

Advancing Disability Rights in India: From Fragmented Movements to Inclusive Policies

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ABSTRACT

A disability is characterized by a malfunctioning, disturbance, or loss in the normal functioning of physical, mental, or psychological processes. The disability rights movement, influenced by political ideologies such as dignity, autonomy, and freedom of thought and expression, gained momentum during the 1960s and 70s. In the 1990s, disability rights activism found collective expression through the involvement of non-governmental organizations (NGOs). In India, the enactment of the Convention on the Rights of Persons with Disabilities (CRPD) in 2008 transformed the discourse surrounding disabilities. Despite the presence of welfare-based disability laws in India, notably the Persons with Disabilities (PWD) Act, several deficiencies persist. The disparity between the requirements of people with disabilities and the availability of essential services stems from widespread poverty and deeply ingrained social stigmas. Insufficient implementation of existing laws and guidelines exacerbates the challenges faced by individuals with physical and mental disabilities, affecting various aspects of their daily lives. This research aims to critically examine the rights of people with disabilities in India, focusing on legal issues and inclusion. By analyzing the legislative response to the protection of disability rights, the study seeks to shed light on the effectiveness and shortcomings of existing laws. The research will contribute to a comprehensive understanding of the obstacles faced by individuals with disabilities in their pursuit of equal rights, and will explore avenues for improving their inclusion and well-being within the legal framework.

Introduction

The disability rights movement emerged during the 1970s, though it initially lacked unified organization and cohesive demands. However, in the 1980s, various disability groups and individuals began consolidating their demands and

came together under a cross-disability umbrella to represent the interests of disabled individuals.¹ This period also

¹This text provides general information Statista assumes no liability for the information given being complete or correct Due to varying update cycles & Statistics Can Display More up-to-Date Data Than Referenced in the Text, *Topic: Disabilities in India*, STATISTA, <https://www.statista.com/topics/8278/disabilities-in-india/> (last visited May 14, 2023).

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witnessed the establishment of numerous non-governmental organizations (NGOs) working in the disability sector, further propelling the disability rights movement forward.

A significant turning point for the movement came in 1995 when disabled individuals started gaining visibility in educational institutions and government services.² This shift led to the recognition of disability as a human rights issue and the momentum of the movement increased. The United Nations (UN) played a crucial role in promoting disability rights through initiatives such as the International Year of Disabled Persons in 1981 and the United Nations Decade of Disabled Persons from 1983 to 1992. These efforts aimed to raise awareness and address the rights of disabled individuals on a global scale.

Another significant development was the adoption of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in 2006.³ This convention marked a significant step forward in recognizing persons with disabilities as “subjects with rights” rather than “objects of charity.” India signed and ratified the UNCRPD in 2007, affirming its commitment to upholding the rights of disabled individuals.⁴

The 2030 Agenda for Sustainable Development, a global commitment, emphasizes the principle of “leaving no one behind” and recognizes that persons with disabilities should not only be beneficiaries but also agents of change. However, despite these advancements, attitudinal, institutional, and infrastructural barriers still hinder the full inclusion and participation of disabled individuals. According to the World Bank, approximately 15% of the world’s population experiences some form of disability, and as a group, they are more likely to face adverse socioeconomic outcomes compared to those without disabilities.⁵

Within the National Federation of the Blind (NFB), two significant developments occurred in the late 1980s that shifted its focus towards advocating for disability rights legislation. These developments included a successful special recruitment drive aimed at providing employment opportunities for blind individuals and the submission of the Justice Baharul Islam Committee Report, which strongly recommended the enactment of a disability law.

² Dr Sanjit Kumar Chakraborty, *Disability Rights in India: A Paradigm Shift from “Object” to “Subject,”* (2009), <https://papers.ssrn.com/abstract=1732128> (last visited May 14, 2023).

³ Sayed Qudrat Hashimy, *Survivors and Disability of Armed Conflicts: The Conundrum of Differently Abled Persons in Afghanistan*, (2023), <https://papers.ssrn.com/abstract=4411536> (last visited May 14, 2023).

⁴ Sayed Qudrat Hashimy, *Emerging Paradigm of Disability Laws and Protecting Differently Abled Person: Flying Kites in the Indian Sky*, (2023), <https://papers.ssrn.com/abstract=4383911> (last visited May 14, 2023).

⁵ SANDEEP REDDY & AIDA ISABEL TAVARES, *EVALUATION OF HEALTH SERVICES* (2020).

These pivotal moments led the NFB to concentrate its efforts on advocating for comprehensive disability laws to safeguard the rights and interests of disabled individuals.

Disability is characterized by conditions or impairments that significantly deviate from the typical standard of functioning, affecting various aspects of an individual’s life.⁶ The social model of disability highlights that disability arises from the interaction between individuals with impairments and societal barriers, necessitating the transformation of physical, attitudinal, communication, and social environments for equal inclusion. In contrast, the medical model of disability focuses on diagnosing and treating individual impairments within the healthcare system.

In India, the Rights of Persons with Disabilities Act, 2016,⁷ replaced the previous legislation to align with the principles of the UNCRPD. This landmark legislation covers areas such as accessibility, education, employment, social protection, and legal remedies, aiming to ensure the inclusion and well-being of persons with disabilities in various aspects of life.⁸ The Act grants rights in education, employment, healthcare, specialized care, transport and access, privacy, and inheritance to empower individuals with disabilities and promote inclusivity.⁹

However, despite these legislative advancements, there are still challenges in realizing full inclusion and accessibility for persons with disabilities.¹⁰ The entertainment industry in India, for instance, lacks sufficient disabled-friendly content. Efforts by the government, civil society groups, and stakeholders are necessary to address these issues and create a more inclusive society for persons with disabilities.

