

Disability History in India: Conceptual Formations in Religion and Law



Bhavanamol R¹, Umajyothi.V²

¹Research Scholar, Department of Economics, Govt.College for Women, Thiruvananthapuram, Kerala, Pin-695014

²Associate Professor and Head, Department of Economics, Govt.College for Women, Thiruvananthapuram, Kerala, Pin-695014

ABSTRACT: The conceptions on disability have been coursing through different forms. Disability history is recognised as an emerging and developing sub-discipline of the social history of medicine. The concept of disability has a vital position in the domains of religion and law. This paper attempts to examine the historical conceptualisation of disability in the domains of religion and law in India.. Though the experience of disability in India is historically distinct from that of western tradition, there may be similarities between the western and Indian high culture tradition of exclusion and stigmatisation of people with disabilities, particularly in the pre-modern period, these cultures are grounded in different concepts of social inclusion. Though the term disability is interpreted in various ways by the social context of religion and political context of law, presently it has been conceived as something to be synchronised with inclusion, equality and accessibility.

INTRODUCTION

The discipline of disability studies is still on its evolution, development and refinement stage. Moreover, the yield is marked by conceptual ambiguity. Disability has been defined in a multitude of conceptual models or frameworks such as medical model, charity model, social model, ICF model, human development model and so on ,which vary in their dimensions and the aspect and component levels tremendously. Since there is no consensus in the definition of disability, scholars are destined to resort to a particular model of disability which is more appropriate to the context under consideration and investigation . They attempt to develop and substantiate new models of disability through proper contextualization and empirical investigations.

Disability studies as a field of inquiry has developed certain methods of organising and narrating histories of disability(Anand 2013,p.35).It engages with certain events, themes and subjects as seminal to offering an explanation for the present treatment of disability as a human condition, a social category and a concept(ibid.).These events and themes are drawn primarily from Western histories, as the field of study itself was by and large constituted in the USA and UK during the latter half of the 20th century(ibid.).Disability history is recognised as an emerging and developing sub-discipline of the social history of medicine.

Within the Indian context the beginnings of a sub-discipline of a history of disability can be found principally in three areas: first as part of the politics of arguing for and defining the nature of services and support required by people with disabilities in India, secondly within the area of memoir and personal history, and thirdly within the broader field of the history of medicine and health(Buckingham,2011).Although the concept of disability is difficult to define, in simple term it is a condition of physical or mental impairment and social and cultural environment restrict the participation and involvement of people with impairments in social and economic activity.

The concept of disability has a vital position in the domains of religion and law. The construct of law is recognised as a system of codified rules and regulations and it is the source of guidance and reference for delivering justice to the people of a country. Law is a political concept. It is very significant for a citizen who may get encountered with violation of rights and justice and it can be a tool for him to address the issues that challenge his dignity, freedom of speech and expression and so on. Religion is a sociological concept which connotes an institution like marriage and society. According to Emile Durkheim, a renowned French sociologist, religion is a social phenomenon.

Disability History in India: Conceptual Formations in Religion and Law

This paper attempts to examine the historical conceptualisation of disability in the domains of religion and law. Though the experience of disability in India is historically distinct from that of western tradition, there may be similarities between the western and Indian high culture tradition of exclusion and stigmatisation of people with disabilities, particularly in the pre-modern period, these cultures are grounded in different concepts of social inclusion(ibid.)

DISABILITY IN RELIGION

Each religion has approached and interpreted the condition of disability differently and each of them has a mixed notion towards disability. Religion plays a critical role in determining how disability is understood and how persons with disability are treated(Kaur and Arora,2019) It is very important to explore and understand historical and religious traces related to disability in order to know the relevance of disability at the present time(ibid.).The various ways of interpreting disability by different religions can be understood and described through the scriptures and practitioners or propagators of specific religion.

In Hinduism

In Hinduism, disability is often viewed through the lens of karma and reincarnation(Hajira Shanaz,2023).It is a very common belief in the Hindu religious territory that a person goes through the birth cycle of many lives and the type of next life is all decided by the deeds he performs in the previous birth life (Kaur and Arora,2019).Therefore, disability is also viewed in a similar manner that it occurs due to the result of a previous sinful life of the individual, due to which he deserves the range and displeasure of God or Goddess as an avenge to his covetous deeds of the previous birth(Karna 1999,p.23-24).

In Hindu mythology, disability was considered as an evil or something negative and individuals with disabilities were rejected inheritance also. In the epics various characters such as Dhritarashtra and Sakuni of Mahabharata and Manthara and Ashtavakra of Ramayana were given negative, evil and incapability shades. At the same time, Hindu scriptures, such as the Vedas and Upanishads, emphasises the inherent divinity and worth of every individual, regardless of their physical or mental condition(Hajira Shanaz,2023).For example, the Bhagavad Gita, an important Hindu scripture, highlights the principle of equality and emphasises the importance of performing one's duties without attachment to the results, suggesting that individuals should be valued for their action rather than their physical abilities(ibid.).

In Islam

Islam has interpreted disability in a different way and it has quite a different attitude in perceiving it. 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(ibid.).Muslims adhere to the practice of obligation towards weak and disabled due to the religious tradition as well as a duty, which is supervised under the omnipresence of Allah(Miles,1995).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(Hashimy,2023).

In Christianity

In the Old Testament of the Bible, the idea of disability means it is a punishment by the God(Kaur and Arora,2019)In the New Testament, there are several instances where Jesus interacts with and shows compassion towards individuals with disabilities and these teachings and examples have shaped the Christian understanding of disability as an opportunity for compassion,inclusion,and service to others(Hajira Shanaz,2023).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(ibid.).

