

However, as was brought to light, in famous *Hussainara Khatoon* case, personal liberty as operating within the domain of the criminal justice system remains the cherished prerogative of the rich. While those who can ill afford legal Counsel to inform them to their right to bail. (*i.e.* in non-bailable offences – Section 2(a) Cr.P.C) and consequently are unable to pay the amount, are relegated to languish in prisons, often for terms longer than the period of punishment prescribed for the offence they are charged with. This in order to extend the fundamental right of personal liberty under Article 21 of the Constitution, to even the economically weaker sections of the population (who form a majority of the prison population), the right to free legal aid must be made a constitutional right. Thus the decision in the same case, also in *M.H. Hoskot v. State of Maharashtra* making legal aid a constitutional mandate under Article 21 is welcome in paving the way towards upholding human rights in criminal jurisprudence.

However in order to ensure one's right to a speedy trial-and thus consequently minimum infringement on the accused's right

to personal liberty an overhaul of the criminal justice system in its entirety is called for. A mere emphasis on investigation machinery by prescribing a time limit as per Section 167(2) Cr.PC will not suffice to attain the desired object. Moreover it is interesting to note that on lapse of the prescribed period bail as of right accrues to the accused, even if he is a accused of a grave, heinous non-bailable offence and in other circumstances would have definitely been refused to bail. Thus the backlash of Section 167(2) as well as its possible effectiveness ought to be considered in the light of its object of ensuring a right to speedy trial under Article 21 of the Constitution.

Thus the law of bails must continue to allow for sufficient discretion, in all cases, to prevent a miscarriage of justice and to give way to the humanization of criminal justice system and to sensitise the same to the needs of those who must otherwise be condemned to languish in prisons for no more fault other than their inability to pay for legal Counsel to advise them on bail matters or to furnish the bail amount itself.

LAW AND DISABILITY NATIONAL AND INTERNATIONAL PERSPECTIVE

By

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"We know that equality of individual ability has never existed and never will, but we do insist that equality of opportunity still must be sought." — Franklin D. Roosevelt

Introduction

People with disabilities are excluded from the mainstream of society and experience difficulty in accessing fundamental rights. There is, furthermore, a strong relationship between disability and poverty. Poverty makes people more vulnerable to disability and disability reinforces and deepens poverty. Particularly vulnerable are the traditionally disadvantaged groups in India. Disability tends to be

couched within a medical and welfare framework, identifying people with disabilities as ill, different from their non-disabled peers, and in need of care. This changing ethos has taken place within an international context which finally gave rise, in 1971, to the Declaration on the Rights of Mentally Retarded Persons and entered into a transition in international legal development and finally to the 2008, United Nations Convention on the rights of persons with disabilities.

Persons with Disabilities

More than a billion people are estimated to live with some form of disability, this makes about 15% of the world's population (based on 2010 global population estimates). This is higher than previous World Health Organization estimates, which date from the 1970s and suggested a figure of around 10%.

According to the *World Health Survey* around 785 million (15.6%) persons 15 years and older live with a disability, while the *Global Burden of Disease* estimates a figure of around 975 million (19.4%) persons. Of these, the *World Health Survey* estimates that 110 million people (2.2%) have very significant difficulties in functioning, while the *Global Burden of Disease* estimates that 190 million (3.8%) have "severe disability" – the equivalent of disability inferred for conditions such as quadriplegia, severe depression, or blindness. Only the *Global Burden of Disease* measures childhood disability (0–14 years) which is estimated to be 95 million (5.1%) children of which 13 million (0.7%) have "severe disability"².

Out of the people of the world living with disabilities more than 500 million are in developing countries. Eighty per cent of all persons with disabilities live in developing countries where they are often the poorest of the poor³. Census 2001 has revealed that over 21 million people in India as suffering from one or the other kind of disability. This is equivalent to 2.1% of the population. Among the total disabled in the country, 12.6 million are males and 9.3 million are females⁴.