A disability is characterized by a condition or impairment that is considered to be significantly below the typical standard of functioning for an individual or a group. This term encompasses a wide range of limitations in various aspects of an individual’s functioning, including physical abilities, sensory capabilities, cognitive faculties, intellectual capacities, mental health, and chronic illnesses. Disabilities can manifest in different forms and impact

⁶ Hashimy, *supra* note 4.

⁷ Sayed Qudrat Hashimy, *EMERGING PARADIGM OF DISABILITY LAWS AND PROTECTING DIFFERENTLY ABLED PERSON: FLYING KITES IN THE INDIAN SKY*, 3 TRINITY LAW REV. 1 (2023).

⁸ Emerging Paradigm of Disability Laws and Protecting Differently Abled Person: Flying Kites in the Indian Sky, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAAAJ&icstart=20&pagesize=80&citation_for_view=_XhWcpEAAAAJ:XiSMed-E-HIC (last visited May 14, 2023).

⁹ Hashimy, *supra* note 7.

¹⁰ *Id.*

individuals in diverse ways, affecting their daily activities, social interactions, and overall quality of life.¹¹

Social Definition of Disability

The social model of disability perceives “disability” as a consequence of the interaction between individuals with impairments and an environment that contains barriers, such as physical, attitudinal, communication, and social obstacles.¹² According to this model, disability is not an inherent trait of individuals but rather a product of societal factors that hinder their full participation.¹³ Therefore, the focus of attention shifts to transforming the physical, attitudinal, communication, and social environment to facilitate the equal inclusion and engagement of individuals with impairments in society.

In this perspective, the responsibility lies not solely with individuals with impairments to overcome their limitations but also with society to remove the barriers that prevent their participation. By addressing and removing these barriers, people with disabilities can enjoy equal opportunities and rights, enabling them to fully engage in various aspects of life alongside their non-disabled counterparts.

The social model of disability challenges the notion that disabilities are solely caused by individual impairments and places emphasis on creating an inclusive society that accommodates diverse abilities and ensures equal access for all. By advocating for environmental changes and promoting inclusivity, this model aims to enable individuals with disabilities to participate on an equal basis with others in all areas of life.

Medical Definition of Disability

The Medical Model of disability perceives disability as an issue that primarily resides within the individual. It views disability as a result of diseases, trauma, or other health conditions that require medical intervention and indi-

¹¹ Noran N. Hairi et al., *Prevalence and correlates of physical disability and functional limitation among community dwelling older people in rural Malaysia, a middle income country*, 10 BMC PUBLIC HEALTH 492 (2010).

¹² N. Groce et al., *Water and sanitation issues for persons with disabilities in low- and middle-income countries: a literature review and discussion of implications for global health and international development*, 9 J. WATER HEALTH 617 (2011).

¹³ Perianayagam Arokiasamy et al., *The impact of multimorbidity on adult physical and mental health in low- and middle-income countries: what does the study on global ageing and adult health (SAGE) reveal?*, 13 BMC MED. 178 (2015).

vidualized treatment by healthcare professionals.¹⁴ In this model, the focus is on diagnosing and treating the individual's impairment or condition, with the goal of either curing the disability or assisting the person in adapting and making behavioral changes to manage their disability.¹⁵ According to the Medical Model, the primary responsibility for addressing disabilities lies within the healthcare system. At the political level, the response to disability is often centered around modifying or reforming healthcare policies to improve access to medical care and support services.

In the context of the Rights of Persons with Disabilities Act, 2016, it is important to note that this legislation represents a shift towards a more inclusive and rights-based approach to disability. The Act recognizes that disability is not solely a medical issue but is also influenced by social, environmental, and attitudinal factors. It acknowledges the need to address barriers and promote equal opportunities for persons with disabilities, focusing on their rights, empowerment, and full participation in society.

The Rights of Persons with Disabilities Act, 2016,

The Rights of Persons with Disabilities Act, 2016, in India, is a landmark legislation that replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.¹⁶ It aligns with the principles of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and aims to protect and promote the rights of individuals with disabilities. The Act covers a wide range of areas, including accessibility, education, employment, social protection, and legal remedies, to ensure the inclusion and well-being of persons with disabilities in various aspects of life.¹⁷

Under the Rights of Persons with Disabilities Act, 2016, several rights are granted to individuals with disabilities.¹⁸ These rights encompass various areas of life, including education, employment, healthcare, specialized care, transport and access, privacy, and inheritance.¹⁹

¹⁴ S. Ganesh Kumar, Gautam Roy & Sitanshu Sekhar Kar, *Disability and Rehabilitation Services in India: Issues and Challenges*, 1 J. FAM. MED. PRIM. CARE 69 (2012).

¹⁵ Sayed Qudrat Hashimy, *The Agonizing Narrative of Environmental Dilapidation in the tussle of Armed Conflict; from the Lens of International Humanitarian Laws*, (2023), <https://papers.ssrn.com/abstract=4383907> (last visited May 14, 2023).

¹⁶ Hashimy, *supra* note 7.

¹⁷ Emerging Paradigm of Disability Laws and Protecting Differently Abled Person, *supra* note 8.

¹⁸ Hashimy, *supra* note 4.

¹⁹ Emerging Paradigm of Disability Laws and Protecting Differently Abled Person, *supra* note 8.

