MODELS OF DISABILITY AND LEGAL UNDERSTANDING

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Introduction:

Law is not lack of any purpose. The basic objective in the democratic state to strive for welfare of the people. Persons with disability often have been at disadvantage in the social structure. Disability is understood as the product of legal recognition of physical impairments as well as the legal recognition of social barriers. Legal understanding of disability is significant because it will help law to remove direct and indirect injustice with PWD.

The Disability is identified as either medical condition or a social factor. The Medical model is based upon the welfare state, but it recognises human body as a origin of disability issues. This model focuses upon solving the medical issue or providing the medical assistant or clinical help to overcome the disability objectives. Medical model is to take efforts so that person with impairment can be fitted in the able body norms of society. Medical model is an effort to identify the disability issues and provide immediate solutions. Medical model of disability is considered to be the part of equality but only to the level of formal equality, to remove all express or direct discrimination that is happening with the persons with disability. Effort of medical model of disability is to make physical or substantial changes and make the improvements in the life of disables. Claims of equality for disabled are possible only because of the innovations in the science and technology because the contribution of disables in the society have been experienced and possible at large level only because of scientific developments, for example, the persons with visual impairment was not in a position to contribute like others some centuries ago. It is only due to innovation of spectacles their disability appears to be not existing. Still disables have their own limitations.

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The medical model of disability can be considered as first response of legal system towards recognizing issues of disables. No doubt the intention with the which the MM is interacting with identity of disables is positive or full of human compassion. MM is the objectives of social welfare state but, since it is a initial response against the discrimination with disables, its success limits only to the extent of formal or procedural level. As MM is able to change life

experiences of disables to a significant level. legal system has acknowledged this model to deal with claims of equality with disabled. MM is helpful and both the ends of disability considerations it gives the confidence and ability to differently able person that they are also significant member of society, and they also can contribute and participate as an independent person in the society. I do not claim that MM has ensured all of these I the minds of differently abled person but, the possibility of these things because, of the capacity of disabled is ignited by MM. The only limitation of MM that disables are always in a struggle to be fitted in the parameters of ableist paradigm. MM is not able to consider the interaction of disables with their surroundings. A crucial question cannot be satisfactorily answered by the MM i.e., "what is the role of surrounding in the experience of disability of differently abled person". MM is focusing only on the one end of the problem that is the disabled person and try to provide the solution with the same therefore, after few developments in the disability jurisprudence MM appears to be lagging to provide sufficient solution for the claims of equal opportunity for disables.

Due to the inherent limitation of MM in recognizing causes of disability activist started to provide another model of recognizing disability which is based upon the interaction of persons with his surroundings. Disability is any way a comparative experience if no one from the surroundings is able to fly on its own we will not experience disability of flying but when all can walk on their feet and someone is not on the own then one will experienced disability. Therefore my claim is disability cannot be experienced in isolation but it is an experience of socialization and therefore disability is not only dependent upon the personal impairments but, it is also dependent on social surroundings. This idea of recognizing the notion of disability in surrounding of individual is known as social model of disability. here, the SM focuses not on the impairments but, upon the barriers in the society. The social model of disability advocated by various branches of disability movement and therefore it is developed at various stages. The primary classification of social model movement is contributed by the British social model, Nordic relational approach and North American minority understanding. Social model has been successfully to shift focus of legal instrument from individual deficit to the barriers in the social surrounding. A person with wheelchair will not experience disability in the accessible building which have wide doorways, ramp, lift and accessible fitting therefore, social model has contributed to free the disability from inferiority complex. It is the

social attitudinal and environmental, infrastructural barriers when coming in the contact with physical sensory or intellectual impairment of an individual result in disability experience. Disability has been separated from the impairment in this ideology. SM is able to provide another facet of legal interaction with disability SM is able to desire social change because it is the social contraction which is responsible for disability. The social participation is hindered because of the intentional or unintentional barrier. Focus of social model is upon the discrimination caused by the barriers in the society, where MM have been focusing to present the formal discrimination. SM Is trying to ensure substantive equality by removing the barriers in society. Disability is experienced because the educational facility is not accessible or is not designed to cope up with the need of differently abled children, the working condition are not suitable to provide the equal opportunity of work the transport facility is not able to develop inclusive standard for disabled. The entertainment or sports does belong to ableist standard and therefore it is the social construction who cease the disability for differently abled person. Social model is an ideal political stand which provide an initiate a legal opportunity of social change. Society does not change unless it experienced the need or a realization of injustice. SM is successful to realize the society that it is causing injustice for differently abled person.

