**Disability Rights: Re-imagining services in the 21st Century**

**UN-OHCHR: Call for Inputs**

**Submitted by:-**

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Dear Sir/Ma’am

After having navigated through the given set of questions and researching upon them, we are hereby submitting our inputs for each of the questions:

**A: Policy Goals and Principles**

**1.**The Constitution of India is primarily based on the principles of social justice and human rights a marker of which is the preamble DPSPs and FRs. The constitution places a wide criterion for people who are disadvantaged in any manner. Though not mentioned explicitly the services to pwds are governed by principles of social justice and good governance placed in the constitution.

**2.**After signing of the UNCRPD the Indian government initially did amendments in the then existing laws(pwd,Act 1995) but to make the laws compliant with UNCRPD a new act (RPWD act 2016) was passed. It included various rights into the domain like Living in the community for PWD which mandated the Government to take appropriate steps to ensure reasonable accommodation for them. Equal protection and safety in situations of risk, armed conflict, humanitarian emergencies, and natural disasters are to be provided to PWD. Accessibility in voting and access to justice without discrimination to the PWD are to be ensured. Public documents are to be made available in accessible formats.

**B. Service Delivery**

**4.**The service delivery is a mix of Central and state governments with  active role of private organizations, Nongovernmental organizations and religious organizations specified under the rules that have come afterwards. After UNCRPD the Rights of Persons with Disabilities Act, 2016 came in line with this Convention and adoption of National Education Policy 2020 which promotes inclusive education together introduced inclusion in educational institutions, private sector etc.

**5.** Basically its the Central Government which pays for the services of the differently abled people under the RPWD Act and the Central schemes. However, under the CSR component, the Corporates are also engaged in paying up for the services of the disabled.

**6.** Community based providers are paid based on the specific services rendered.

**7.**The principles and goals are communicated primarily through the laws and the various schemes brought in. Also, there are various consultations and stakeholder meetings held which do the same.

**8.**Specific Assistance to buy support products needed to make the living more accessible is the one specifically brought up. For others that might be, the authors are not aware of.

**9.** Many organisations have started using technologieslike live captioning, virtual reality based modules creation of [platforms](https://hr.economictimes.indiatimes.com/news/workplace-4-0/diversity-and-inclusion/leveraging-technology-to-offer-people-with-disability-opportunities-at-workplaces/88067047), and usage of FM Transmitters etc. for the better inclusion of pwds.

**10**. In India the care givers are recognised under sub-section (d) of Section 2 of the Rights of Persons with Disabilities Act, 2016, a care-giver is “any person including parents and other family members who with or without payment provides care, support or assistance to a person with disability”. The Act also has provisions which ensure that the pwds get an allowance to fund care required(sec24 (3) (i) but there is a lack of support to the informal caregivers like family members, spouses etc.

**11.** There is no formal policy on tailoring to specific individual needs but there are provisions that cater to choice of the pwds in choosing the help.

**12.** There are provisions which in the act which give importance to choice of the pwds for ex According to Section 31 of the act, every child with benchmark disability between the age of six to eighteen years shall have the right and access to free education in a neighbourhood school, or in a special school, of his choice in an appropriate [environment](http://ijrar.com/upload_issue/ijrar_issue_694.pdf). PwDs also have a choice of a limited guardian who can help the person in taking legally binding decisions. If there is a conflict of interest or when deemed otherwise, the PwD has the right to change the [guardian](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6436405/). The PWD also have the right to alter, modify, or dismantle the support system and in case of conflict of interest, the supporting person would withdraw from providing the support [sec 13(4&5)]. The section 5 of the RPWD act also mentions the right of PwDs to live in the community. Sec 5(2) (a) mentions that the PwD is not obliged to live in any particular living arrangement.

**13**. Assistance to Disabled Persons for Purchase/Fitting of Aids and Appliances scheme is there

**15.** The Trust fund for empowerment of Persons with disability is a one initiative in this area. The National Trust is an autonomous organization of the Ministry of Social Justice and Empowerment, Government of India, set up under the “National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities” Act (Act 44 of 1999). Also, There is a government initiative(a fund) introduced by the Department of Empowerment of Persons with Disabilities to finance welfare schemes for the pwds known as the National Fund for persons with disabilities.

**C. Monitoring and Oversight**

**16.** The history of collection of data on disability/ infirmity dates back to the inception of modern Indian Census in 1872. The questionnaire of the 1872 Census included questions not only on physically and mentally infirm but also persons affected by leprosy. After a gap of 50 years, a question on disabilities was again canvassed at the 1981 Census. Since 1981 had been proclaimed as the "International Year for the Disabled" it resulted in inclusion of a question on disability during censuses the world over and India was no exception to it. However, the question on only three broad categories of physical disabilities, viz. `Totally Blind', `Totally Dumb' and `Totally Crippled', was canvassed during the House listing Operations of 1981 Census.

The question on disability was again incorporated in census of India 2001 under the pressure from the various stakeholders and obligation under Persons with Disabilities (PwD) Act, 1995. As per the Census 2011, the differently abled population in India is 26.8 million (2.21 %) showing a marginal increase in the differently-abled population in India. In Census 2011 information on eight types of disability (disability in seeing, in hearing, in speech, in movement, in mental retardation, in mental illness, any other and multiple disability) has been collected. The information on disability was collected during the Population Enumeration phase of Census 2011 through ‘Household Schedule’. Questions on disability were asked about all persons in the Household in all types of households, i.e. ‘Normal’, ‘Institutional’ and ‘Houseless’ households covered. Data collected under the dimensions of disability includes the social category they belong to; number, age  and gender of disabled people; types of disability; educational attendance; literacy rates; employment status. The collected data is segregated state wise as well.