The Act mandates inclusive education for persons with disabilities, ensuring equal opportunities and accessibility in educational institutions. It prohibits discrimination in admission, provides for reasonable accommodations, and promotes inclusive policies and practices. The case of *All Kerala Parents Association vs State of Kerala* in 2002 and *Social Jurist v. Government of National Capital Territory of Delhi & Others* in 2007 are relevant cases that have contributed to the interpretation and enforcement of these rights.²⁰

Employment: The Act promotes equal employment opportunities for persons with disabilities. It prohibits discrimination in employment and provides for affirmative action, reservation of vacancies, and reasonable accommodations in the workplace. The Act aims to enhance employment prospects and facilitate a barrier-free work environment for individuals with disabilities.²¹

The Act recognizes the right to healthcare for persons with disabilities. It emphasizes the provision of accessible and affordable healthcare services, including preventive, curative, and rehabilitative care. The Act also safeguards against medical abuse and ensures that individuals with disabilities receive appropriate healthcare and support.²²

The Act recognizes the need for specialized care for persons with disabilities, whether in home settings or institutionalized environments.²³ It emphasizes the rights of individuals with disabilities to receive appropriate care, support, and rehabilitation services based on their specific needs. The Act addresses the right to accessible transportation and promotes barrier-free access for persons with disabilities. It encourages the provision of accessible infrastructure, public transport, and assistive devices to enhance mobility and ensure independent travel. The Act acknowledges the right to privacy for persons with disabilities. It emphasizes the protection of personal information and prohibits the disclosure of sensitive data without consent, except in exceptional circumstances as prescribed by law.²⁴

The Act recognizes the rights of persons with disabilities in matters of inheritance. It ensures that individuals with disabilities have equal rights to inherit property and assets, protecting their interests and ensuring equitable treatment. These rights granted under the Rights of

²⁰ Priti Gupta et al., *Author's Reply to 155_14 and 233_14: Functional Disability among Elderly Persons in a Rural Area of Haryana*, 58 *INDIAN J. PUBLIC HEALTH* 293 (2014).

²¹ Arokiasamy et al., *supra* note 13.

²² Emerging Paradigm of Disability Laws and Protecting Differently Abled Person, *supra* note 8.

²³ Role of Self-Help Groups through Micro-Finance for Poverty Alleviation, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAA&icstart=20&pagesize=80&citation_for_view=_XhWcpEAAA&icp2g8aNsByqUC (last visited May 14, 2023).

²⁴ Hashimy, *supra* note 7.

Persons with Disabilities Act, 2016, aim to empower individuals with disabilities, promote inclusivity, and protect their rights and dignity in various aspects of life.²⁵

The provided information highlights the lack of accessibility and inclusion for persons with disabilities in various sectors, including the entertainment industry, in India. Despite the existence of the Rights of Persons with Disabilities Act of 2016, which emphasizes the need for accessible content and media, the reality is that very few programs and films cater to the needs of individuals who are blind or have hearing impairments.²⁶

The government has introduced several programs and initiatives to address the rights and welfare of persons with disabilities. These include the Scheme of Integrated Education for Disabled Children, the National Trust for the Welfare of Mentally Retarded Persons, financial assistance programs, travel concessions, disability pension, income tax concessions, and certification of disability.²⁷ These initiatives aim to provide support, accessibility, and opportunities to individuals with disabilities in education, employment, healthcare, and other areas of life.

Landmark judgments by the Supreme Court and High Courts have also played a crucial role in shaping and enforcing the rights of persons with disabilities. Cases such as *Deaf Employees Welfare Association v Union of India*, *Union of India v National Federation of the Blind*, *Suchita Srivastava v Chandigarh Administration*, and *Ranjit Kumar Rajak v State Bank of India* have contributed to the interpretation and implementation of disability rights. However, despite these efforts, there are still significant challenges and gaps in ensuring full inclusion and accessibility for persons with disabilities. The lack of disabled-friendly content in the entertainment sector, inadequate implementation of accessibility measures, and a general lack of awareness and sensitivity hinder the realization of rights and equal opportunities for individuals with disabilities. It is crucial for the government, civil society groups, and relevant stakeholders to work together to address these issues and create a more inclusive society for persons with disabilities.

Disability and Menstrual Leave

Disability and menstrual leave are two distinct concepts that are often discussed separately but can intersect in

²⁵ *Id.*

²⁶ *Id.*

²⁷ Emerging Paradigm of Disability Laws and Protecting Differently Abled Person, *supra* note 8.

certain situations.²⁸ Disability refers to a condition or impairment that may limit a person's physical, sensory, cognitive, or mental abilities. It can have various impacts on an individual's daily life, including their ability to work or engage in certain activities.²⁹ Many countries have laws and regulations in place to protect the rights of persons with disabilities and ensure their equal participation in society.³⁰

Menstrual leave, on the other hand, is a policy or provision that allows individuals to take time off from work or other responsibilities due to menstrual-related symptoms or discomfort.³¹ Menstruation is a natural process experienced by people with female reproductive systems, and it can sometimes be accompanied by physical or emotional symptoms that may affect a person's ability to perform their usual activities.³²

In some countries, such as Japan, South Korea,³³ Taiwan, and parts of India and Indonesia, menstrual leave policies³⁴ exist to acknowledge and accommodate the challenges that individuals may face during their menstrual cycles.³⁵ These policies typically provide a specific number of days off per year that can be used for menstrual-related reasons. When considering the intersection of disability and menstrual leave, it's important to recognize that menstruation itself is not a disability.³⁶ However, individuals with disabilities may experience additional challenges during their menstrual cycles due to the interaction between their disability and the menstrual symptoms they experience.³⁷ For example, someone with a chronic pain condition may experience exacerbated pain during men-

struation, making it more difficult for them to carry out their usual activities.³⁸

In such cases, individuals with disabilities may need reasonable accommodations or adjustments in the workplace or educational settings to manage their menstrual symptoms effectively.³⁹ This could include flexible work hours, modified duties, access to appropriate healthcare facilities, or other support measures.⁴⁰ It's essential for employers and institutions to have inclusive policies that consider the specific needs of individuals with disabilities, including any challenges they may face during menstruation.⁴¹ Ultimately, the provision of menstrual leave and accommodations for individuals with disabilities should be guided by principles of equality, inclusivity, and respect for individual needs.⁴² Open dialogue, understanding, and the implementation of appropriate policies can help ensure that individuals with disabilities have equal opportunities and support in managing their menstrual health and overall well-being.⁴³

Menstrual leave and Taxation

Menstrual leave is a policy that allows women to take time off from work when they are experiencing menstruation-related discomfort or health issues. It is intended to provide support and recognition for the physical and emotional challenges that women may face during their menstrual cycles. The specific provisions and availability of menstrual leave vary across countries and organizations.⁴⁴ Regarding taxation, the treatment of menstrual leave can differ depending on the jurisdiction and the specific laws and regulations in place. In some countries, menstrual leave may be treated similarly to other forms of sick leave, and the income lost during this period may be eligible for tax deductions or exemptions.⁴⁵ However, it's important to note that taxation laws can be complex and subject to change, so it is advisable to consult with a tax professional

²⁸ Arokiasamy et al., *supra* note 13.

