

Convocation Address

By

**Hon'ble Shri Justice Dipak Misra,
Judge, Supreme Court of India**

at the

Second Convocation

of

**Dr. Shakuntala Misra National Rehabilitation University,
Lucknow
(May 28, 2016)**

Hon'ble Governor of Uttar Pradesh and Visitor of Dr. Shakuntala Misra National Rehabilitation University, Shri Ram Naik, Shri Sahab Singh Saini, Hon'ble Minister, Development of Persons with Disabilities Department, Government of Uttar Pradesh, Hon'ble Mr. Justice S. N. Shukla, Judge, High Court of Allahabad, Professor Nishith Rai, Vice-Chancellor of the University, Vice-Chancellors of other Universities, Shri Anil Kumar Sagar, Secretary, Development of Persons with Disabilities Department, Government of Uttar Pradesh, Members of General Council, Executive Council, Academic Council, Deans, Heads of Departments, Members of various faculties, Invited Dignitaries, Dear Students, Representatives from the Electronic and Print Media, Ladies and Gentlemen.

I deem it a great privilege to deliver the Second Convocation address at this unique University which is engaged in empowerment and mainstreaming of otherwise abled persons with the pragmatism of inclusive education, training and skill development. It is of immense significance that in its progressive perception of education and economic empowerment, the University provides 50 percent reservation in all courses to differently abled students and within this 50 per cent to visually impaired students.

The Supreme Court of India in ***Sunanda Bhandare Foundation v. Union of India***¹, while stressing the requirement as envisaged under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, has observed:-

“... the beneficial provisions of the 1995 Act cannot be allowed to remain only on paper for years and thereby defeating the very purpose of such law and legislative policy. The Union, States, Union Territories and all those upon whom obligation has been cast under the 1995 Act have to effectively implement it. As a matter of fact, the role of the governments in the matter such as this has to be proactive. In the matters of providing relief to those who are differently abled, the approach and attitude of the executive must be liberal and relief-oriented and not

¹ (2014) 14 SCC 383

obstructive or lethargic. A little concern for this class who are differently abled can do wonders in their life and help them stand on their own and not remain on mercy of others. A welfare State, that India is, must accord its best and special attention to a section of our society which comprises of differently abled citizens. This is true equality and effective conferment of equal opportunity”.

This university, as is obvious, has lived upto the social vision and is constantly engaged to sustain the said vision with impeccable consistency. The uniqueness of the University is evinced by the fact that differently abled and other categories of students study together which is reflective of educational as well as attitudinal integration. The barrier-free environment reinforces the aim of providing more accessible and equitable educational opportunities to persons differently abled. Another significant facet of the University lies in providing free education and other requisite ancillary facilities to such students. It is an admirable step in realization of the vision of the University.

I have been informed that apart from the eight faculties with twenty six departments, the specialised wings of Artificial Limbs and Rehabilitation Centre and Centre for Indian Sign Language and Deaf Studies are playing the pivotal role in augmenting the

rehabilitation efforts of the University. I appreciate the actualization of the endeavour without any reservation.

Education is meant to facilitate and promote studies, research and building capabilities among the students. As the University has succeeded in reservation of fifty per cent seats, it is necessary to include rehabilitation courses with focus on visual impairment, hearing impairment, mental retardation, rehabilitation engineering/technology, community based rehabilitations, rehabilitation psychology, speech and hearing, locomotors and cerebral palsy, autism spectrum disorder, rehabilitation therapy, vocational counseling, social work, administration, etc. through conventional teaching and distance education system. I am happy to note that due regard is bestowed to achieve the said objectives. Once the perception and the motto are clear, the goal is not far behind. Needless to say, once the University is devoted to the cause, that is, inclusion and empowerment, every student is expected to take the solemn pledge to achieve the same.

Commitment to rehabilitation, development, protection of rights, and cultural inclusion requires sensitization of all concerned. It is a categorical imperative. With the said purpose, the United Nations has commenced its global campaign in favour of persons

with disabilities with the observance of International Year for Disabled Persons (IYDP) in the year 1981. In the wake of this, all nations including India have been mandated to enact legislations, formulate policies, initiate action plans, develop suitable programmes and devise effective mechanism for promotion and achievement of universally all-inclusive development and right-based dignity and freedom of PwDs. The United Nation Convention on the Right of Persons with Disabilities (UNCRPD), which India signed on March 30, 2007, has been ratified and come into force on May 03, 2008. This has ensued in emergence of three important obligations, namely, (a) implementation of provisions of the United Nation Convention on the Right of Persons with Disabilities, (b) harmonization of Indian Laws with the United Nation Convention on the Right of Persons with Disabilities, and (c) Preparation of Country Report by 2010.