Most of the obstacles facing people with disabilities involve public amenities such as

education and information. Most schools that admit people with disabilities are funded by churches as there is not much investment in this area. Access to public transport, buildings and public gatherings is very difficult. The infrastructure is not user-friendly for those using wheelchairs, because ramps do not exist in this part of the world. Those with disabilities also seem to confront an uncaring society. When they approach members of the public for help in starting shops, gardening, dressmaking or music projects, they are regarded as a nuisance. The situation is worse in rural areas, where children with disabilities are usually confined to the house because of long-held traditional beliefs that they are curses from God. Society views disabled people as useless liabilities that have no role to play in society. Because of the prevalent social attitudes towards people with disabilities they often face discrimination, women with disabilities experience especially severe discrimination. Disabled people are not represented in Parliaments, in organs of decision-making, even on issues that concern them. Governments do not plan with the disabled in mind.

History of Disability of the World

For centuries with the ignorance of people in our world showed about disabled people or disability issues, in many cultures being disabled was (sadly is still considered) as a Punishment of God, also being disabled was a sign of being weak or inferior, with less value as a human being, due to their limitations, disabled people were killed or forced to live in the dark (hidden from other people), some other disabled people were abandoned in hospices, hospitals and mental institutions because their families couldn't "take care of them", and/or they were more "a problem for their lives" than being considered as defenseless human beings with feelings and emotions⁵.

History is replete with examples of disabled people worldwide being ridiculed,

* Translation "Love makes a deaf or dumb person happy, i.e., kindness pays"

2. World report on disability 2011 at p.262

3. <http://www.sida.se/Svenska/Nyhetsarkiv/2009/December/Sida-lanserar-arbetsplan-for-funktionsnedsatta/> Accessed on 11-2-2011.

4. http://censusindia.gov.in/Census_And_You/disabled_population.aspx accessed on 21.2.2012

5. <http://www.wheelsforindependence.biz/article.php?story=20050815213942577> 15.12.2011

killed, abandoned to die or condemned to permanent exclusion in asylums and ridiculed⁶. The philosopher, Aristotle, advised getting rid of a child if it was imperfect. Greek law even dictated that a newborn baby was not really a child until seven days after birth and abandoned their disabled babies on hillsides to die while early Chinese left their disabled people to drown in rivers⁷. The killing of people with disabilities, beginning with the Spartans who killed disabled persons as a matter of law;

Favourable practices in rehabilitation and community care were found all over the world. Reports of the use of prosthetic and artificial eyes in India around the 6th century B.C. and “a remarkable tradition of community care for the mentally disordered” which began in Belgium in the 5th century AD⁸.

Church in the 15th century sanctioned the extermination of disabled persons⁹. The Bible has been one of the most influential books in Western culture and it contains many negative references to disabled people, *eg.* the Book of Leviticus, Chapter 21, says that if you are a disabled person you can't be a priest or take communion; in the New Testament, it says renounce sin and you can 'take up thy bed and walk' (Luke, Chapter 5); and disability is seen as a punishment from God, 'be cured if you sin no more,' in *John*, Chapter 9¹⁰.

Martin Luther to be the founder of Protestantism, speaking of congenitally impaired children, said: “Take the changeling child to the river and drown it.” In 16th-century Holland, those who caught leprosy were seen as sinners and had all their worldly goods confiscated by the State so they had to be supported by the alms of those who were not stricken. If these penitent sinners were humble enough, it was believed their reward was heaven after they died¹¹.

In Islam the case of Julaybib, companion of the Prophet and he was deformed and having diminutive figure because of that the people of Madina outcast him. In Quran there is one instance which says about disability: “Not equal are those of the believers who sit (at home), except those who are disabled, and those who strive hard and fight in the Cause of Allah with their wealth and their lives” (4:95)¹². The available texts may suggest either that ‘ensoulment’ of the embryo takes place 120 days after conception. In pursuance of that South Yemen permits abortion of a deformed fetus or fetal malformation in the first 120 days of pregnancy¹³.

The notion of rehabilitation was prompted by the conclusion of the Great War (1914-19), when severely wounded veterans returned from this dreadful conflict.

