

# Success & ABILITY

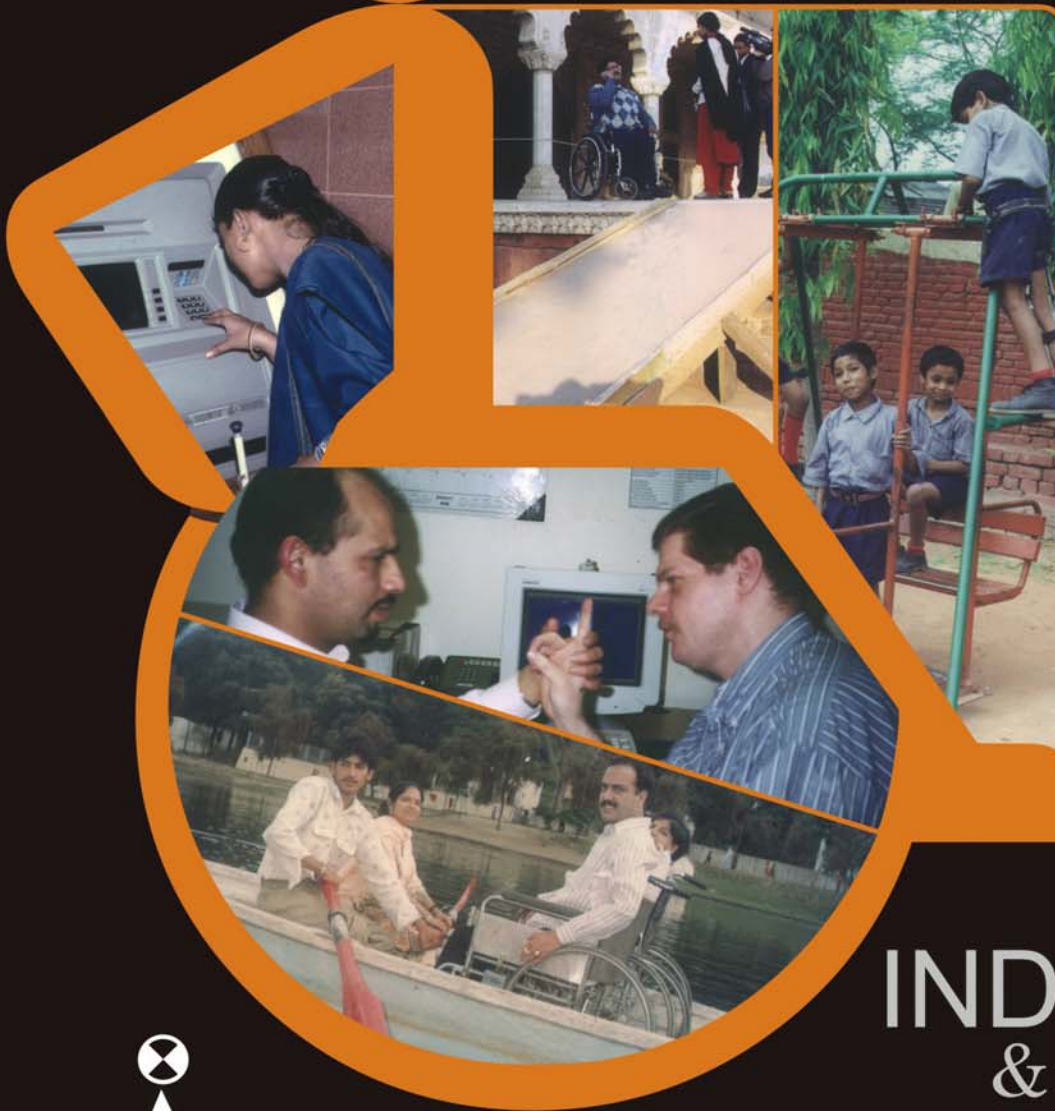
India's Cross-disability Magazine

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INDIA  
&  
UN  
Convention  
On RIGHTS of  
People with Disabilities



EDITOR

Jayshree Raveendran

DEPUTY EDITOR

Geeta Padmanabhan

ASSOCIATE EDITOR

Padma Naveen

LAYOUT ASSISTANT

Joycee Sagaya Rani

ILLUSTRATION

G. Prabhakar

EXECUTIVE MEMBERS

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Mr. Manoj Kumar Sonthalia

Mr. P.H. Rao

Mr. S. Krishnaswamy

Justice S. Mohan

Ms. Biju Jaya Devan

CORRESPONDENTS

INDIA

AHMEDABAD: S.K. Verma Ph.: 26583790;

BANGALORE: Ali Khwaja Ph.: 3330200; NEW

DELHI: Vasantha Patri Ph.: 23382652; J.K. Mehta

Ph : 95124-2392685; BHUBANESWAR: Sruti

Mohapatra Ph. 2313311/12/13; JAIPUR: Mahesh

Arora Ph.: 22608716-/22611830; RATLAM:

R. Swaminath Ph.: 239762; BHOPAL: Anil Mudgal

Ph.: 2589168; KATHUA (J & K): Manbir Sambyal

Ph.: 233914

U.S.A.

Malathi Rajagopalan, 10247, Fairway Dr.,

Ellicott City, MD 21042

Anindya Bhattacharyya, Helen Keller National

Center, Sands Point, NY 11050.

