**India’s inputs for the Special Rapporteur on the right of persons with disabilities’ report to the 52nd session of the Human Rights Council**

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| **S.No.** | **Questions** | **Responses** |
| **A.** | **Policy Goals and Principles** 1.  What are the primary principles and goals that govern the provision of services to people with disabilities in your State?   |  The Indian Constitution propagates inclusiveness that embraces diversity in religion, language and ethnicity. The Constitution guarantees the right to life for all as well as equality before law for all citizens. The National auti for Persons with Disabilities (PwDs) recognizes that PwDs are valuable human resources. India enacted a comprehensive legislation namely the ‘Rights of Persons with Disabilities Act, 2016’ which came into force on 19 April 2017. This Act is entirely based on the principles of the United Nations Convention on the Rights of Persons with Disabilities, to which India is a signatory. |
| 2.  Have these principles and goals been modified to take explicit account of Article 19 of the CRPD on the right to live independently and be included in the community (e.g., personalization of services, personal and human support, assistive technology, accessible transport, access to housing, expansion of community-based services, emphasis on personal empowerment and choice).  | As stated above, our Constitution as well as the policy framework promote inclusiveness. Further, with a view to ensure inclusion of PwDs and to promote their independent living, the RPwD Act, 2016 inter-alia recognizes the right of PwDs to   live in the community and mandates the Government to give them access to range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender. The Government  implements various schemes and programmes such as (i) Scheme of Assistance to Disabled Persons for Purchase/Fitting of Aids and Appliances (ADIP) to assist the needy PwDs in procuring durable, sophisticated and scientifically manufactured, modern, standard aids and appliances, (ii) Deen Dayal Divyangjan Rehabilitation (DDRS) Scheme to provide assistance to the Non Government Organisations (NGOs) for undertaking projects such as special schools, day care facilities etc, (iii) Scheme for Implementation of Rights of Persons with Disabilities Act, 2016 (SIPDA) to provide support for creating barrier free environment in public infrastructure, transportation and ICT ecosystem for PwDs, research and development and awareness generation.  |
|   | 3. Are these goals linked directly to broader policy imperatives to ensure people with disabilities can take meaningful advantage of being in the community – such as the opportunity for employment and education, access to health care, promotion of natural or unpaid supports or community assets available to citizens without disabilities? If so, how? | The PwDs have equal access to education, employment and health care facilities. Further, the Act provides 4% reservation in government jobs and 5% reservation in government/government aided higher educational institutions for PwDs. They can apply for any civilian job, identified suitable for them, based on their qualification and other eligibility criteria. PwDs are eligible for the facility of compensatory time/scribe, during examination which provides an equitable platform vis-a-vis the persons without disabilities. As regards health care, the RPwD Act provides for priority in attendance and treatment for PwDs. It also provides for barrier free access at government/private health care institutions.  |
| **B.** | **Service Delivery** 4. Who primarily *delivers* services to people with disabilities (State, local government, private providers commissioned by the State, religious organizations, other, or a mix?). How do you see this mix changing if at all as a result of the UN CRPD in your country? |   Relief to PwDs is primarily the responsibility of the State Governments. Welfare of PwDs is also a subject of the local bodies. The States and local authorities implement schemes and programmes for providing various services to PwDs. However, Central Government supplements their efforts through various schemes and programmes. This mechanism was also there even prior to UNCRPD. However, new components for assistance have been incorporated after ratification of UNCRPD and enactment of the RPwD Act, 2016. |
|   | 5. Who primarily *pays for* services to people with disabilities (State, local government, private providers commissioned by the State, religious organizations, other, or a mix?). How do you see this mix changing if at all | The schemes/programmes being implemented by the Central Government/ State Governments and local bodies are funded through budgetary grant of the respective Governments/authorities. In addition, funds available under Corporate Social Responsibilities (CSR) are being used towards the cause of empowerment of PwDs. There has been no significant change in this mechanism after coming into force of UNCRPD.  |
| 6. Describe generally *how* community-based providers are paid for the services they deliver (e.g., through general grants, through per capita funding, based on specific services rendered, other means?). What changes, if any, are anticipated regarding the present payment methodology?  | Various schemes and programmes such as ADIP, DDRS and Awareness Generation as mentioned above are being implemented through NGOs and civil society organizations (CSOs) by way of grant-in-aid by the Government as per the respective scheme guidelines. The Government has already developed online module for transfer of funds to these organizations for effective monitoring and ensuring transparency. In addition, the Government also implements individual benefit-oriented programmes like Scholarship Schemes under which payment is made on ‘Direct Benefit Transfer’ mode to the bank account of the beneficiary.  |