NSS 2018 (76th round) data also did a comprehensive data collection on the prevalence and incidence, and cause of disability; age of onset; facilities available; education level; difficulties faced by persons with disability in accessing/using public building and public transport; out-of pocket expenses relating to disability; living arrangement, caregiver, receipt of aid/help, certificate of disability; labor force participation rate, unemployment rate etc.

**17.** The Rights of Persons with Disabilities (RPwD) Act, 2016 was enacted by the Government of India and came into force from 19.04.2017 replacing the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. It fulfills the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory. Under the act disability has been defined as an evolving and dynamic concept.

The DEPwD is the nodal department for implementing various Programmes, Schemes and other initiatives for the welfare of persons with disabilities like Deendayal Disabled Rehabilitation Scheme (DDRS); setting up District Disability Rehabilitation Centers; Scheme for Implementation of Rights of Persons with Disabilities Act, 2016; Awareness generation and publicity scheme; Research on Disability related Technology, Products and Issues; Unique Disability ID Project (UDID) etc.

In order to ensure rehabilitation, empowerment and overall development of PwDs, the Department has adopted **National Policy Statement** in the year 2006 and recently the **National Policy for Persons with Disability 2022** came up which addresses disability from the human rights approach.

They are measured through the Census data and the NSS surveys through which the accessibility to the public institutions and transport, education level, health etc are measured and taken into account.

To ensure an effective service delivery system for community based rehabilitation, wellcoordinated efforts by ministries, local, district and provincial authorities, and nongovernmental organizations in the different sectors involved in rehabilitation is required. For the majority of the disabled (70%), interventions can be done effectively at the community level by local supervisors/school teachers.

Monitoring and Evaluation in the service delivery should be strengthened with information dissemination related to impact on disabled, community mobilization, opportunity for education, opportunity for work, transfer skills to community level, program activities, and involvement of disabled people. Research with respect to services, fund allocation, cost-effectiveness, manpower, training, and technical aid of disabled people should be strengthened.

**18.** As of now, the authors are not aware of any such compliance rules.

**D Re-shaping the market/Challenges and Opportunities**

**19.** Some major challenges faced are:

·         Multi ministerial and multi sectoral effective coordination for implementation of policies and programmes as the disability has a multi-sectoral implication.

·         Providing rehabilitation services to the unreached persons with disabilities living in rural areas and small towns.

·         Lack of training for the community based rehabilitation

·         Inaccessible public infrastructure (lack of ramps, braille instructions etc)

·         Lack of sign language instructors and interpreters

·         High Tax (GST) o equipments like wheelchairs

**20.** COVID-19 pandemic further reduced the community mobility, access to transport, and reduced access to communication because of face masks for the persons with disability.  Moreover, the people with disabilities who need caregivers found it difficult to get their support during the pandemic.

**21.** The Accessible India Campaign by the Government of India focuses on the person centered approach. The Government specially supports initiatives which are run and owned by differently abled persons. Initiatives like Waste to Wealth, SpecialCare Holidays, Maa Ulaa etc. Also, the National Policy on Persons with Disabilities 2022 approaches disability through a human rights approach.

**22.** Service Providers and Businesses are always encouraged to adopt a ‘business and human rights approach’. For Instance, building, innovating, and promoting technologies for the empowerment of the disabled; sensitisation of the stakeholders to make the services accessible, protecting human rights. Given the vast umbrella that disability is, not everyone can include everything so the approach should be respective and considerable.

**23.** The Government of India alongwith other stakeholders incentivize them by easy access to loans, incubation support at the top business schools of the country, NHFDC Loans, Tax Deductions, Awareness Generation and Publicity Scheme, focus on Research on products for disabled empowerment, Establishment of Centers/Institutes,

Moreover, the Kerala Government introduced ‘accessible tourism’ under its ‘responsible tourism’ initiative so as to  make tourism accessible to differently abled as well.

**24.** Minimum wage laws apply equally to all the sectors. As for career advancement, the government organises skill training and various capacity building programs for the differently abled as well as job fairs are also organized.

**E. Process of Reform**

**25.** Focus on early intervention, recognising the need to have disaggregated data on target audience, launching the Accessible India Campaign, coming up of human rights approach based National Policy for Persons with Disabilities 2022, Assistance to buy support products, focusing on community based rehabilitation are all the learnt lessons and thereon implemented to build momentum, while minimizing resistance owing to increased sensitization, advocacy and awareness for systems change consistent with Article 19.

**26.** The DEPwD is the nodal department for implementing various Programmes, Schemes and other initiatives for the welfare of persons with disabilities. Various consultations are held regularly alongwith stakeholder meetings. Recently, comments were invited from the public for the draft National Policy for Persons with Disabilities. There’s also the provision for formation of Central and State Advisory Boards on Disability as the policy making bodies.

**27.** Recently, comments were invited from the public for the draft National Policy for Persons with Disabilities. During the Census, and NSS Surveys, extensive parameters are used to gather the information and statistics on Disability and disabled people. Moreover, there have been establishments of various centres to promote researh on Disability Affairs and Rights which also help in getting inputs tgrough webinars, seminars, surveys etc.

**28.**

·         Early stage intervention to detect disability

·         Making the Education and Healthcare accessible to the Disabled

·         Having the more accurate representative community based real time data on Persons with Disabilities