²⁹ Sayed Qudrat Hashimy, *LEGAL PARADIGM OF MENSTRUAL PAID LEAVES POLICY IN INDIA: A JURISPRUDENTIAL DISCOURSE*, 3 TRINITY LAW REV. 12 (2023).

³⁰ *Id.*

³¹ Sayed Qudrat Hashimy, *Legal Paradigm of Menstrual Paid Leaves Policy in India: A Jurisprudential Discourse*, (2023), <https://papers.ssrn.com/abstract=4383915> (last visited May 14, 2023).

³² *Id.*

³³ Menstrual Leave Dissent and Stigma Labelling: A Comparative Legal Discourse, *INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES*, <https://www.ijlmh.com/paper/menstrual-leave-dissent-and-stigma-labelling-a-comparative-legal-discourse/> (last visited May 15, 2023).

³⁴ Sayed Qudrat Hashimy, *Menstrual Leave Dissent and Stigma Labelling: A Comparative Legal Discourse*, (2022), <https://papers.ssrn.com/abstract=4308596> (last visited May 15, 2023).

³⁵ Hashimy, *supra* note 29.

³⁶ The Legal Paradigm of Menstrual Leaves Policy in the United Arab Emirates, Kuwait, and Afghanistan, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAAAJ&citation_for_view=_XhWcpEAAAAJ:q2Dn1KgioksC (last visited May 15, 2023).

³⁷ Hashimy, *supra* note 34.

³⁸ Hashimy, *supra* note 29.

³⁹ The Legal Paradigm of Menstrual Leaves Policy in the United Arab Emirates, Kuwait, and Afghanistan, *supra* note 36.

⁴⁰ Menstrual Leave Dissent and Stigma Labelling, *supra* note 33.

⁴¹ Hashimy, *supra* note 29.

⁴² *Id.*

⁴³ Menstrual Leave Dissent and Stigma Labelling, *supra* note 33.

⁴⁴ A Tale of Two Tax Systems: A Comparative Analysis of General Anti-Avoidance Rules Provisions in India and Australia, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAAAJ&cstart=20&pagesize=80&citation_for_view=_XhWcpEAAAAJ:B3FOqHPINUQC (last visited May 14, 2023).

⁴⁵ Sayed Qudrat Hashimy & M S Benjamin, *A Tale of Two Tax Systems: A Comparative Analysis of General Anti-Avoidance Rules Provisions in India and Australia*.

or refer to the specific laws in your country to understand how menstrual leave is treated for tax purposes.

It is also worth mentioning that the taxation of individuals and employment-related benefits is generally based on a variety of factors, including the overall tax system, employment laws, and specific regulations regarding leave policies.⁴⁶ Therefore, it's always a good idea to seek guidance from relevant authorities or professionals to understand the specific tax implications of menstrual leave in your particular jurisdiction.

Disability and Hinduism

The topic of disability within the context of Hinduism is complex and multifaceted. Hinduism is a diverse religion with a wide range of beliefs, practices, and interpretations, and attitudes towards disability can vary among different Hindu communities and individuals.⁴⁷ It's important to note that the following information provides a general understanding and should not be seen as representative of all Hindu perspectives on disability.⁴⁸

In Hinduism, disability is often viewed through the lens of karma and reincarnation. The concept of karma suggests that an individual's present circumstances, including their physical and mental abilities, are influenced by their actions in previous lives. Therefore, some Hindus may perceive disability as a result of past karmic deeds, considering it a part of one's spiritual journey or a test of one's character. At the same time, Hindu scriptures, such as the Vedas and Upanishads, emphasize the inherent divinity and worth of every individual, regardless of their physical or mental condition. The ancient texts contain verses that promote compassion, empathy, and the duty of society to care for those in need, including individuals with disabilities.⁴⁹ For example, the Bhagavad Gita, an important Hindu scripture, highlights the principle of equality and emphasizes the importance of performing one's duties without attachment to the results, suggesting that individuals should be valued for their actions rather than their physical abilities.

In Hindu mythology, there are stories of deities and revered figures interacting with individuals with disabilities, treating them with respect and recognizing their inherent worth. For instance, Lord Krishna is often depicted engaging with individuals of diverse abilities,

⁴⁶ Sayed Qudrat Hashimy & M. S. Benjamin, *A Tale of Two Tax Systems: A Comparative Analysis of General Anti Avoidance Rules Provisions in India and Australia*, 3 TRINITY LAW REV. 53 (2023).

⁴⁷ Kumar, Roy, and Kar, *supra* note 14.

⁴⁸ Emerging Paradigm of Disability Laws and Protecting Differently Able Person, *supra* note 8.

⁴⁹ Gupta et al., *supra* note 20.

demonstrating that disability does not diminish a person's spiritual value.⁵⁰

Within Hindu society, there are traditional practices that can have an impact on the lives of individuals with disabilities.⁵¹ For example, some people with disabilities may face social stigma, discrimination, or limited opportunities due to cultural beliefs or societal norms. However, it's important to note that these practices and attitudes are not inherent to Hinduism itself but are influenced by cultural interpretations and social structures.