British social model of disability is the best known model of social contextual analysis or critical legal studies movement. This model is successful in creating distinction between impairment as a biological condition and disability as a social consequence. Person is not held accountable for the disability due to his impairment but he is encountering the disability because of the barrier with reference to society ,infrastructure and attitude. A person encounters disability due to the barriers created in the society like unsuitability which is experienced by the persons of disability like inaccessible education, unfavorable working conditions, inconvenient transport facility, non inclusive social structures, inappropriate representation of disables in films, cinema, televisions or serials etc. Michael Oliver who is responsible for conceptualizing British social model describe it as conception which in broader sense clearly focuses nothing more than upon the economic social and physical barriers due to which others consider person with mental, sensory or physical impairments as disables. This model clearly focuses upon the manner society includes or exclude them instead upon the individual deficits. This model Has its origin on the materialistic ideas of society and

disability. In the year 1960's lot of jurist and disability activist have been participating in the British social disability movement and their fore this model has contributed in liberating the persons with disability from the conception of deficit and liberating from the guilt of imperfection. This model Has focused upon the operation conditions of disables in the society and their by made the society to consider its limitations and ask for the social change. Persons with disability have undergone a drastic change because now the persons with disability need not to strive to adjust with the surroundings but can expect the change in surrounding itself. Therefore the contribution of British social model is that it makes simple articulation of political idea that disables are facing disability not because of their own defect but because of the defective conditions of surrounding. The experience of disability is now resultant of surrounding conditions hence political authorities can be asked for a social change instead of demanding for the cure therapy or training for disables. This model is very successful in bringing out the conditions of disability from a compromise to the right based approach. Though this model is very successful in disabilities jurisprudence still this ideology is not uncontested. This model gives excessive emphasis upon the social and structural barriers but does not considered the cultural or experiential limitations. This model has not considered the specific requirement of some impairments like mental disability or Deafness. British social Model is not able to accommodate the disability experienced due to sexual, ethnic or linguistic grounds.

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The another model of disability is Nordic relational approach. This model have emerged from the Nordic countries ideology arising during 1960. It is not a single Idea or a line of thinking which developed this approach but multiple approaches have been coin sided with this relation. During the 1960s and 70s when the Nordic thinkers was trying to develop mechanism for prevention of human right violations and the concept of normalization was initiated then the disability also have been considered as a factor for normalization. Disability has been found to be in relation with the society and hence during the process of normalization the required social and infrastructure limitations have been identified and disability is also been considered to be effective for the enforcement of human rights. This model does not categorically distinguish between the social cause of disability and individual impairment but it speaks about the relation of impairment and society. This approach is not a single line of

thinking but family of multiple ideas who does not identify defect in an individual but in the surroundings who cannot accommodate with the people. this model Differs with the earlier model on the ground that for British social model individual impairment and their relation with the social context which leads to social relation and disability is critical while in case of Nordic relational approach this distinction of individual impairment and social disability cannot be located.

The another idea of this relation approach is disability is contextual or circumstantial wearing it argues that disability experience is because of the specific circumstances in which impairments are finding themselves. For example person with blindness cannot experience disability during the telephonic conversation neither person with Deafness will not where sign language is used. At the same time disability is relative as well because the identifying parameters of disability may be variable from situation to situation. In the European countries during 19th and 20th century the intellectual disability was identified with reference to 50 to 85 IQ. These variable Conditions define the social understanding of disability and it is filled with arbitrary and dichotomy conditions for consideration of disability. Then Nordic approach stresses the relation between individual complex identities as well as the circumstances which are in relation to with that individual identities.

This model is of firm belief that disability experience by a person is because of the restriction or the oppressive conditions of his surroundings this model identifies disability as a mismatch between individual capacities and surroundings or the unsuitable conditions of individual and broader social requirements of participation. It happens because the environment, infrastructure or society is not suitable to adopt and include all the human diversity in existence. Hence disability is experienced with the impairments because of the relation which is developed in individual capacities and adaptability of surroundings.

The another significant model of disability is minority model which is also known as North American minority model . this Approach is predominantly evolved in the North American region which stems from the discrimination. It evolved as response to discrimination arising out of the racial minorities. This approach identifies that disabilities forms a class in itself and hence the social conditions is suitable for the majority demands while the conditions requirement for the participation of disables is ignored because of the minority status. Hence

law has to make special accommodation for persons with disability in ableist society. The protection of persons with disability is available like marginalized group.

Conclusion

Both the models of disability which are discussed above have their own merits and limitations. MM[1] is significantly helpful to enhance the capacity of disabled while SM is successful to effective utilization of the capacity of disable. Disability act of 1995 have been focused upon the MM but the rights of disability act of 2106 have incorporated the medical and social model of disability together. Only social model is also suffering with contest of efficiency that it completely ignored the individual limitation arising from the impairments as well as it can expect equality only to the extent it is practically possible. for ex- the demand of equality of opportunity in public services can be supported by social model but, the suitable conditions of work by removal of barriers is not possible with the arm forces working on the challenging terrains. therefore, the legal reforms has to be coupled with the social realization to provide better opportunities of social participation to the person with disability and to realize the social construction and , the need for change.

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[1] MM abrivation of Medical model