The Nazi Euthanasia Programme under Hitler to exterminate disabled people as they could not make any contribution to society and 140,000 physically and mentally disabled adults were murdered in 1939-40 at the hands of the doctors of the Third Reich. Disabled persons, most notably those who were retarded or mentally sick became the

6. Pritchard, D. (1963). *Education and the Handicapped*. London: Routledge. Ralph, S. (1989). Images of disability as portrayed through print media. *Educare*, 33, 10-15.
7. Anang, T.B. (1988). Disablement, Disability and the Nigerian Society. *Disability, Handicap and Society*, 3, 71-77.
8. Miles, M. (1983). *Attitudes towards People with Disabilities after I.Y.D.P. (1981) with Suggestions for Promoting Positive Changes. Attitudes and Beliefs about Disability in Tanzania* 17 Peshawar, Pakistan: Mental Health Centre.
9. Durant, W. (1944). *Caesar and Christ*. New York: Siron and Schuster. 16 *Joseph Kisanji Freire, P.* (1973). *Education for Critical Consciousness*. New York: Continuum.
10. www.history.ac.uk/reviews/review/453 accessed on 16-12-2011

11. Onwuegbu, O.I. (1988). Development of special education in Nigeria. In: Abosi, C.O. (Ed.) *Development of Special Education in Nigeria: Papers in Honour of P. Mba and S. Osunkéjese*. Ibadan, Nigeria: Fountain Books.
12. <http://www.whyyislam.org/social-values-in-islam/social-ties/disability-in-islam/> 22-03-2012
13. <http://www.independentliving.org/docs7/miles200707.pdf>

first guinea pigs in outrageous medical experimentation and ultimately in mass extermination. Although Jews, homosexuals, and gypsies were the prime targets, all others such as persons with mental or physical disabilities, who did not conform to Hitler and Himmler's stated creed of an Arian master-race, were systematically put to death at extermination camps¹⁴.

Definitions of Disability

Legal definitions of disability have been an issue of much debate in Europe and around the globe. Despite the efforts of the World Health Organization (WHO) which resulted in the new International Classification of Functioning (ICF), there is no universal international legal definition of disability, nor is there one in any European Union (EU) country. A recent study of the definitions of disability in various EU countries has shown variations not only from country to country, but also within each country. While there are similarities among the definitions of disability in some areas of social policy, legal disability definitions in each country differ with respect to income maintenance, employment measures or social assistance with daily life activities.

In common parlance, Disability means a reduction of the physical, mental or intellectual ability.

According to the *World Health Organization* A disability may be physical, cognitive, mental, sensory, emotional, developmental or some combination of these. "Disabilities is an umbrella term, covering impairments, activity limitations, and participation restrictions. An *impairment* is a problem in body function or structure; an *activity limitation* is a difficulty encountered by an individual in executing a task or action; while a *participation restriction* is a problem experienced by an individual in involvement in life situations. Thus disability is a complex phenomenon, reflecting an

interaction between features of a person's body and features of the society in which he or she lives".

The World Report on Health defines "Disability is the umbrella term for impairments, activity limitations and participation restrictions, referring to the negative aspects of the interaction between an individual (with a health condition) and that individual's contextual factors (environmental and personal factors)"¹⁵.

Definition and analysis of disability in this report is based on *Convention 61/106 of the United Nations on the Rights of Persons with Disabilities*. According to the convention, "persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others"¹⁶.

International Conventions, Declarations and Resolutions of Persons with Disability

In the earlier times the persons with disability were treated as objects of pity and charity now that paradigm has been changed in view many International conventions and National legislations.

Over the past 200 years disability policy developed throughout the world. Currently the rights of persons with disabilities have been the subject of much attention in the United Nations and other International organizations since its inception. It has adopted some binding treaties some non-binding treaties. The human rights principles such as equality, non-discrimination and other rights have been incorporated in the UN Charter and the Universal Declaration of Human Rights. It is hereby discussed briefly the various international instruments on human rights which includes the disability rights which are adopted by the United Nations General

14. <http://www.dublincil.org/archive/nag/historyofdisability.htm> 16.12.2011

15. World Report on Health-2011

16. Tanzania 2008 Disability Survey Report

Assembly. These instruments have been culminated into the respective State legislations.