In recent times, there have been efforts within Hindu communities to promote inclusion, accessibility, and empowerment for individuals with disabilities. Some organizations and individuals have worked towards raising awareness, providing support, and advocating for the rights and well-being of individuals with disabilities within a Hindu context.

Disabilities and Islamic Law

Islam, like many other religions, has a diverse range of perspectives and interpretations regarding disability. While I can provide a general overview, it's important to recognize that there is no singular Islamic perspective on disability, and attitudes can vary among different Muslim communities and individuals.⁵²

In Islamic belief, it is understood that all human beings are created by Allah (God) and are inherently valuable and deserving of respect and dignity, regardless of their physical or mental abilities. Muslims are encouraged to view disability as a natural variation in human diversity and to approach individuals with disabilities with compassion, kindness, and support.⁵³

Islamic teachings emphasize the importance of justice, equality, and inclusivity. The Quran, the central religious text of Islam,⁵⁴ teaches that individuals will be judged based on their deeds and intentions rather than their

⁵⁰ The Fourth World Approaches to International Law: A Cursory Glance, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAA&start=20&pagesize=80&citation_for_view=_XhWcpEAAA&:iH-uZ7U-co4C (last visited May 14, 2023).

⁵¹ Hashimy, *supra* note 7.

⁵² Hashimy, *supra* note 3.

⁵³ Survivors and Disability of Armed Conflicts: The Conundrum of Differently Able Persons in Afghanistan, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAA&start=20&pagesize=80&citation_for_view=_XhWcpEAAA&:738O_yMBCRsC (last visited May 14, 2023).

⁵⁴ The Legal Paradigm of Menstrual Leaves Policy in the United Arab Emirates, Kuwait, and Afghanistan, *supra* note 36.

physical or mental abilities. It highlights the principle of social responsibility and encourages Muslims to care for those in need, including individuals with disabilities.⁵⁵

There are several examples in Islamic history and literature that demonstrate the inclusion and support of individuals with disabilities. The Prophet Muhammad (peace be upon him) is reported to have interacted with and shown kindness towards individuals with disabilities, treating them with respect and dignity.⁵⁶ These accounts serve as a model for Muslims to follow in their interactions with individuals with disabilities.⁵⁷

Islam places great importance on the concept of community and emphasizes the role of the community in providing support and care for individuals with disabilities. Muslims are encouraged to create inclusive environments where individuals with disabilities can actively participate and contribute to society to the best of their abilities. Mosques and Islamic organizations are increasingly recognizing the need for accessibility and accommodations to ensure the participation of individuals with disabilities in religious activities.

However, it is important to acknowledge that there can be cultural practices or societal attitudes within Muslim communities that may result in marginalization or stigmatization of individuals with disabilities. These attitudes are not necessarily rooted in Islamic teachings but may be influenced by cultural norms, lack of awareness, or misconceptions.

In recent years, there have been efforts within Muslim communities to promote inclusion and empower individuals with disabilities. Muslim scholars, organizations, and individuals have worked towards raising awareness, providing support, and advocating for the rights and well-being of individuals with disabilities within an Islamic framework.

Christianity and Disabilities

Christianity, like any major religion, encompasses a wide range of perspectives and interpretations regarding disabilities. While it's important to note that there isn't a single Christian viewpoint on disability, I can provide a

general overview of how disability is approached within Christianity.⁵⁸

Christian beliefs center on the teachings of Jesus Christ as described in the Bible. Christians believe that every human being is created in the image of God and is inherently valuable and deserving of love, respect, and dignity, regardless of their physical or mental abilities. Disability is seen as a part of the human experience and is not considered a reflection of an individual's moral worth or spiritual standing.⁵⁹ In the New Testament of the Bible, there are several instances where Jesus interacts with and shows compassion towards individuals with disabilities. He heals the sick, including the blind, deaf, and paralyzed, and demonstrates a loving and inclusive attitude towards those who are marginalized or stigmatized by society. These teachings and examples have shaped the Christian understanding of disability as an opportunity for compassion, inclusion, and service to others.

Christian theology often emphasizes the importance of caring for the vulnerable and marginalized. Christians are encouraged to follow the example of Jesus by showing love, empathy, and practical support to individuals with disabilities. This can include providing assistance, advocating for their rights and well-being, and creating inclusive communities that ensure their full participation in church life and society. Within Christian communities, there are varying degrees of awareness and responsiveness to disability issues. Some churches have taken significant steps to create accessible environments, develop disability ministries, and provide support for individuals with disabilities and their families. These efforts may include offering specialized programs, accessible facilities, sign language interpretation, and other accommodations to ensure the inclusion of individuals with disabilities in worship, fellowship, and service activities.⁶⁰

Christianity also recognizes the role of suffering and adversity in the human experience. While not specific to disability, the concept of finding meaning in suffering is present in Christian teachings. Christians believe that God can work through suffering and use it to bring about spiritual growth, empathy, and transformation.⁶¹

⁵⁸ Kumar, Roy, and Kar, *supra* note 14.

⁵⁹ Sweta Pattnaik et al., *Prevalence, pattern and determinants of disabilities in India: Insights from NFHS-5 (2019–21)*, 11 FRONT. PUBLIC HEALTH (2023), <https://www.frontiersin.org/articles/10.3389/fpubh.2023.1036499> (last visited May 14, 2023).

⁶⁰ Ahmed Al-Dawoody, *Conflict Resolution in Civil Wars Under Classical Islamic Law*, 27 PEACE REV. 280 (2015).

⁶¹ Murthy Venkata S. Gudlavalleti et al., *Access to health care and employment status of people with disabilities in South India, the SIDE (South India Disability Evidence) study*, 14 BMC PUBLIC HEALTH 1125 (2014).

