education for persons with disabilities, with a special focus on the North-East region, right to higher education of persons with disabilities, disability movements, sexual and reproductive rights for women with disabilities, disability inclusive disaster management, forced sterilization, employment rights, mental health law, sports empowerment, intellectual property rights, access to justice, and the inter sectionality of disability and gender identity.

The objective of this book is to equip legal professionals, scholars, policymakers, and advocates with a thorough understanding of disability rights at the national and international level. Through collective engagement and concerted efforts, we hope to contribute to an inclusive society that upholds the rights and dignity of all individuals, regardless of their abilities.

ABOUT THE EDITORS



Professor (Dr.) V. K. Ahuja is Senior Professor at the Faculty of Law, University of Delhi. Professor Ahuja is presently on deputation as **Vice-Chancellor of National Law University and Judicial Academy, Assam**. He has also served as **Joint Director of Delhi School of Public Policy and Governance**, established under Institute of Eminence (IOE), University of Delhi (2020-2022). He has also served as **Professor In-charge of Law Centre-II, Faculty of Law, University of Delhi, Delhi (2017-2020)**.

He was awarded **First Prize** in the *Fifth South Asian Teaching Section on International Humanitarian Law and Refugee Law* organized jointly by the International Committee of the Red Cross and the United Nations High Commissioner for Refugees in 2003.

He has written five books on Intellectual Property Rights, International Law, and Mediation, and two Volumes of Halsbury Annotated Statutes of India on IPRs. He has also edited a book on Human Rights and co-edited six more books on the subject of Legal Education, Intellectual Property Rights, Human Rights and Mediation. He has published more than 50 articles in the UGC Care list Journals and International and National journals of repute.

He has also been appointed as Nominee of the UGC Chairman in the Search Committee for the appointment of Vice Chancellor of the State university in Tamil Nadu, and Member of the UGC Committee to Frame Guidelines for Introduction of Courses on Law for Holistic and Multidisciplinary Education in 2022.



Dr. Neha is an Assistant Professor at Campus Law Centre, Faculty of Law, University of Delhi. She holds B.A. LL.B degree From Mahatma Jyotiba Phule University, Rahtak and LL.M. degree from Kurukshetra University, Kurukshetra with specialization in Corporate Law. She obtained her Ph.D. degree from Faculty of Law, University of Delhi. She has published several papers in reputed journals on diverse legal issues. In addition, she has also contributed chapters to several books.

She has attended many national and international seminars and conferences. She has delivered numerous lectures at various prestigious institutions and universities. Dr. Neha has also worked as an Adjunct Faculty in National Law University and Judicial Academy, Assam. Her areas of interest include Disability Laws, Family Law, Law of Contract and Property Law.



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