Universal Declaration of Human Rights (UDHR) - 1948

The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly (10 December 1948 at Palais de Chaillot, Paris). The preamble says 'Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world'. Article 25 of the Declaration proclaims that each person has "the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."¹⁷

Declaration on the Rights of Mentally Retarded Persons-1971

The Declaration on the Rights of Mentally Retarded Persons calls for national and international action to ensure that it will be used as a common basis and frame of reference for the protection of these rights:

- The mentally retarded person has, to the maximum degree of feasibility, the same rights as other human beings.
- The mentally retarded person has a right to proper medical care and physical therapy and to such education, training, rehabilitation and guidance as will enable him to develop his ability and maximum potential.
- The mentally retarded person has a right to economic security and to a decent standard of living. He has a right to perform productive work or to engage in any other meaningful occupation to the fullest possible extent of his capabilities.

- Whenever possible, the mentally retarded person should live with his own family or with foster parents and participate in different forms of community life. The family with which he lives should receive assistance. If care in an institution becomes necessary, it should be provided in surroundings and other circumstances as close as possible to those of normal life.
- he mentally retarded person has a right to a qualified guardian when this is required to protect his personal well-being and interests.
- The mentally retarded person has a right to protection from exploitation, abuse and degrading treatment. If prosecuted for any offence, he shall have a right to due process of law with full recognition being given to his degree of mental responsibility¹⁸.

The General Assembly adopted this resolution which gives such persons enjoy the same rights on par with the other human beings (Article 1). It also gave significance to the rights of them (which includes medical care, economic security, education, training, rehabilitation and protection from exploitation). The resolution emphasizes the legal safeguards for exercising their rights and to appoint a qualified guardian where necessary¹⁹ which are helpful to them to look after them as well as to administer their properties.

Declaration on the Rights of Disabled Persons-1975

Disabled persons shall enjoy all the rights set forth in this Declaration without distinction or discrimination on the basis of race, colour, sex, language, religion, political or other opinions, national or social origin, state of wealth, birth or any other situation. The Disabled persons shall have

18. General Assembly Resolution 2856 (XXVI) of 20 December 1971

19. For details see Declaration on the Rights of Mentally Retarded Persons, Resolution 2856 (XXVI), 20th December 1971.

17. <http://www.altiusdirectory.com/Society/international-day-disabled-persons.php> accessed on 9.3.2012

- Right to respect for their human dignity
- The same civil and political rights as other human beings
- The right to medical, psychological and functional treatment, including prosthetic and orthotic appliances, to medical and social rehabilitation, education, vocational training and rehabilitation, aid, counselling, placement services and other services which will enable them to develop their capabilities and skills to the maximum and will hasten the processes of their social integration or reintegration
- Right to economic and social security and to a decent level of living
- Right to live with their families or with foster parents and to participate in all social, creative or recreational activities
- Right to be protected against all exploitation²⁰

The General Assembly had adopted this resolution in 1975. This Declaration stress that the persons with disabilities enjoy all the rights without any discrimination. They have the same civil and political rights as other human beings. Besides, such persons are “entitled to the measures designed to enable them to become as self-reliant as possible”. The Declaration recognizes a number of economic and social rights that are of noticeable importance for the development of capacities and social integration. Other significant passage refer to the right of disabled persons to have their special needs taken into consideration at all stages of economic and social planning, the right to protection against exploitation and treatment of an abusive or degrading nature and the organizations of disabled persons to be usefully consulted in all matters regarding the rights of persons with disability²¹. This is the

first resolution adopted by the General Assembly concerning the persons with disability which paved the way for the formation and adoption of United Nations Convention on the Rights of People with Disabilities.

International Day of the Persons with Disability

International Day of Persons with Disabilities is annually observed on 3rd December with an objective to promote an awareness of disability issues, the fundamental rights of persons with disabilities and integration of persons with disabilities in the main stream of each aspect of the social, political, economic and cultural status of their communities²².

The International day of the persons with disability is observed every year to remind the general public as well as rulers not to forget the rights and privileges given to the persons with disability but also see them they are implemented according to the different international conventions.

International Year of the Disabled (IYDP) and Disability

The year 1981 was proclaimed The International Year of Disabled Persons (IYDP) by the General Assembly in 1976. It launched a plan of action at the national, international and regional levels, with an emphasis on similar opportunities, rehabilitation and prevention of disabilities.

The theme of IYDP was “full participation and equality”, designated as the right of disable persons to participate entirely in the life and development of their respective societies, enjoy good living conditions similar to those of other people, and have an equal share in developed conditions after socio-economic development. The decade from 1983 to 1992 was proclaimed the International Decade of Disabled Persons²³.

