

Revisiting Ability: A Conference on Disability and Its Intersections

Globally, the last few decades have witnessed a significant change in the treatment of disability and persons with disability. The most important contribution of this progressive reconstruction of disability has been a slow shift from the medical model of disability to a sociological model, that is, the recognition of dis-ability not in relativity to ability but in highlighting the inability of an ableist society to meaningfully accommodate the needs of persons with disability. This shift in narrative marks not only the end of a patronising attitude towards persons with disability, but also signals towards interpreting disability to unpack the variety of problems of access faced by persons with disability. Such an exploration of nuance shifts the focus not on supposed ‘shortcomings’ of the individual, but on the duty of the society and state at large to accommodate their needs.

We must, as a nation, attempt to analyse how far the Indian picture has kept pace with this shift in narrative. More importantly, we must, as a community, be more cautious about the influence of ableist attitudes and able-bodied ignorance on the conversation surrounding accessibility. In keeping with James Charlton’s revolutionary conception of “Nothing About Us, Without Us”, persons living with disability must be given the loudest voice in defining and facilitating accessibility.

While the legal regime has shown a slow shift along the sociological understanding of disability through the enactment of the Rights of Persons with Disability Act, 2016 and repeal of the Persons with Disability Act, the rules accompanying the new legislation, as well as the Divyang initiative have been subject to scrutiny by activists for propagating ableist narratives and not sufficiently providing for the objectives of the Act. Moreover, the Mental Health Act continues to promote a regressive view of persons with mental disabilities.

The Law and Society Committee of National Law School of India University, Bangalore focuses on highlighting the intersection between law and society, with a special emphasis on the perspectives of marginalised groups. In 2017, the Committee convened “The Indian Apartheid: A Conference on Caste” in collaboration with the Savitribai Phule Ambedkar Caravan (SPAC) to explore themes of social exclusion and

marginalisation of groups in a brahminical society. In continuing with this tradition of annual conferences, and with the intent to critically explore the nuances of accessibility vis-à-vis the public and the private realm, we invite you to the **“Revisiting Ability: A Conference on Disability and Its Intersections”** on April 21, 2018 and April 22, 2018 at the National Law School of India University, Bangalore. We hope that you will join us.

Day 1: April 21, 2017

Keynote Address: Conceptualising disability

The introductory session will focus on the changing definitions of disability, and what it means to be disabled in different contexts, whether personal, legal, practical, social and communally. It will attempt to unpack the term and explore its different contours so that discourse may be broadened beyond the visible and physical forms of disability. Certain complicated questions will be raised and addressed, such as: how broad a view must we take of disability? How does our definition of disability impact our treatment of disabled persons? In this context, it will be useful to understand the diversity of experiences of people living with different forms of disabilities, and to understand that consequently, there can be no uniform approach to any of the issues discussed here.

Session I: Disability, Caste and Gender

In and of itself, disability acts as a barrier to social and economic participation. For several people it often acts alongside other barriers such as caste, gender and sexuality, worsening the disadvantages faced by the person. Caste and gender also act as disabling agents themselves and even influence how we view disability. Several parallels exist between caste and disability – be it a segregation from the mainstream, assumption of inferiority, exclusion from social participation and dignity. Gender – and sex and sexuality all form a neglected part of the conversation surrounding disability. Persons with disability are often perceived socially as simplistic, ascetic and undemanding so far as their personal and romantic lives are concerned. They are often denied agency to assert their gender or sexual identities and sexual selves. Gender, caste and sexuality in particular largely impact, for better

or worse, the support system and every-day concerns of individuals living with disability. We hope to highlight the interaction of all of these factors in this session.

Session II: Disability, Education and the Workplace

Accessibility is one of the most talked about aspects of disability, and yet ironically, still very little action is taken towards its realisation. Public spaces and the spheres of education and employment continue to struggle with the question of accessibility. Accessibility initiatives too often tend to concentrate only on the more visible forms of disability, excluding people whose conditions are less visible. Given the diversity of ways in which people experience their disability, accessibility in itself is a highly subjective term, and inclusivity demands that accessibility be approached in a case-by-case manner.

The recent legislation, in attempting to ensure accessibility and accommodation to persons with disability, raises some pertinent questions such as the special education versus mainstreaming debate, and how modern ideas of productivity may need to be reexamined to make the workplace more accessible. While technology has revolutionised accessibility for several persons with disability, factors such as economic ability, social mobility, location, etc. continue to operate against access to technology. Similarly, ease of access continues to be determined by comfort with English, as certain local scripts have been left out of market-driven research. Social capital and relative privilege also operates in accessing education and employment and thus stratifies the persons with disability.

Day 2: April 22, 2017

Session III: Disability and Medical Care

This session will examine both, the accessibility and affordability of medical care to persons living with disability. Moreover, it will attempt to examine the dominant (and less popular) discourses within the medical fraternity regarding disability and accessibility, and the changing construction of fragility of persons who are disabled. It will also focus on the over-medicalization of mental disabilities and most importantly, the agency of patients when it comes to both, their care and other

personal decisions. Guardianship under the law is always a complex question, particularly with profound intellectual disabilities. Moreover, this discussion demands critically understanding the stigma associated with developmental and mental disability as well as psychiatric care and mental health concerns of people living with disability.

Session IV: Disability and the State

In this session, disability will be discussed in terms of its interface with the State. We will begin with a critique of the contemporary law on the subject of disability, following which we will move on to the State's role in disability – its breadth and coverage, its form. We will examine how the state classifies, defines and identifies persons with disability, how it both oppresses and supports persons with disability and how institutions and officials deal with persons with disability. Social security, as guaranteed under the 2016 Act, will be examined in the context of its practical experience. beyond the contours the legislative analysis of RPD and Mental Health Act but also focus on The distinction between the role the State must adopt as an interventionist State, as opposed to the patronising guardian. State will become clearer at this stage. The State's role in empowerment of persons with disability may then be contrasted with the experience of persons with disability incarcerated by the State to highlight the lack of sensitivity shown towards prisoners with disability.

Session V: Disability and Me

In the final session of the conference, students from NLS who are disabled reflect on their experiences in this institution, as well as their perspectives on the various themes of this conference.

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