DISABILITY IN LAW

During the 1960s and 1970s, not integrated but powerful voices demanding inclusion and rights had emerged from people with disabilities. Disability rights movements like other movements in the post 1960s consist of several conglomeration of individuals and groups with disabilities that came to be organised in the 1980s under a cross-disability umbrella representing the interests of the disabled as a group(Mehrotra,2011).In the 1990s collective nature for the fragmented voices of people with disabilities was gained through Non-Governmental Organisations(NGOs).With the explosion in India's economic development and wider availability of electronic resources, a dramatic shift in political and public attention to disability issues has occurred(Bukingham,2011).

As a result of a series of protests and petition, the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act,1995 was passed in reaction to the collective demand for rights and equal opportunities. This act was the first attempt to make an action in response to their collective voice. A significant turning point for the movement came in 1995 when disabled individuals started gaining visibility in educational institutions and government services(Chakraborty,2009).

Disability History in India: Conceptual Formations in Religion and Law

The Convention on the Rights of Persons with Disabilities was adopted in 2006 by the UN. It was signed and ratified by India in 2007. It is considered as the pertinent international legislation which made landmark changes in conceiving disability and actions taken for addressing their issues. Other international initiatives which influenced India's law system for considering disability as an important subject are observance of 1981 as the International Year of Disabled Persons and a period of 1983 to 1992 as the United Nations Decade of Disabled Persons.

In 2006 the Government of India approved a National Policy on Disability, which moved away from the older charity disability models of 'care for the disabled' towards a 'rights'-based model emphasising the provision of equal opportunities in education, economic independence, rehabilitation and the removal of social and environmental barriers to full participation of disabled people in Indian life (Buckingham, 2011). The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was replaced by The Rights of Persons with Disabilities (RPwD) Act, 2016. The RPwD act is recognised as landmark legislation which was implemented with the intention to rectify the flaws of PwD act of 1995. 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 (Hajira Shanaz, 2023). The act covers a wide range of areas, including accessibility, education, employment, social protection, and legal remedies, to ensure the inclusion and wellbeing of persons with disabilities in various aspects of life (Hashimy, 2023).

The RPwD act in align with UNCRPD has adopted a few principles with the aim to ensure the welfare and empowerment of people with disabilities. They are non-discrimination, ensuring equal opportunities, accessibility, inclusion in the society and respect for dignity. This act mandates reservation for people with disabilities to access opportunities especially in education and employment. It has mandated 4 per cent reservation for them in higher education institutions.

The Government has introduced several programmes and initiatives to address the rights and welfare of persons with disabilities (Hajira Shanaz, 2023). These include the Scheme of Integrated Education for Disabled Children, the National Trust for the Welfare of Mentally Retarded Persons, financial assistance programmes, travel concession, disability pension, income tax concessions, and certification of disability (Hashimy, 2023). These initiatives aim to provide support, accessibility, and opportunities to individuals with disabilities in education, employment, healthcare, and other areas of life (Hajira Shanaz, 2023).

CONCLUSION

India's disability rights movements had taken more than one decade for transforming the voice of people with disabilities from scattered to an integrated one. Several significant steps were taken through national and international legislations for protecting the rights and ensuring accessibility, equality and inclusion of people with disabilities. Actually, the interpretation of the enigmatic term disability through the lens of religion is quite complex. Each religion has diverse views and interpretations pertaining to disability. Moreover, there is not a single perspective on disability within the context of a religion itself. Each has its own complexities in perceiving the term disability. The attitudinal change towards disability can be made through religion which is not only a social institution, but also has the traits of culture and tradition of a particular community. Though the term disability is interpreted in various ways by the social context of religion and political context of law, presently it has been conceived as something to be synchronised with inclusion, equality and accessibility.

REFERENCES

- 1) Anand, Shilpa. (2013). Historicising Disability in India: Questions of Subject and Method. In Renu Addlakha (Ed.). *Disability Studies in India: Global Discourses, Local Realities*. Routledge.
- 2) Buckingham, Jane. (2011). Writing Histories of Disability in India: Strategies of Inclusion. *Disability and Society*, 26(4), 419-431.
- 3) Chakraborty, Sanjit Kumar. (2009). Disability Rights in India: A Paradigm Shift from 'Object' to 'Subject'. *Calcutta Law Times*, 3. SSRN: <https://ssrn.com/abstract=1732128>.
- 4) Durkheim, Emile. (1915). *The Elementary Forms of the Religious Life: A Study in Religious Sociology*. New York: George Allen & Unwin, Ltd.
- 5) Hajira, Shanaz, *Advancing Disability Rights in India: From Fragmented Movements to Inclusive Policies* (2023). SSRN: <https://ssrn.com/abstract=4448311>.
- 6) Karna, G. N. (1999). *United Nations and the rights of the disabled persons: A Study in Indian Perspective* (1st ed.). New Delhi: A. P. H. Publishing Corporation.
- 7) Kaur, Sandeep and Arora, Navneet. (2019). Religious Perceptions towards Disability: A Changing Perspective. *International Journal of Research and Analytical Reviews*, 6(1), 252-263.
- 8) Mehrotra, Nilika. (2011). Disability Rights Movements in India: Politics and Practice. *Economic and political weekly*, 66(6), 65-72.

Disability History in India: Conceptual Formations in Religion and Law

- 9) Miles, M. (1995). Disability in an eastern religious context: Historical perspectives. *Disability and Society*, 10 (1), 49–69.
- 10) 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>.



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.