20. <http://www2.ohchr.org/english/law/res3447.htm> accessed on 04-04-2012

21. For details See Declaration on the Rights of Disabled Persons, Resolution 3447 (XXX), 9th December, 1975

22. <http://www.altiusdirectory.com/Society/international-day-disabled-persons.php> accessed on 9.3.2012

23. U.N. Resolution No.37/53 of 3rd December 1982

World Programme of Action and Disability (WAP)-1982

A major outcome of the International Year of Disabled Persons was the resolution²⁴ in 1982 entitled the “World Programme of Action concerning Disabled Persons” (WPA).

The major aims of the WPA are prevention, rehabilitation and equalization of opportunities which are relevant for the participation of the persons with disabilities in social life and national development.

In paragraph 12, the WPA defines “equalization of opportunities” as: the process through which the general system of society, such as the physical and cultural environment, housing and transportation, social and health services, educational and work opportunities, cultural and social life, including sports and recreational facilities, are made accessible to all.

In paragraph 21, the WPA states that the achievement of “equality of opportunity” necessitates measures that go beyond the traditionally rehabilitative ones.

Other organizations and programmes of the United Nations have adopted approaches related to development that will be significant in implementing the World Programme of Action concerning Disabled Persons. These include:- The mandate contained in General Assembly Resolution 3405 (XXX) on new dimensions in technical cooperation, which directs the United Nations Development Programme, *inter alia*, to take into account the importance of reaching the poorest and most vulnerable sections of society when responding to Governments’ requests for help in meeting their most urgent and critical needs and which encompasses the concepts of technical cooperation among developing countries;

The specialized agencies of the United Nations system, which are involved in promoting, supporting and carrying out field activities, have a long record of work related

to disability. Programmes of disability prevention, nutrition, hygiene, education of disabled children and adults, vocational training, job placement and others represent a store of experience and know-how which opens up opportunities for further accomplishments and, at the same time, makes it possible to share these experiences with governmental and non-governmental organizations concerned with disability matters.

The WAP has emphasised that different international organisations working in different fields have to mould themselves in order to facilitate the betterment of the lives of the persons with disabilities.

United Nations Convention on the Rights of People with Disabilities-2008

The UN Convention on the rights of persons with disabilities was adopted in May 2008. This convention was an integration of all earlier conventions particularly related to the disability²⁵.

Article 1 of the convention says “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, and to promote respect for their inherent dignity.”

Article 3 of the convention says all State parties should promote and protect the rights of persons with disability mentioned in the General principles

Article 4 says that State parties to undertake to legislate and implement different rights mentioned in this convention.

The rights protected by the UNCPRD are grouped as follows:

- I. The equality and non-discrimination (Article 5)
- II. The rights of women with disabilities (Article 6)

24. U.N. Resolution No.37/52 of 3rd December 1982.

25. For details see at <http://www.un.org/disabilities/>

- III. The rights of children with disabilities (Article 7)
- IV. Accessibility to all aspects of life (Article 9)
- V. The Right to life (Article 10)
- VI. Equal recognition before the law (Article 12)
- VII. Access to justice (Article 13)
- VIII. Liberty and security of the person (Article 14)
- IX. Freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15)
- X. Freedom from exploitation, violence and abuse (Article 16)
- XI. Liberty of movement and nationality (Article 18)
- XII. Right to education (Article 24)
- XIII. Right to health (Article 25)
- XIV. Right to habilitation and rehabilitation (Article 26)
- XV. Right to work and employment (Article 27)
- XVI. Right to adequate standard of living and social protection (Article 28)
- XVII. Right to participation in political and public life (Article 29)
- XVIII. Right to participation in cultural life, recreation, leisure and sport (Article 30)

India and Disability

India is a signatory to the Proclamation on the Full Participation and Equality of People with Disabilities, signed at the launch to the Pacific Decade of Disabled Persons (1993 – 2002) in 1993. This, in addition to lobbying from non-Government organisations, led to the formulation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. This is the fundamental act in India protecting the rights of people with disabilities.