| 7.  In what ways are principles and service goals communicated to the service system (e.g., in laws, service standards, staff training, funding incentives, means for compensating/penalizing service providers, and/or for assessing the quality of services?).  Please describe.  | The RPwD Act, 2016 is the principal law with respect to empowerment of PwDs. The Government has also notified the RPwD Rules, 2017 which inter-alia specify accessibility standards including those for websites and documents to be placed on websites for public information.  In addition, scheme guidelines have been issued with respect to each scheme, detailing the eligibility criteria, quantum of assistance available, objectives to be met and process for ensuring effective utilization. The scheme guidelines are available on the website of the Department of Empowerment of Persons with Disabilities. In addition, the sanction letter for release of fund clearly stipulates the terms and conditions to be adhered to by the grantee organization.  The RPwD Act also has penal provisions for violation of the Act and Rules. In case of non-delivery of services by the funded organizations, there is a mechanism for blacklisting and other penal actions as per the General Financial Rules.   |
|   | 8. What new services, including those to support families, have been added to the available service array to advance principles consistent with Article 19?  | The RPwD Act, 2016 mandates the Government to formulate necessary schemes and programmes to safeguard and promote the right of PwDs for adequate standard of living to enable them to live independently or in the community.  Recently, the Government launched 14 cross-disability Early Intervention Centers at 7 National Institutes and 7 Composite Regional Centers. It also intends to set up 14 such Centers in the coming 5 years. These Centers have facility for early screening of disability and provision of therapeutic and rehabilitative intervention at the earliest opportunity with a view to improve independent living of PwDs. In addition, the Government set up National Institute of Mental Health Rehabilitation to provide mental health rehabilitation services as well as to develop capacity building. The Government is also setting up Center for Disability Sports to promote sports activities among sportspersons with disabilities to enhance their independent living opportunity. The Government is continuously reviewing the aids and assistive devices to be provided under its ADIP programme based on the technological advancements. |
|   | 9.  What practices, if any, have been adopted/encouraged to promote greater use of technology to personalize support to persons with disabilities (e.g., telehealth, remote monitoring, adaptive communication, artificial intelligence, etc.)?  | The Government is implementing schemes with the objective of providing durable, modern and scientifically manufactured aids and assistive devices to PwDs for promoting their physical, social and psychological rehabilitation, thereby reducing the effects of disabilities and enhancing their educational and economic potential. Sugamya Bharat App has been launched to crowd source the accessibility related issues for appropriate redressal by the concerned authorities. Sign language expression of about 10,000 words have been developed by Indian Sign Language Training and Research Center, which can be accessed through online mode to serve as a guide while communicating with persons with hearing impairments. The Government launched the Unique Disability Identity Card project, a digital initiative for creating a dynamic database and certification of PwDs across the country.  The Government is giving priority to use of technology in every sector for the betterment of citizens including PwDs. |
|    | 10. In what ways are caregivers (e.g., family members, other informal caregivers) recognized and supported?  | The RPwD Act, 2016 mandates framing of schemes and programmes to provide, inter alia, care giver allowance to PwDs requiring high support needs. There are specific certificate courses for caregivers, recognized by the Rehabilitation Council of India. These courses   are open even to members of the family/parents of persons/children with disabilities. The National Trust for the Welfare of Persons with Autism, Cerebral Palsy and Mental Retardation implements a scheme titled ‘SAHYOGI’ for training of caregivers.  |
| 11. Do you have a policy of personalizing/tailoring services to individual needs? How is the policy implemented? (e.g., through individual planning requirements? etc.).   | The RPwD Act, 2016 mandates to provide necessary support (individualized or otherwise) to promote inclusive education for PwDs. It also mandates the Government to promote personal mobility of PwDs. Under ADIP programme, individual PwDs are assessed with respect to their requirement for aids and assistive devices. Based on the assessment, appropriate aids and assistive devices including prosthesis and orthosis customized to individual’s requirements are provided.  |
|     | 12. Describe how much control people with disabilities have regarding the services that they receive (e.g., choice of who provides support, choice of where they live and with whom they live, control over budgets).  | The Government follows the principle of stakeholder consultations while developing policy/schemes for empowerment of PwDs. Representative of associations of PwDs are included in various Committees constituted by the Government. The Government constituted the Central Advisory Board on Disability which has 10 members representing PwDs/ their associations. Similarly, the States have also constituted State Advisory Board on Disability with equal number of representatives of PwDs/their associations. These Boards are the apex policy recommending bodies at the central and state level. |
| 13. In some disability support structures, service users or families have an allocated budget which is devolved so they have control over how the funds are used to purchase eligible disability supports. Do you have or anticipate a policy of devolving budgets to the service user?  Describe.  | Various service-oriented programmes/schemes implemented by the Government are run with the involvement of CSOs/NGOs in which users are involved as last mile delivery. The Sanction Order for release of funds to the NGOs/CSOs stipulates the extent of grant for each project, which are supposed to be adhered to by them.  There are certain schemes like Scholarship Scheme which are implemented in direct benefit transfer mode where funds as per scheme norms are directly credited to the bank account of beneficiary.  |
