ABSTRACT
OF
THE THESIS
ABSTRACT OF THE THESIS

Until recently, it was socially acceptable to refer to a person with disability as lame, crippled, retarded, handicap, or even defective. In any society, impairment is both constant as well as culturally and socially shaped. This means that social and cultural dimensions shape how impairment is perceived and how it is responded to. With the rise of the disability rights movement in the late twentieth century individuals with disabilities has become a more mainstream presence in society. During 1960s and 70s the emerging political ideologies such as dignity, autonomy, freedom of thought and expression, the issue of power hierarchies cutting across gender and race laid down the foundation of disability rights movement. The Disability rights activism emerged in 1990s began to find collective expression through the active participation of NGOs. CRPD is historic and path-breaking as this is the first human rights treaty for persons with disabilities which combines civil and political rights provided by anti-discrimination legislation (negative rights) with the full spectrum of social, cultural and economic measures (positive rights) bestowed through equality measures. The entire disability discourse has been changed in India with coming into force of the CRPD in 2008. CRPD oblige the State to include full recognition of civil, political, and social, economic, and cultural rights to PWDs. Despite of the introduction of PWD Act in 1995, there are still many strong discriminatory barriers facing by people with disabilities in India. Disabled people continue to live in poverty and still considered as object of charity and sympathy. Concerns on the rights of persons with disabilities in India became visible in public domain in the 1990s with enactment of cluster of legislations by the Parliament such as Rehabilitation Council of India Act, 1992, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. Despite all these measures and a plethora of Legislative measures, the social status of the disabled still leaves much to be desired. The disparity between requirements and the availability of services is primarily caused by appalling poverty, and deeply ingrained by social stigma. The disability laws in India including the PWD Act are welfare based and lacking in many aspects. Medicalisation of disability is the keynote of disability laws in India, even when it is challenged in the course of adjudication. In this context, the present doctoral research aims to critically examine the rights of the persons with disabilities and introduce the legal issues in the perspective of inclusion in India and to critically analyse the legislative response towards the protection of rights of persons with disabilities by making a comparative analysis of legislative measures of USA, UK, EU and China.