I may presently advert to the significance of education. True education builds the cultural, socio-economical and ethical spine of the country. Long back, the great Greek Philosopher Plato had said:-

“The direction in which education starts a man will determine his future life.”

The aforesaid saying is also relevant today. Not for nothing it is often asserted that true education builds the individual character which in the ultimate eventuality lays the foundation of the State. The University education is extremely important for guiding the youth of the nation. It is the constitutional duty of the State to create an amiable environment for the challenged population. The National Policy for Persons with Disabilities 2006 recognizes that persons with disabilities are valuable human resource for the country and seeks to create an environment that provides those equal opportunities, protection of their rights and full participation in society. Policy documents point out that international mandates and policy frameworks have provided a significant impetus to efforts undertaken at the national level. Many of these mandates have shaped new national legislations and policies. Some legislations need special reference which have had a significant impact on the society. These are: (i) Rehabilitation Council of India Act, 1992, (ii) Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, (iii) National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, (iv) The

86th Constitutional Amendment (2007) that envisages free and compulsory education to children up to 14 years. Of these, the first three are specific to persons who are otherwise abled.

The United Nations Convention on the Rights of Person with Disabilities (CRPD), 2006 is the first international treaty that has created space for a paradigm shift in the approach and understanding to disability. The United Nations Convention on the Rights of Person with Disabilities (CRPD), 2006 moves forward from a charity-based medical model perspective of rectifying/ curing the impairment to changing of social, attitudinal and physical environment. It does not offer any definition of disability nor has it classified the types of disabilities; instead, it states that "disability is an evolving concept and that disability results from the interaction between person with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others". India is a signatory to the Convention and has ratified it in October 2007. It is a prominent progressive step.

The very idea of justice, *inter alia*, implies integration of differently abled people in the society so that they are able to live a

normal life with dignity and freedom. In this way, they are being made able to contribute to the social and economic development of the country. The recently launched Accessible India Campaign with the basic aim of making India disabled-friendly is surely a major initiative towards empowerment of persons with disabilities. Besides, issue of unique identity card to otherwise abled persons will help them accessing various facilities needed for their empowerment and mainstreaming. The need is to recognize and channelize these into the productive segments of the economy. This requires collaborative endeavours. I wish that this unique University acts as a 'catalyst' for stimulating the thinking process in that regard. For the said purpose, strengthening of interdisciplinary and multi-disciplinary studies is necessary; and I am sure the university shall achieve it.

It is to be stated with emphasis that dignity of an individual is of paramount concern in a democracy that is controlled by Rule of Law. Our compassionate Constitution lays immense stress on right to life which includes living with dignity. Inclusiveness inherently encompasses mutual respect and veneration of dignity of another. This University, as I have been apprised, has taught you to have dignity, live for dignity and always fight for the same. In the

future, when you face challenges or succeed with chances, never forget the value of dignity. Let that be the “*summum bonum*” of your life.

A parting note for the students as well as the teachers. A passage from the judgment in ***National Council for Teacher Education and another v. Venus Public Education Society and others***² would be apt quoting:-

“... Acquisition of knowledge and obtaining of necessary training for imparting education have their immense signification. As C. Simmons would like to put it “The secret of successful teaching is to teach accurately, thoroughly, and earnestly” and one may fruitfully add that accuracy and thoroughness can be achieved by cultivated education, matured training and keen intellect. That is why teaching becomes a teacher’s passion and religion. A good teacher, in a way, represents the country’s orderly civilisation. A teacher is expected to kindle interest in the taught by method of investigation, incessant implantation of knowledge and demonstration of experience that is replete with intellectual pragmatism. A student who is keen on getting training has to keep in mind the concept of reason, conception of logic and sanctity of rationality. He is expected to distance himself from habitual disobedience and unfettered feeling, for a civilised society which is governed by the rule of law does not countenance such characteristics. ...”

² (2013) 1 SCC 223

In conclusion, I must state that I am really overwhelmed on this special occasion with the outstanding academic pursuits of especially differently abled students. I take this wonderful opportunity to congratulate the students who have been conferred with Degree and Medals. It is a changing phase of life. It is the time when the students enter into the world of challenges and excitement. I sincerely hope that they will achieve success in life. I extend my best wishes for their future progress and achievement.

Thank you.