PUBLISHERS

Ability Foundation

EDITORIAL OFFICE

27, Fourth Main Road, Gandhi Nagar, Adyar,  
Chennai 600 020, India.

Phone : 91 44 2445 2400 Tel/Fax : 91 44 2441 3013.

E-mail : abilityindia@vsnl.net

Website : www.abilityfoundation.org

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Editor: Jayshree Raveendran

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# C O N T E N T S

- 4 Voices  
**Our poetry page**
- 5 News & Notes  
**What's new now!**
- 9 Cover Feature  
**UN Convention on the Rights of People with Disabilities**
- 18 Judging Yacoob  
**Face-to-Face with Justice Zak Yacoob**
- 22 Seeing Voices  
**Aditya Govindaraj, on watching movies his way!**
- 24 Autism Etiquette  
**Nandini Minocha on the do's and dont's with an autistic child**
- 27 Universal Design  
• **High end corporate social responsibility - Niranjn Khatrri**  
• **Insiders account of a left-hander - Vaishnavi Venkatesh**  
• **Travel notes on a visit to Japan - Sanjeev & Anjlee**
- 34 A day with Mohan  
**"Who is normal? Who is not?" Ponders Anjali Arora**
- 36 Awareness  
**Mental illness Vs Mental retardation**
- 37 Towards an insured life  
**Saraswathi Datar lays bare the travails of disability vis-a-vis insurance policies**
- 41 Wheels within Wheels  
**Salil Chaturvedi talks about his pathetic hang-ups & more!**
- 42 A reel life account  
**The "Mozhi" experience enthrals Anjali Arora**
- 44 The joy that was Raji  
**Janaki Pillai reviews the book**
- 45 Fitness Matters!  
**Navin Gulia shows you how**
- 47 Flip Side  
**Decency? What does the word really mean? Ask Meera Balachandar**

*Success & ABILITY, India's cross-disability magazine enjoys wide circulation both nationally and internationally, and has a wide readership that includes industrialists, administrators, Indian and overseas Government and Non-Government organisations, libraries, disabled persons, families and the general caring public.*

*We invite you to take on an advertisement in this pioneering magazine and become a part of this caring group. Publicity to your products or programmes would reap the dual benefits of enjoying a widespread readership and supporting a significant cause.*

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## *From The Editor's Desk*

Friends,

So much has been said, written, broadcast, telecast – to sing the 60<sup>th</sup> happy birthday song to Independent India, that we thought we'd do things differently and show our readers the humorous side of India's people with disabilities. We made elaborate preparations to make Humour the principal player for this issue of "Success & ABILITY". So many contributed! The articles were hilarious! Each person opening up a different dimension to one's disability, based on the ironies of life and real time humorous predicaments.

However, as plans go, everything went awry. Isn't there a Murphy's Law somewhere to this effect: "Whenever you set out to do something, something else must be done first." The consultation organised by NCPEDP at New Delhi, on the UN Convention on Rights of People with Disabilities and today's imperative need to ratify the Convention, changed our focus. We had to zero-in on spreading awareness on the UN Convention! All of us, have been crying out for an equitable society, and here then was a tool that'd come in to us to give us exactly what we needed. And inducing further responsiveness and understanding to this became our priority! We shelved all that we'd done, for a later issue, and went to friends who were leaders and activists in India's disability sector. They responded so willingly to our request to write – taking time off their extremely busy work programmes, travel schedules, sickness even – to bring to you and share with you... the facts, their thoughts, the to-dos and the not-to-dos towards our common goal... I must say, I'm most touched by their warmth and spontaneity. Thank you Akhil, Aloka, Rajive, Meenu, S.K Verma and Ashish Kumar! Even more... I am glad that there is today, such a close network of fellow activists in the disability sectors to take up issues and unite at times of need. This is our India. An indication of things to come... as we celebrate our 60<sup>th</sup> independence day... underlining the fact that we cannot take things lying down anymore. That we are today wiser and more serious about moving away from charity towards rights... A level playing field to lead a life of dignity and equality is what it's all about... no "special" or extra concessions!

We also have scrutinised the insurance schemes for people with disabilities... well, we always knew it was a bleak scene here, but the extent of this really strikes us when we read Saraswathy Datar's feature on this. Mr. Murphy has something to say on this too: "In order to get a loan, you must first prove you don't need it" and then again: "Build a system that even a fool can use, and only a fool will use it."

Though I don't want to bore you with more of Mr. Murphy's one-liners, the guy has really come up with two that would be directly in tune with the article Vaishnavi has written: on the woes of being left-handed in a right-handed world: "The wind will always blow opposite to your hairdo"; "Window polishing: It's always on the other side." We talk about access for all, we talk about universal design... have we ever thought of the plight of a left-hander? No knife, no pair of scissors nor even the ubiquitous computer mouse, has been made accessible to those who are prone to use their left hand! I don't know if you have (other than those of you who yourself are left-handed), thought of this. I for one confess that I haven't! Mind you, I'm not referring to access for the left-handed person as in disability access, but, when we refer to universal design as access for all human beings and we include the pregnant woman, the child in a pram, the elders, why didn't anyone include the left-handed as well? Food for thought?