⁵⁵ *Survivors and Disability of Armed Conflicts: The Conundrum of Differently Abled Persons in Afghanistan* by Sayed Qudrat Hashimy | Goodreads, <https://www.goodreads.com/book/show/140912749-survivors-and-disability-of-armed-conflicts> (last visited May 14, 2023).

⁵⁶ Hashimy, *supra* note 15.

⁵⁷ Sayed Qudrat Hashimy, *Mapping the Paradigm of Disabilities in Afghanistan from the Lens of Law and Policy*, (2023), <https://papers.ssrn.com/abstract=4383888> (last visited May 14, 2023).

It is important to note that like any religion, Christianity is practiced by a diverse range of individuals and communities, and attitudes towards disability can differ. While the overall emphasis is on compassion and inclusion, there may be instances where cultural or societal attitudes, misinterpretations, or lack of awareness result in stigmatization or exclusion of individuals with disabilities.

However, many Christian organizations and initiatives are actively working to promote disability inclusion, raise awareness, and support individuals with disabilities and their families. These efforts aim to foster a more inclusive and supportive environment where individuals with disabilities are fully valued and integrated into the life of the Christian community.

Ultimately, the approach to disability in Christianity is rooted in the belief that all individuals, regardless of their abilities, are created and loved by God and are called to be treated with love, respect, and dignity.

Disabilities and War

The relationship between disabilities and war is multifaceted. During times of war, there is often a significant increase in disabilities, both physical and psychological, among those directly involved in combat and civilians living in conflict zones. These disabilities can have profound and long-lasting effects on individuals, families, communities, and societies as a whole.⁶² In terms of physical disabilities, war frequently involves the use of weapons, explosives, and other destructive means that can cause severe injuries. These injuries can lead to amputations, spinal cord injuries, traumatic brain injuries, vision or hearing loss, and other physical disabilities.⁶³ The resulting physical impairments can greatly impact a person's mobility, independence, and overall quality of life.

Psychological disabilities are also prevalent in the aftermath of war. The trauma experienced during war can result in psychological conditions such as post-traumatic stress disorder (PTSD), anxiety disorders, depression, and other mental health issues.⁶⁴ Witnessing or experiencing

the horrors of war,⁶⁵ including violence, the loss of loved ones, and widespread destruction, can have a profound impact on individuals' mental well-being, often leading to long-term psychological disabilities. The destruction caused by war can also have indirect consequences for individuals with disabilities. Infrastructure, including roads, buildings, and healthcare facilities, is often damaged or destroyed during conflict. This makes it challenging for individuals with disabilities to access essential services and support. The lack of accessibility further exacerbates the difficulties faced by people with disabilities in war-affected areas, limiting their ability to move around, receive healthcare, access education, and participate in the rebuilding and recovery processes.⁶⁶ War often results in mass displacement, with individuals and families forced to flee their homes and seek refuge elsewhere.⁶⁷ Displaced persons, including refugees, encounter numerous challenges, including limited access to healthcare, sanitation, and disability-specific services. Disabilities among displaced populations pose additional difficulties due to the lack of resources, support networks, and specialized care available to them. Addressing the disabilities that arise from war requires comprehensive rehabilitation and support services.⁶⁸ This encompasses medical treatment, prosthetic devices, physical therapy, psychological counseling, and social support networks. In post-conflict situations, the rebuilding of healthcare systems and infrastructure is crucial to ensure individuals with disabilities have access to quality healthcare and rehabilitation services.

Furthermore, disabilities resulting from war can subject individuals to social stigma and discrimination. Negative attitudes and misconceptions surrounding disabilities can lead to exclusion, marginalization, and limited opportunities for individuals with disabilities to participate fully in social, economic, and political life.⁶⁹ Efforts to mitigate the impact of disabilities in the context of war involve international organizations, governments, humanitarian agencies, and local communities. These efforts include providing medical care, rehabilitation services, psychosocial support, advocating for the rights of individuals with disabilities, and promoting inclusive and accessible environments. International legal frameworks, such as the Convention on the Rights of Persons with Disabilities, play a crucial role in protecting the rights and dignity of individuals with disabilities, including those affected by war.

⁶² Survivors and Disability of Armed Conflicts, *supra* note 53.

⁶³ SAYED QUDRAT HASHIMY, SURVIVORS AND DISABILITY OF ARMED CONFLICTS: THE CONUNDRUM OF DIFFERENTLY ABLED PERSONS IN AFGHANISTAN (2023), <http://eprints.uni-mysore.ac.in/17442/10.6084/m9.figshare.22133240> (last visited May 14, 2023).

⁶⁴ Mapping the Paradigm of Disabilities in Afghanistan from the Lens of Law and Policy, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAAAJ&citation_for_view=_XhWcpEAAAAJ:UxriW0iASnsC (last visited May 14, 2023).

⁶⁵ Sayed Qudrat Hashimy, *Mapping the Paradigm of Disabilities in Afghanistan from the Lens of Law and Policy*, 6.

⁶⁶ Hashimy, *supra* note 57.

⁶⁷ HASHIMY, *supra* note 63.

⁶⁸ Mapping the Paradigm of Disabilities in Afghanistan from the Lens of Law and Policy, *supra* note 64.

⁶⁹ Gudlavalleti et al., *supra* note 61.

