

Encountering disability: The making and un-making of development categories in The third world

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Disability law and policy has a short history in India. Recent debates around disability laws and policies engage with the issue of their tenacity. This paper investigates the problems with discussing issues of tenacity without understanding the genealogy of disability as a legal concept in India. In doing so I will also argue that the conceptualization of disability as a legal category, entails its production as a ‘development’ category. In turn, the imperative of constituting categories of people for the success of development as a project constructs and produces the discourse of disability as a subject for law and policy. International development organizations often address the matter of disability in the developing world in terms of the prime development concern, poverty. This view is also quite popular in the academic circles- ‘poverty causes disability and in turn disability exacerbates poverty’.

It would be difficult to deny that what we have so far is a picture of disability in the ‘third world’ or ‘developing world’ as it appears to the West, by this I mean also the discursive tendencies of scholars viewing the notion of disability in India with a western perspective. Among the many reasons for this phenomenon one is that we have taken it for granted that ‘disability’ exists in every cultural context, much like food or water. This presumption has always clouded our view and will continue to do so unless we attend to studying what disability is only within the peculiarities of a particular context.

What does it look like? How does it behave? How is it spoken of? Why does it exist in India? Though these questions might sound trivial or teasingly reductionist that is not how I intend them. I mean for them to be answered in ways that we haven't been able to so far because of our presumption that if it exists it must exist like itself. Our presumption qualifies it with certain innate qualities. However, disability scholars and my colleagues in the Ph.D program argue that nobody knows how disability looks or what it means and everybody is trying to find these answers. I would contend that what they mean is that everybody is always trying to define disability. In arguing this there is an unconscious conflation of two distinct sets of questions. The question that seeks a definition of disability is different from the one that asks what constitutes it. There is the common tendency to think that the answer to the second question like the answer to the first question will reveal that disability is not just one thing but is different things in different contexts or situations. My question however, allows for the possibility that disability may not exist if its constituting elements are absent. A new framework or a new language to discuss disability in developing world contexts would primarily require the suspension of the belief that what would emerge would be a single, universal or unified schema.

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