So, here's another back-to-back packed issue for you to read and to ponder and to respond and we as usual, eagerly look forward to your comments.

Adieu, until we meet again.

*Jayshree Raveendran*



# United Nations Convention On Rights Of Persons with Disabilities

*In the sixty years of its independence, India has been taking giant strides in its quest to emerge as a global power. What does this mean for the disability sector? The Persons with Disabilities Act, 1995 has been around for 12 years now. Many states, Goa, Maharashtra, Karnataka, Jammu & Kashmir among them, are now making amendments to the Act, to make it more comprehensive and sensitive to the problems of disabled people. Thanks to the persistent efforts by various NGOs across the country, issues concerning disability have been attracting attention in all print and television media. Globally too, various policies have evolved. All these various developments notwithstanding, the recognition of the rights of persons with disabilities towards empowerment, has not seen significant progress. Therefore, the UN General Assembly passed a resolution constituting an Ad-hoc Committee in the year 2001 to develop a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. After several negotiations, the UN General Assembly then adopted the finally agreed text of the Convention, on the 13th December 2006. India signed the Convention on the 30th March, 2007, on the very first day of its opening for signature. As of now, 107 countries have signed the convention and 5 countries have ratified it.*

*The purpose of the Convention is to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. This is to be achieved by promotion of respect for*



*the inherent dignity of a person with disability. The Convention marks a paradigm shift in attitudes towards disabled persons. It is a universal and legally binding standard that is needed to ensure that the rights of persons with disabilities are guaranteed.*

*What is it that we need to know and internalise about this document that takes the disability issue to altogether a different plane? In our cover feature we discuss the importance of the Convention and the urgent need for the Indian Government to ratify the Convention.*

**Importance of the Convention**

**THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**  
 This is a Convention that provides a recognised international standard for disabled people’s human rights in one document. The purpose of the convention is to promote, protect and ensure the full and equal enjoyment of all human rights by persons with disabilities. It covers a number of key areas such as accessibility, personal mobility, health, education, employment, habilitation and rehabilitation, participation in political life, and equality and non-discrimination. The convention marks a shift in thinking about disability from a social welfare concern, to a human rights issue and goes on to acknowledge that barriers created by the society and the prejudices that disabled people have to face are themselves disabling. Because of discriminatory practices, the rights of persons with disabilities tend to be overlooked. Historically disability issues have focused on providing equal opportunities. The Convention takes disability issues to a higher level and talks about them as being “Rights” based. The convention offers a platform for the disabled people to not just “ask” for but “demand” what is due to them.

Signatory states will be obligated to introduce measures that promote the human rights of persons with disabilities without discrimination. These measures would include anti-discrimination legislation, elimination of laws and practices that discriminate against persons with disabilities, and considering persons with disabilities when adopting

new policies and programmes. Other measures include making services, goods, and facilities accessible to persons with disabilities.

In 1993 the UN adopted the Standard Rules on the Equalization of Opportunities for Disabled Persons that have provided policy guidelines on promoting the same opportunities to persons with disabilities that others enjoy. These have served as model legislation for a number of countries. The Rules, however, are not a legally binding instrument, and disability advocates note that there are no enforceable obligations specially where there is no tradition of thinking on these lines. The Convention is intended as a human rights instrument with an explicit, social development dimension.

The UN Convention adopts a broad categorisation of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced. On the face of it, these are essential rules that every nation that believes in civil society and natural justice must consider. So it is interesting to note how many countries are willing to adopt them in toto.

**Optional Protocol**

The Optional Protocol to the Convention

on the Rights of Persons with Disabilities is treated as a separate treaty, rather than merely part of the disability Convention, so states are free to sign the Convention on the Rights of Persons with Disabilities, but not the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

**Importance of ratification**

A signature attached to the treaty merely denotes the intention to proceed to ratification in due course. At that point, the Convention becomes binding.

The Convention does not come into force until the 30th day after the twentieth state has deposited its instrument of ratification or accession (delivered as a document to the Secretary General of the UN, indicating that it accepts the legal effect of obligations contained in the treaty). Once the Convention comes into effect, it is binding only on the states that have ratified or acceded to the Convention.

Total number of Convention signatories:		
107		
Total number of Optional Protocol signatories:		
59		
Total number of Ratifications:		
5		
Countries that have ratified the Convention :		
Croatia	Panama	Hungary
Jamaica	Cuba	
Countries that have ratified the Optional Protocol :		
Croatia	Panama	Hungary

In other words, a convention becomes legally binding to a particular Signatory State when that State ratifies it. Signing does not make a convention binding, but it indicates support for the principles of the Convention and the country's intention to ratify it. As contracting States are legally bound to adhere to the principles included in the Convention, a monitoring body will be set up to assess State parties' progress in implementing the convention by considering reports periodically submitted by States. Human rights conventions do not contain any enforcement mechanism to compel States to comply with the principles of the convention or with the recommendations of the monitoring body, and the implementation of these conventions depends on the commitment of each country. Once the Convention enters into force, a Committee on the

Rights of Persons with Disabilities will monitor its implementation. Countries that ratify the Convention will need to report regularly on their progress to the Committee. An optional protocol allows citizens in those countries that choose to ratify the protocol the possibility of launching an individual complaint to the Committee if there are no more national options left.