Disabilities and Adversarial System

The adversarial system of justice, which is followed in many legal systems around the world, can present challenges for individuals with disabilities. The adversarial system is characterized by two opposing parties, such as the prosecution and defense, presenting their cases before a neutral judge or jury.⁷⁰ While the system aims to ensure a fair and impartial trial, it may not always adequately accommodate the needs and rights of individuals with disabilities.⁷¹

Individuals with disabilities may face barriers in accessing the justice system. Physical barriers, such as inaccessible courtrooms or facilities, can limit their participation. Additionally, individuals with sensory impairments may require accommodations, such as sign language interpreters or accessible documents,⁷² to fully understand and participate in court proceedings. Effective communication is essential in the adversarial system, but individuals with speech or hearing impairments may face difficulties in expressing themselves or understanding others. Providing appropriate accommodations, such as assistive technologies or qualified interpreters, is crucial to ensure effective communication and equal participation.⁷³

Individuals with cognitive disabilities may face challenges in understanding complex legal concepts, following courtroom procedures, or effectively communicating with their legal representatives.⁷⁴ It is important for the justice system to provide support and accommodations tailored to their specific needs, such as simplified language, visual aids, or support from a legal advocate. **Prejudice and Stereotyping:** Individuals with disabilities may encounter prejudice, stereotypes, or biases from various actors within the adversarial system, including judges, attorneys, jurors, or even witnesses.⁷⁵ These biases can influence the outcome of a case and hinder the fair and unbiased treatment of individuals with disabilities.⁷⁶

The credibility of individuals with disabilities may be questioned due to misconceptions or assumptions about their abilities or disabilities. Their credibility as witnesses or victims may be unfairly undermined, affecting the

overall fairness of the trial. Legal Capacity and Decision-making: Some individuals with disabilities may face challenges in exercising their legal capacity or decision-making abilities.⁷⁷ The adversarial system assumes that individuals can make informed decisions and understand the consequences of their choices. However, certain disabilities may impact a person's decision-making capacity, requiring additional safeguards and support to ensure their rights are protected.⁷⁸

Efforts are being made to address these challenges and promote inclusivity within the adversarial system. Legal frameworks, such as disability rights laws and international human rights standards, emphasize the importance of accommodating individuals with disabilities in the justice system.⁷⁹ This includes providing reasonable accommodations, ensuring accessible court facilities, promoting disability awareness and sensitivity training for legal professionals, and addressing biases and stereotypes that may affect the fair treatment of individuals with disabilities.⁸⁰

Ultimately, creating a more inclusive adversarial system requires ongoing education, awareness, and collaboration among legal professionals, disability advocates, and policymakers to ensure that the rights and needs of individuals with disabilities are respected and upheld throughout the justice process.

Disabilities and artificial intelligence

Disabilities and artificial intelligence (AI) intersect in various ways, offering both opportunities and challenges for individuals with disabilities. AI-powered assistive technologies have the potential to enhance the lives of individuals with disabilities. For example, speech recognition and natural language processing technologies can enable individuals with mobility impairments to control devices through voice commands.⁸¹ AI-powered prosthetics and exoskeletons can restore mobility for individuals with limb impairments. These technologies aim to improve independence, accessibility, and overall quality of life.⁸²

AI can play a significant role in enhancing accessibility for individuals with disabilities. Automatic speech recognition and captioning systems can make digital content

⁷⁰ The Paradigm of Fair Trial in Adversarial System: A Legal Discourse, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAAAJ&cstart=20&pagesize=80&citation_for_view=_XhWcpEAAAAJ:tS2w5q8j5-wC (last visited May 14, 2023).

⁷¹ *Id.*

⁷² *Id.*

⁷³ Sayed Qudrat Hashimy, *The Paradigm of Fair Trial in Adversarial System: A Legal Discourse*, 6.

⁷⁴ *Id.*

⁷⁵ The Paradigm of Fair Trial in Adversarial System, *supra* note 70.

⁷⁶ Hashimy, *supra* note 73.

⁷⁷ *Id.*

⁷⁸ Hashimy et al., *Nurturing Leadership and Capacity Building for Success: Empowering Growth*, 3 INT. J. REHABIL. SPEC. EDUC. 1 (2023).

⁷⁹ Hashimy, *supra* note 73.

⁸⁰ The Paradigm of Fair Trial in Adversarial System, *supra* note 70.

⁸¹ Amanullah Shahzada, *Assistive Devices for People with Disabilities: A Descriptive Analysis* (2023).

⁸² *Id.*

more accessible to people with hearing impairments.⁸³ AI algorithms can be used to develop accessible interfaces, adaptive technologies, and personalized accommodations to suit the specific needs of individuals with various disabilities. AI-based computer vision systems can assist individuals with visual impairments by identifying and describing objects, reading text, and providing audio cues about the surrounding environment. These technologies can help individuals navigate their surroundings, identify objects, and access visual information that would otherwise be inaccessible to them.⁸⁴

AI-powered language translation systems can facilitate communication between individuals with different languages or hearing impairments. Real-time translation technologies and speech-to-text systems enable individuals to engage in conversations, participate in meetings, and access information across language barriers.⁸⁵ Despite the potential benefits, there are challenges associated with the use of AI in relation to disabilities.⁸⁶ Biases in AI algorithms can inadvertently perpetuate discrimination or exclusion, particularly if the training data is not diverse or representative. It is crucial to address these biases and ensure that AI systems are fair, inclusive, and considerate of the diverse needs of individuals with disabilities.⁸⁷

The deployment of AI technologies should prioritize ethical considerations, such as privacy, consent, and data security. It is essential to protect the personal information and sensitive data of individuals with disabilities and ensure that AI systems adhere to ethical standards.⁸⁸ The integration of AI technologies in the workplace may have implications for individuals with disabilities.⁸⁹ While AI can create new job opportunities, there is a need to ensure that individuals with disabilities are not disproportionately affected by automation and job displacement. Efforts should be made to promote inclusive employment practices and provide training opportunities for individuals with disabilities to benefit from the evolving job market.⁹⁰

⁸³ Ahmed Al-Dawoody, *WAR IN ISLAMIC LAW: JUSTIFICATIONS AND REGULATIONS*.

⁸⁴ Hairi et al., *supra* note 11.

⁸⁵ Hashimy, *supra* note 73.

