

## ADDRESS BY HARISH N. SALVE\*

I am happy that today the Indian Law Institute has organised this conference so that we can focus for a change on a subject, which I must confess we have all ignored for all this while. We have had conventions on rule of law, commercial law, subjects which attract lawyers very easily. But I think this is the first time that we are having a structured debate in the Indian Law Institute on a subject of importance these days. The march of civilization has been the march from our predator instincts to community living, in which community has been redefined as a circle wider than our own species. Today we have learnt to respect the rights of all living beings, and the UN Charter is an eloquent testimony to this. But it is unfortunate that in all these we have forgotten the under-privileged amongst our own lot. The UN Charter shows the international concerns in relation to the disabled. I would feel India has two good reasons why we should over the years emerge as the front-runner in taking steps to remove these disabilities or deal with these disabilities. The first is that we can proudly proclaim that with all our problems, we are a democracy governed by the rule of law, and perhaps the most vibrant democracy amongst the developing countries. If we have led the way and our constitutional courts have led the way in evolving the jurisprudence of human rights, and of affirmative equality, then it is only logical that we address the subject of rights of the disabled and make it an active part of our programme of affirmative equality. Mr. Justice Bharucha mentioned that the equality is the most important right, it becomes a teasing illusion to a disabled if you tell him he is as equal as his able neighbour. There have to be steps, which address his inherent inequality to make him equal. The second reason why India should be the forerunner is we have on even our inaccurate approximate estimates one fifth of our population who suffers from what can be described as disabilities.

You will of course over the days debate on the various steps to be taken. I have a suggestion to make: the Minister mentioned the government's approach. But the government's intention and the government's steps cannot address this problem adequately due to lack of resources. You have to involve the private sector in these and what you can perhaps debate in a legal forum is a regime of incentives and disincentives, which can be created, which would encourage the private sector to give employment and to create openings for those who suffer

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from disabilities. To-date, we have seen, for example, in the United States where there is a definite reservation in certain jobs. If you suffer from impairment of the lower limbs there is no reason why you cannot equally and effectively operate a computer and why should you not get the preference as a computer operator than one who has all probably in the same place, so on and so forth. So there has to be a regime in which the private sector is involved. This will also help in addressing the mindset problem. Steps taken by the government do not bring about a change in societal thinking. This has to spread far and it has to spread deep, because ultimately disability should cease to be a social stigma. We were just told about the problems in a census of the disabled, and I would think all our steps will be successful the day the disabled of India consider themselves an equal citizen.