### *Need of the Hour*

Signature of the Convention has been achieved, but that is not enough. The Indian government could and should do more, not least publish - and actually meet - early schedules for guaranteeing that the letter and spirit of the Convention are applied and adopted in this country. The government must sign the Optional Protocol to the disability convention; it is simply not credible to trumpet a

commitment to human rights but reject the idea that the COUNTRY is open to individual and impartial assessment (through the Treaty Monitoring Body) in individual cases.

The Convention, which will protect the rights of more than 600 million disabled persons world-wide, requires countries to adopt laws prohibiting discrimination on the basis of any form of disability, from blindness to mental illness. As such, it is a very important tool. It offers us opportunity for demanding what is our due. Countries that formally sign up to the convention will have to report regularly to the UN about the steps they're taking to protect and promote disabled people's rights. And those of us who believe in equality of opportunity for all, must keep reminding the governments constantly of their duties in this regard.

We present you here, the views of some leaders, activists and stakeholders of the sector whom we requested to comment on the importance of the convention, the imperative and urgent need for the Indian Government to ratify, and as well as their random thoughts on this.

### *On the United Nations Convention for the Rights of People with Disabilities as a powerful tool:*

AKHIL. S. PAUL, Director, Sense International (India), points out that the Convention is *not* asking for anything *new* but just underlines that persons with disabilities need to enjoy the same opportunities as everybody else. As he says, "Disability has remained with us since the beginning of human race and an estimated 600 million people experience disabilities. Each generation had a different approach towards people with disabilities but it is seen that people with disabilities have often been excluded from mainstream, which is denial of their human rights. One can experience various forms of discrimination, ranging from denial of educational opportunities,

to segregation and isolation because of the imposition of physical and social barriers in the society. Such exclusion has severe effects on education, employment, housing, transport, socio-cultural and political life and access to public places and services.

"The present 21<sup>st</sup> century is all about *rights*", he continues, "and countries around the world have formed laws and legislations to protect the rights of all disabled people. The key word for this era has been '*nothing about us without us*'. Despite progress in terms of legislation over the past decade, violations of the rights have not been systematically redressed as most disability legislations and policies assume that people with disabilities simply are not able to



*Akhil. S. Paul*

One of the dominant features of this century has been the recognition of law as a tool of social change. Legislation is not the only means of social progress, but it represents one of the most powerful vehicles of change, progress and development in society.



exercise the same rights as non-disabled persons. Among the most marginalised are women with disabilities and people with Autism, Cerebral Palsy, Mental Retardation and Multiple disabilities like Deafblindness.

“One of the dominant features of current century has been the recognition of law as a tool for social change. Though legislation is not the only means of social progress, it represents one of the most powerful vehicles of change, progress and development in society. There has been a need for more comprehensive legislation to take appropriate measures to address existing discrimination and to ensure the rights of people with disabilities in all aspects – civil-political, socio-economic and cultural life in order to be treated on an equal basis with persons without disabilities.

“There have been ongoing efforts by disabled people, disability activists and families to bring about changes in perception and the concepts of disability by addressing values and increasing the understanding of disability within society. These efforts have focused on countering those social/cultural norms, which lead to erroneous and inappropriate myths about disability and to promote opportunities for disabled persons to participate on the basis of equality in life and development.

After signing the Convention there have been national and regional level consultations on the convention in India by both the government as well as non-government sectors.

“The UN Convention on the Rights of Persons with Disabilities (CRPD) marks a paradigm shift in the way persons with disabilities are looked at and in the manner in which persons with disabilities are perceived. The Convention reiterates that persons with disabilities are no longer objects of charity/pity but full-fledged citizens

of this world. It focuses on full integration through attitudinal changes in society.”

**MEENU BHAMBANI**, Manager, Corporate Social Responsibility, Mphasis (an EDS Company), talks about the UN Convention as being a powerful tool of advocacy made available to disabled people. As she says, “This Convention makes a radical shift in defining and understanding disability from a medical and social perspective to a human rights based perspective. It has brought about major ideational paradigm shift in the human rights jurisprudence (theory and philosophy of law). The Convention does not distinguish between civil-political rights and socio-political rights. They are all an integral part of an indivisible whole. It has brought about the acceptance of diversity as an integral part of human rights. It has brought to the fore, the concept of interdependence. And most importantly, it underscores the inherent capability of each individual.”



*Meenu Bhambhani*

The Convention does not distinguish between civil political rights and socio political rights. They are an integral part of an indivisible whole. The UN Convention has brought about the acceptance of diversity as an integral part of human rights.

S. K. VERMA, Educational & Vocational Guidance Psychologist, Counselor and Director, Viklang Sanskar Tirth, Ahmedabad, talks about an ever-changing disability sector in India. Says he: “There is no denying that the disability sector has to move from rhetoric and slogans, to action which is inclusive. Sweeping changes are needed to put our understanding, action, policies and implementation machinery on a fast track. As also a paradigm shift from charity and welfare, to opportunity, empowerment and rights. It is both imperative and critical that the context of disability sector encompasses a continuum from the local through the state and national, to international scenario through the Convention on the Rights of Persons With Disabilities (CRPD).”