⁸⁶ Asifullah Samim, *A New Paradigm of Artificial Intelligence to Disabilities*, 12 INT. J. SCI. RES. IJSR 478 (2023).

⁸⁷ Shahzada, *supra* note 81.

⁸⁸ Asifullah Samim ijsr International Journal of Science and Research (IJSR), *A New Paradigm of Artificial Intelligence to Disabilities*, IJSR, *Call for Papers, Online Journal*, INT. J. SCI. RES. IJSR, <https://www.ijsr.net/> (last visited May 14, 2023).

⁸⁹ Hairi et al., *supra* note 11.

⁹⁰ Maurício Pasetto de Freitas et al., *Artificial Intelligence of Things Applied to Assistive Technology: A Systematic Literature Review*, 22 SENSORS 8531 (2022).

Collaboration between AI developers, researchers, and individuals with disabilities is crucial to ensure that AI technologies meet their specific needs. Involving individuals with disabilities in the design, development, and evaluation of AI systems can lead to more inclusive and user-centered solutions.⁹¹

AI has the potential to significantly improve the lives of individuals with disabilities by providing assistive technologies, enhancing accessibility, and facilitating communication.⁹² However, it is essential to address the ethical considerations, biases, and challenges associated with AI deployment to ensure that individuals with disabilities are empowered and not left behind in the technological advancements.

Disability and Leadership

Disability and leadership are not mutually exclusive concepts. People with disabilities have the potential to be effective leaders in various fields, just like individuals without disabilities. Leadership qualities such as vision, communication skills, empathy, problem-solving, and resilience are not limited by disability. In fact, individuals with disabilities bring unique perspectives and experiences to leadership roles, which can enhance innovation, diversity, and inclusivity within organizations.⁹³ Their firsthand understanding of navigating barriers and overcoming challenges can contribute to more informed decision-making and the development of inclusive policies and practices. There are numerous examples of successful leaders with disabilities who have made significant contributions in various domains, including politics, business, academia, sports, and advocacy.⁹⁴ These individuals have shattered stereotypes, challenged societal biases, and served as role models for others with disabilities.⁹⁵

It's important to recognize that creating inclusive environments and removing barriers is crucial for individuals with disabilities to access leadership opportunities. This includes providing reasonable accommodations, promoting diversity and inclusion initiatives, and addressing attitudinal and structural barriers that may hinder their

⁹¹ Asifullah Samim, *A New Paradigm of Artificial Intelligence to Disabilities*, 12 INT. J. SCI. RES. IJSR 478 (2023).

⁹² *Id.*

⁹³ Sayed Qudrat Hashimy et al., *Nurturing Leadership and Capacity Building for Success: Empowering Growth*, 3 33 (2023).

⁹⁴ Role of Self-Help Groups in Socio-Economic Development of Women in Yaranahalli Panchayat, Mysore, https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAAAJ&citation_for_view=_XhWcpEAAAAJ:8VbLR7ExW8oC (last visited May 15, 2023).

⁹⁵ Hashimy et al., *supra* note 78.

advancement. Organizations and institutions that value disability inclusion can benefit from diverse leadership teams that reflect the broader population they serve.⁹⁶ By embracing the talents and perspectives of individuals with disabilities, they foster a culture of inclusivity, equality, and innovation.

Moreover, disability should not be viewed as a limitation or barrier to leadership. Rather, it is a characteristic that adds to the richness of the individual and their ability to lead effectively. Leadership is about the ability to inspire, influence, and make a positive impact, regardless of one's physical, sensory, cognitive, or mental abilities.⁹⁷ By promoting disability-inclusive leadership, society can break down barriers, challenge stereotypes, and create opportunities for individuals with disabilities to excel and contribute to their fullest potential.

Conclusion

In conclusion, the historical background of the disability rights movement shows a progression towards recognizing and promoting the rights of disabled individuals. The movement began to emerge in the 1970s and gained momentum in the 1980s, with various groups coming together under a cross-disability umbrella. International initiatives by the United Nations, such as the International Year of Disabled Persons and the United Nations Decade of Disabled Persons, raised global awareness of disability rights. The adoption of the UN Convention on the Rights of Persons with Disabilities in 2006 marked a significant step forward in recognizing disabled individuals as rights-holders. In India, the Rights of Persons with Disabilities Act, 2016, replaced the previous legislation and aligned with the principles of the UNCRPD. The Act grants rights to individuals with disabilities in areas such as education, employment, healthcare, transportation, privacy, and inheritance. It emphasizes inclusivity, accessibility, and empowerment for disabled individuals. However, despite these advancements, challenges remain. Attitudinal, institutional, and infrastructural barriers continue to hinder the full inclusion and participation of disabled individuals. The entertainment industry in India, for example, lacks accessible content for individuals who are blind or have hearing impairments. There is a need for greater awareness, sensitivity, and implementation of accessibility measures in various sectors to ensure equal opportunities and rights for persons with disabilities.

⁹⁶ Role of Self-Help Groups through Micro-Finance for Poverty Alleviation, *supra* note 23.

⁹⁷ Hashimy et al., *supra* note 78.

The intersection of disability and menstrual leave highlights the importance of considering the specific needs of individuals with disabilities in policies and accommodations. While menstruation itself is not a disability, individuals with disabilities may face additional challenges during their menstrual cycles. Inclusive policies and support measures can help address these challenges and ensure equal opportunities for individuals with disabilities in managing their menstrual health. Disability and leadership are not mutually exclusive, and individuals with disabilities can be effective leaders in various fields. Their unique perspectives and experiences contribute to diversity, innovation, and inclusivity within organizations. Creating inclusive environments and removing barriers are essential for individuals with disabilities to access leadership opportunities. By embracing disability-inclusive leadership, society can break down barriers, challenge stereotypes, and create opportunities for individuals with disabilities to excel and make a positive impact.

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