This legislation is intended to be implemented and monitored through co-ordination committees, both at Central and at State levels. The Act has been credited with shifting public attention towards the needs of people with disabilities²⁶. The Act is guided by the philosophy of empowering persons with disabilities and their associates. The endeavour of the Act has been to introduce an instrument for promoting equality and participation of persons with disability on the one hand, and eliminating discriminations of all kinds, on the other. Over the last two decades, the protection of persons with disabilities was made mandatory with the passing of certain legislations including the PWD Act (1995) and the Mental Health Act (1987). Employment, education and creating a non-discriminating environment for all persons with disabilities were some of the rights that are given special attention here²⁷. Different Courts are supporting implementation of Act. In one case it was held that there is no difference between disability by accident or by natural causes²⁸, mental retardation was one of the type of disabilities recognised under the Act²⁹. It was further held by the Court that the Persons with Disabilities Act laid responsibility on the society to make adjustments for disabled people so that they could overcome various practical, psychological and social hurdles created by their disability. Further, the Act placed disabled people at par with other citizens of India in respect of education, vocational training and employment³⁰.

26. C Venter et al Enhanced Accessibility for People with Disabilities Living in Urban Areas, Unpublished Project Report, Department for International Development (UK) Engineering Knowledge and Research: Project R8016

27. <http://www.disabilityindia.org/disabilitylawandrights.cfm> 27-11-2011

28. Shaji Kumar v. Bharat Petroleum Corporation, 2004(1) KLT 961

29. Union of India v. Hasan Khan, 2003-II-LLJ 779

30. Hasankhan Gulamhussainkhan Khanjeda v. State of Gujarat, (2005) 3GLR 2633

Labour and employment

The right to employment of persons with disabilities is protected under the Persons with Disabilities Act. Issues involved in this area include creating and reserving posts under the disability category, protecting rights on acquiring disability, reinstatement, promotion, compassionate employment, concessions, compensation, and alternate employment³¹. It was held by the Court that the reservation is mandatory in employment³². If he sustains injuries while on duty and acquired disability, he should be accommodated to any other suitable post³³.

Transport

With regards to accessibility and transport, the Act instructs transport operators and Government authorities to (*inter alia*):

- adapt rail compartments and buses to permit easy access to people with disabilities;
- install auditory signals at public roads;
- install curb cuts, ramps and slopes in pavements and public buildings to assist wheelchair users; and
- install engraving on the edges of railway platforms to assist people with visual disabilities.

Education and Disability

The Constitution of India guarantees right to education to all children till the age of 14 years (Article 21). The Act mandates (under Section 26) the Central and State Governments to ensure that all children with disabilities get free education till they are eighteen years of age. Efforts should also be made to integrate these children in the regular schools and to set up special schools with vocational training facilities in deficient areas.

The PWD Act (Section 30) further mandates that special provisions such as transport facilities, removal of architectural barriers in schools, supply of books, uniform and other materials to children with disabilities to encourage them to go to school and to pursue basic education be made available. Thus, under the Act (Section 39) three per cent of seats have to be reserved for children with disabilities in all the Government and Government aided educational institutions.

Barrier-Free Environment

Chapter VIII of the Act deals with the provisions relating to this principle. Some of the provisions in this Chapter include providing auditory signals on roads, taking special measures in the transport sector to make the rails, aircrafts and vessels easily accessible to wheel chair users, to provide ramps in public buildings, medical care and rehabilitation centers, Braille symbols and auditory signals in elevators and lifts.

Apart from the said Act, other enactments are also supports the disabled people which are discussed briefly in the following manner.

Conclusion

The rights of people with disabilities are protected by the Constitution and other laws domestically which are tailored according to the International Legal instruments. Government departments and State bodies have a responsibility to ensure that, in each line function, concrete steps are taken to ensure that people with disabilities are able to access the same fundamental rights and responsibilities as any other Indian. The legislative framework is crucial. There is no need to examine the need for new legislation. Existing legislation must be meticulously followed and finally, in order to ensure that legislation is effective and policy implemented, research and monitoring are essential and transformation must involve practical change at every level of our society.

31. *Social Jurist v. Union of India and others*, CM 6736/2000 in CW 3956 of 2000, Decided on 29.8.2000

32. *Ratheesh Babu v. UGC*, 2004 (3) KLT 158

33. *Om Prakash Singh v. Union of India and others*, 2005 All. L.J. 2419