He further avers: “the need for the Convention was felt despite there being different laws, Acts and Norms in different countries. It was considered necessary to have a universal approach as the other existing instruments had their limitations. Besides, the Convention zooms in on the progress made in the people’s attitudes towards the disability sector and the points of view of the Disabled Persons Organisations (DPOs). The Convention proposes to ensure the full, effective and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities. The Convention binds countries to create economic, legal and policy changes that are disabled friendly and acceptable and in keeping with international standards.

“The existing legislation in place in our country such as ‘The Mental Health Act’, ‘The Persons with Disabilities Act’, ‘The Rehabilitation Council Act’ and ‘National Trust Act’ are not legally enforceable obligations. The Convention when ratified, will take care of this limitation. In addition, it will

enable change in the perception of disabled persons in society, empowering every disabled person to live life to the fullest. The Convention also reiterates and reinforces the exercising of existing rights by the disabled persons instead of creating a new rights regimen. Furthermore, the acceptance of legal obligations and adaptations for implementing legislations and the monitoring, supervisory and implementing machineries all become accountable both within the country and to the world outside.”

MR. ASHISH KUMAR, Deputy Director-General, Ministry of Social Justice and Empowerment lists out the principles of the convention :-

- a) Respect for inherent dignity, individual autonomy, freedom of choices, independence
- b) Non-discrimination
- c) Full and effective participation and inclusion
- d) Respect for difference and acceptance as a part of human diversity
- e) Equality of opportunity
- f) Accessibility
- g) Equality between men and women
- h) Evolving capacities of children with disabilities to preserve their identities

He goes on to reaffirm that “it may be observed that the principles of the convention are in consonance with the provision of fundamental rights and freedoms enshrined in the Constitution of India.”

RAJIVE RATURI of Disability Rights Initiative, Human Rights Law Network, New Delhi, emphasises that the Convention through its many exemplary provisions has sent a strong message of recognition of the skills and capabilities of persons with disabilities. The Convention, he says, has ensured the fulfilment of the desire of persons with disabilities as is exemplified in the phrase: “Nothing about us, without us”.



S. K. Verma

It is both imperative and critical that the context of disability sector encompasses a continuum from the local through the state and national to international scenario. The UN Convention binds countries to create economic, legal and policy changes which are disabled friendly and acceptable i.e in keeping with international standards.

For the benefit of the readers of “Success & ABILITY” Mr Raturi enlists the Rights of people with disabilities that have been included in the Convention:

These principles are broadly categorised as those that advocate dignity, equality and non-discrimination, full inclusion and equal opportunity.

**[1] Legal Capacity and Inherent Dignity:** One of the most striking features of the Convention is the way in which it has endorsed the concept of full legal capacity of persons with disability. Articles 14, 15, 16, 17, 18, 19, 22 and 23 reflect this. While Articles 14, 15, 16, 17, 18 and 19 deal with issues of personal freedom, Articles 22 and 23 deal with the right to privacy and the right to have a family. The recognition by the

*Convention of full Legal Capacity of a person with disability on the same footing as a person without disabilities has paved the way for starting the process of ensuring that persons with disability enjoy life on par with others.*

**[II] Equality and Non-discrimination:** Equality and non-discrimination are the corner stones of the CRPD. Persons with disabilities are not always regarded as human beings with full legal capacity and therefore it is not easy to address issues of equality and non-discrimination. Special reference has also been made to rights of women and children in Articles 6 and 7.

**Women with disabilities: Article 6:**

*By making special mention of this, the Convention articulates on the discrimination faced by women at different levels – both within the family and in society.*

**Children with disabilities: Article 7:**

*By declaring that children with disabilities have a right to be heard and consulted on issues that affect them, the Convention recognises and endorses that they have the exact same legal capacities and consequently the ability to exercise all the rights and fulfil all the obligations that all other children have.*

**Equal recognition before the law: Article 12:**

*This Article enjoins State Parties to recognise the rights of persons with disabilities on par with all others in the eyes of law, to enjoy the same legal capacity on an equal basis in all aspects of life, to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.*

*This provision also recognises and accepts their different needs and therefore requires State Parties to*



provide access to the support that are required towards the utilisation of these legal capacities. It also recognizes that seeking this support does not, by any means, connote the erosion of their legal capacity.

### [III] Full Inclusion and Access:

One of the primary problems facing person with disabilities is the lack of access and the resulting barrier to full inclusion. The following provisions in the Convention seek to address these twin problems.

- Awareness-raising: Article 8
- Accessibility: Article 9:
- Situations of risk and humanitarian emergencies: Article 11
- Personal mobility: Adequate standard of living and social protection: Article 28: Article 20

### [IV] Equality of Opportunity:

One of the basic principles, which the Convention espouses, is equality of opportunity for persons with disabilities. While the Convention recognizes that persons with disabilities have full legal capacity and enjoins the State Parties to ensure non-discrimination and full inclusion through various means including through building awareness, the gravity of the ground situation requires that there be special mention of equality of opportunity, especially in terms of education and employment.

- Freedom of expression and opinion and access to information: Article 21.

- Education: Article 24:

State Parties are required to recognize the right of persons with disabilities to education on par with others and make all possible efforts towards achieving this end.

- Health: Article 25:

State Parties are required to ensure that persons with disability have an equal opportunity of access to health care and the opportunity to enjoy the highest attainable standard of health on par



Rajive Raturi

Optional Protocol is a monitoring mechanism under the convention to monitor violation of rights by state parties. It is important for India to sign the Optional Protocol as, in spite of being a state party to the convention, the State may still continue to violate rights of the disabled and not be accountable to the International Committee constituted under the Convention.

with others. State Parties are also required to make available health care services in places as close as possible to persons with disabilities.

- Habilitation and rehabilitation: Article 26:

State Parties to organize, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services for the maximum independence, full inclusion and participation in all aspects of life.

- Work and employment: Article 27:

State Parties to recognize the right of

persons with disabilities to work on an equal basis with others, to ensure that disabled persons do not face discrimination on grounds of disability, to make reasonable accommodations to enable persons with disabilities to work to their fullest potential, Encourage employers to hire persons with disabilities, identify and provide training to secure and retain jobs, Encourage entrepreneurial skills and also make available necessary finances.

- Participation in political and public life: Article 29:

State Parties to take necessary steps to ensure that disabled persons voiceless and that they are able to exercise their political will and participate in public affairs.

- Participation in cultural life, recreation, leisure and sport: Article 30:

State Parties are obligated to recognize the rights of persons with disabilities to take part on an equal basis in cultural life and are required to take all appropriate measures towards this to ensure equal opportunities to participate in cultural and sports related activities.

Also, where necessary to have special programs and training, to ensure access to places of enjoyment like theatres, museums, cinemas, libraries, tourism services, and, as far as possible also to monuments and sites of national cultural importance.

### **On the various nuances and the importance of signing the Optional Protocol:**

Rajive Rathuri says that the Optional protocol is a monitoring mechanism under the convention to monitor violation of rights by State Parties. He asserts that, "It is important for India to sign the Optional Protocol as in spite of being a state party to the convention the state may still continue to violate rights of the

disabled and not be accountable to the International Committee constituted under the Convention.

“India might well argue that abuse-monitoring mechanisms already exist in the offices of the Chief Commissioner and the State Commissioners of Disability. However, we know that these offices function as quasi-judicial bodies with the powers of a Civil Court and their orders are often not implemented. This makes it paramount for all the Civil Society Organisations to lobby for the Indian government to sign the Optional Protocol.”

### ***On the importance of ratification of the Convention:***

**Akhil Paul** believes that in order to expedite the ratification, it will be important to involve the larger community to support the Convention. He says, “As NGOs, we will have to form strong relations with key decision makers. We will have to identify the political and community leaders and get their support. In this struggle, alliances with other Human Rights groups will be needed as well. Similarly, alliances may be sought with others who could benefit from a new treaty like parent groups or rehabilitation professionals, senior citizens groups, etc. Many representatives from various disability organisations have developed good relations with the negotiators of the UN Convention, which can serve as a base for continued dialogues with individual decision makers on specific issues.”

**Rajive Raturi:** “It is important for India to ratify the Convention and when that happens, the Indian laws will have to be amended where necessary to be in consonance with this Convention, whereafter will begin the true struggle for the implementation of these provisions.

“However, it is also noteworthy to

state that once the Convention is ratified by 20 countries it will become an International Law. Even if India does not ratify the convention, since it is a signatory to the Convention we will be able to use the Convention in our High Courts and the Supreme Court as has been done with other Conventions which have not been ratified by India. Past experiences show that our courts and Judges draw extensively from International laws and expand the interpretations of international law while delivering domestic judgements even if the Convention has not been ratified.”

Says **Meenu Bhambani** “Ratification of any international treaty or convention is essential to operationalise the rights and entitlements given to the stakeholders. In the Indian context, the changing economic scenario in the last decade has seen phenomenal growth of the private sector. Economically favourable policies



*Aloka Guha*

To be a respected country in the world today you need to protect and uphold human rights for all members of society — ratifying this Convention sends a message to the world that your country is serious about human rights for persons with disabilities!

in India have not resulted in much social good for the masses. Accountability of the private sector to the disability sector, especially, remains negligible. Ratification of this Convention will ensure that laws are amended/ changed/brought in line with the Convention and entities that have remained outside the legal purview are brought into the fold.”

She also points to where we are in the process of ratification . “As of today, Ministry of Social Justice and Empowerment has sent the Convention to Ministry of Law and Legal and Treaties Division of Ministry of External Affairs for review, comments and any objections. After that it will be sent to the President for ratification. At a two day Consultation on the UN Convention organized on 27<sup>th</sup> and 28<sup>th</sup> July 2007 in Delhi by NCPEDP, Mr. Ashish Kumar, Director, MSJE, did not give any time frame as to by when the two Ministries will finalise their comments and observations on the Convention.”

### ***On convincing Government of India about the importance of Ratification:***

“We all know why we think that the new disability Convention is a good idea, and what we hope that it will accomplish,” says Mrs. ALOKA GUHA, Counsellor, RCI. “However, governments will need to be convinced why they should commit their countries to becoming State Parties. In other words, you may need to help them understand why it is in their best interests to sign and ratify the new Convention.”

She believes that to be a respected country in the world today you need to protect and uphold human rights for all members of society. Ratifying this Convention sends a message to the world that your country is serious about human rights for persons with disabilities.

“We all want to live in successful and productive societies,” she adds. “No society can fully achieve this if persons with disabilities are excluded and forced to be a burden instead of being respected and contributing members of society. This Convention provides the guidance that countries need to understand how to include persons with disabilities in the society and on how to support their contributions.”

“Ratifying and implementing this Convention provides (a) access to a network of mechanisms and activities (such as monitoring activities and international cooperation) than can help countries in their work to uphold the human rights of persons with disabilities. (b) helps to achieve the Millennium Development Goals, to which all countries have committed themselves. (c) can help countries make their development monies go further - whether

they are donor or recipient countries.

*Ashish Kumar*, lists the obligations of the Government :

- i) Administrative, legislative and other measures.
- ii) Modify existing discriminatory laws, regulations, rules, customs and practices.
- iii) Take into account concerns in policies and programmes.
- iv) Public authorities and institutions act in conformity.
- v) Eliminate discrimination on the basis of disability (including in private enterprise).
- vi) Promote research of universally designed goods, services, equipment and facilities - minimum possible adaptation and least cost.
  - (a) Also promote their availability,
  - (b) Adhere to universal design in development of standards & guidelines.
- vii) Research and development, promotion of availability and use of new

technologies including ICT, mobility aids, devices and assistive technologies - preference to those affordable.

- viii) Accessible information to the disabled on technologies.
- ix) Training of professionals to provide services.
- x) Take measures to the maximum of its resources.
- xi) Active involvement of persons with disabilities and children with disabilities through their representative organisations.

“It is interesting to note that the UN Convention does not give any new rights for persons with disabilities,” *Ashish Kumar* says. “This provides for a mechanism to ensure that the human rights as enshrined in various treaties like International Convention on Civil and Political rights, Economic, Social and Cultural rights, CRC and CEDAW are effectively implemented for the persons with disabilities.”

## THE GOVERNMENT'S POINT OF VIEW ON THE CONVENTION

*A number of new concepts have been introduced in the Convention. Some of these are :*

(i) The meaning of the term 'Communication' has been widened. It includes languages, display of text, Braille, tactile, large print, accessible multi-media, augmentative and alternative modes, means and formats including Information and communication technologies.

(ii) The concept of language has also been widened by inclusion of spoken, signed and other forms of non-spoken languages.

(iii) The concept of 'Reasonable Accommodation' has been introduced. It means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights

and fundamental freedoms. Therefore, this concept ensures accessibility and provision for other assistive support systems so that disabled persons are able to participate in all spheres of life with out any discrimination.

(iv) The concept of "Universal Design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design. This would not exclude assistive devices for particular groups of persons with disabilities where needed.

(v) The convention recognises the role of private sector in terms of employment of disabled persons and prescribes affirmative action on the part of the Government to promote their employment.



***On the need to increase awareness on the Convention:***

In the words of *Ashish Kumar*: “The Convention is an important step forward for promoting the rights and dignity of persons with disabilities. Persons with disabilities will be able to get the benefit of the Convention, if the government takes effective measures to promote them, bring necessary legislative reforms and effectively take into account the concerns in policy formulation and development of programmes in all sectors of the economy.

“The Convention does not prohibit affirmative action and therefore in our country reservation in employment, education and poverty alleviation programmes can continue without violating the spirit of the Convention. The Convention has not excluded special education and therefore it may coexist with inclusive education which may have to be more effective in ensuring education of children with disabilities.”

*S. K. Verma* insists that “the convention has potential to harbinger drastic

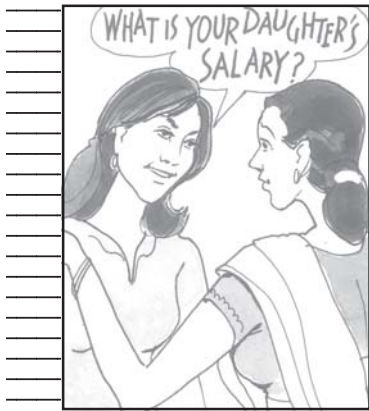
changes for the disability sector and all those affected by disability. It should be widely disseminated and the process of empowering and enabling the disabled person should be based on the principles and guidelines given in the Convention.

Affirmative action need not wait for the technical ratification, although the process of official ratification and notification are no less important. That is the message that one can and should spread to inculcate and nurture the spirit of the Convention.”

*So, that’s it, folks. It is imperative to ensure that the Government picks up greater speed and efficiency, in providing people with disabilities the information on the benefits to be reaped from the Convention. The Government needs to consult disabled people - through democratic and representative organisations on all aspects, including promotion, implementation and monitoring of the Convention. The Government has an equally urgent task with its civil servants and the enormous range of executive agencies and non-departmental public bodies. All departments and public authorities need to come to an early understanding on how the Convention has been designed and the way they would be required to function. And act in relation to disability and disabled people. There is also an awareness issue within national and local government bodies which also needs to be urgently addressed. We as disabled people and disability activists have to take up the cause to make ratification happen. After all, as Holger Kallehauge sums it up: “It has never been a goal for the disability movement to obtain privileges. Equal opportunities, and the same rights as other citizens, are what we have sought to achieve, and that is precisely what the Convention will provide.”*

PADMA NAVEEN  
DEEPA MAKESH





*'Indecent question', chides my friend. I am taken aback. After all she had lured me into the trap by announcing her daughter's confirmation at the new job. With bubbling empathy I had asked 'what's the salary?' And got the drubbing.*

*Why is it wrong to ask what her salary is? I am not asking how many sovereigns of gold she possesses. Or, whether she had planned both her children. Or what brand of panties she wears. Given her love of the gab, she will sooner or later divulge those facts!*

*Sets me thinking though about the potential or quotient of indecency of questions...*



In descending order of indecency, 'who are you?' would perhaps top the list. Though 'how old are you?' is the acknowledged Star of Indecent Questions. The Beaters around Bushes would go jobless if 'what do you want?' shed its indecency. While the 'where', 'why' and 'when' questions have escaped social ostracism, it is the 'how many' and 'how much' which keeps the planet going... wise or unwise, clockwise or anticlockwise. See the price sticker provocatively scratched on the packet of gifted embroidered hankies. Is it an added incentive for me to guess its right price? Or consider it priceless? Does a price tag double as a Worthiness Tag? (of the giver, the receiver as well as the object)

Indecency notwithstanding, we humans seem hopelessly mired into numbers and wired to statistics-of-the-vital-kind and otherwise. The urge to quantify is inborn. 'Lots of love' is perhaps fine, but 'loads of money' or 'pots of gold'

cannot escape the human(e) wish to know not only the number of pots, but also their vital stats.(Small pots, medium or XL). 'Key in your vital stats' read a recent article, 'and order online perfectly fitting garments'. Likewise, good social fitting needs appropriate vital stats of social status.

Some breathe in numbers like oxygen, some oxide info with



numbers, some send all information through a number detector to create mental algorithms ('he must have spent at least twenty lakhs for his daughter's wedding'). If the speed of light can be calculated to the tenth decimal place, and if scientists can state the exact age of a grasshopper fossil, why is it indecent to know the age of the youthful looking woman? The value of Pi may never haunt the average human being but his mind can draw admirable bar graphs... If NASA says a space tourism package costs \$ millions, why is it wrong to ask how much the young couple spent on their honeymoon? If intelligence can be tagged

in IQs, is it wrong to know how many marks x or y got? If knowing the GDP of my country is general knowledge, why not know that of my neighbours, who anyways matter just more in my small world? If it is fashionable to know how



much a superstar demands per film, why is it wrong to know what the ENT surgeon downstairs (who has just bought the swankiest car) makes per month? If the internet can reveal in the highest traditions of transparency, the financial workings of a MNC, why is it a crime to know how

another household runs? I am glad the chanawalla round the bend has no qualms about revealing his meager income per day; or the friendly Mumbai taxi driver who is not offended when I ask him

how much he earns in a month. He even tells me how much he sends to his family back in Lucknow. I feel better connected to a certain layer of the society I live in.

Nowhere else, it seems to me, are numbers so punched about as in cricket. Every move seems to be a record of sorts, a first in some way or other...the latest to this hugely number sport is fancy betting...of course the climax comes when the indecently-or is it obscenely-huge prize cheque is displayed for the world to gasp at...

Media thrives on the number game. From the number of hours an elephant mates to the American baby's average size/number of burps in the first 45 days, isn't information punctuated and substantiated by numbers? '75 sovereigns of gold robbed from college lecturer's house' seems perfect to read. (How the hell could a lecturer amass SO much gold?) "Right-handed people live nine years longer than left-handed people" informs one weboid (change hands if you can). "Five year old girl runs 29.4 kms in 170 minutes" on February 25<sup>th</sup>. "In 1998, Sony sold 700,000 camcorders that had the technology to see

through people's clothes."

Owning such an amazing invention may be beyond the means of most of us (you need to earn in 6 digits and have a solid bank balance for that), but wanting to see through other lives through numbers is often irresistible - mostly harmlessly so. (it should be legalised I feel.)

Hmmm....isn't the world one giant measuring tape? Or perhaps a huge weighing balance? A massive Russian Roulette? One big grandfather clock-gone digital? Did I say



Some breathe in numbers like oxygen, some oxide info with numbers, some send all information through a number detector to create mental algorithms. If the speed of light can be calculated to the tenth decimal place, and if scientists can state the exact age of a grasshopper fossil, why is it indecent to know the age of the youthful looking woman?

digital? Of course...number splitting competes favorably with hair splitting now! "Long ago there lived a king" would no longer fascinate kids. Nor would "and they lived

happily ever after"...when it is common knowledge that stars die (with precise data), how could a prince and princess live forever? They would want precise dates. "The yonder" is beyond wonder now, what with probes scratching Mars to precision in milligrams in nanoseconds.

What then makes questions indecent? Five days and four hours thirty-five minutes of analyzing the question tells me that questions, when born have infant-like innocence. It is when 'why', 'why not', 'when', 'where' and 'how' tag themselves to the questions that indecency sets in - dyed in one's own prejudices. Simple linear information acquires angles...man is a 90% angular being did you say?

Ask with grace, imbibe with goodwill and process with respect...how is that? Or conversely, disclose with discretion and share freely...

There comes my friend with a triumphant smile. "My daughter got her first salary cheque"...some decency please!!!

MEERA BALACHANDAR



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