| 14. If budgets are devolved to the user, what kinds of supports are available to assist them, how are the administrative tasks minimized and is the individual given wide discretion on how the funds are spent?  |
|   | 15. Have you adopted any positive “wealth accumulation strategies” (e.g., innovative trust funds) to complement social provision? Describe.  | In pursuance of provisions of the RPwD Act,  National Fund for Persons with Disabilities has been constituted at Central level to support those activities, which are not specifically covered under any scheme /programme of the Government or are not adequately funded.  The RPwD Act, 2016 has similar provisions for State Funds at the level of State. In addition, various implementing agencies such as National Institutes, ALIMCO are also utilizing the funds from corporate houses under their corporate social responsibility programmes. |
| **C.** | **Monitoring and Oversight**17. Describe the types of data you collect on people with disabilities receiving services (e.g., numbers of service users, types of disability, service utilization, costs per person, quality of life outcomes, health outcomes, incidence of abuse, neglect and exploitation).  Are these data gathered and reported in aggregate only or may it be disaggregated per person? |   Data on disability is collected as part of decennial Census. The last such data is available based on Census, 2011 covering parameters such as prevalence and incidence of disability, education level, living arrangement, employment status etc. In addition, the Government also conducts sector specific sample surveys at periodical intervals. In 2018, such a survey was conducted for disability sector which also took into account the extent of aids/assistance received by PwDs from Government/non-Government entities, level of certification etc. Further next Census, 2021 is in the offing which will provide latest data on above parameters. The Government is implementing the Unique Disability Identity Card project for creation of a national database of PwDs. The database is envisaged to be linked with all service delivery mechanisms so as to have disability segregated data across all sectors.  |
|    | 18. How do you enforce standards as they apply to service delivery providers (law, standards, incentives)?  What do these standards focus on in the main? How are they measured?  | These can be classified broadly into two categories: 1. Standards as prescribed under the RPwD Act, 2016/Rules: In such cases, the domain regulators/ concerned Ministries/ Departments are required to monitor adherence to these standards else the service providers could be penalized as per the law.
2. Terms and conditions laying down standards for providing services by grantee organizations as per the scheme guidelines:  The progress report is monitored and evaluated before release of subsequent funds. Further, physical verification is also undertaken, if necessary. In case of non-compliance, penal action as envisaged in the scheme guidelines or General Financial Rules is taken.
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| 19. Do your compliance rules make it possible to disqualify those providers in breach of the standards from competing for future State support?  | Any organization found to have misutilized the funds released under a particular scheme/programme is penalized as per the provision under respective scheme and under General Financial Rules. These organisations can also be debarred from further funding. |
| **D** | **Re-Shaping the Market/Challenges and Opportunities** 20 Describe the major challenges you face in endeavoring to reform your system of services and supports for people with disabilities.  Barriers might include workforce shortages, inadequate resources, lack of knowledge and training, weak infrastructure, and/ history of institutionalization. |     Major challenges include the size of population and complex demography of disability across the country. There is also shortage of rehabilitation professional and personnel.   |
|       | 21. How is the COVID-19 pandemic and its aftermath reshaping the service delivery market? Explain in terms of changes in service expectations among service recipients and regarding impacts on the services available.  | COVID-19 pandemic taught us as to how the technology can be used for delivery of services with minimum human-to-human contact. The Government accordingly has developed various digital solutions such as guidelines for e-content for education of students with disabilities, online mechanism for applying for availing services, tele- medicine etc. The Government has also developed   Standard Operating Procedure for ensuring distribution of aids and assistive devices in sanitized environment. Mobile apps such as Aarogya Setu and CoWin were developed to enhance access to healthcare, including vaccination and accessible information for PwDs. Accessible help lines were also set up to provide counseling and other informative services during the pandemic and beyond. |
| 22. Do you pro-actively seek out new kinds of service providers with new business models that emphasize person-centered practices? | The Scheme guidelines indicate the eligibility criteria for undertaking projects. Any entity meeting the eligibility criteria is always welcome for applying under the said scheme. The Government undertakes various awareness activities and sensitization programmes to spread awareness about the schemes and programmes. The organizations working for the causes of PwDs are required to be registered under the RPwD Act, 2016. This is aimed at ensuring adherence to the principles of the Act by these organizations, thereby ensuring human rights approach by them while dealing with PwDs.  As regards, promoting research and innovation, the Central Government implements a scheme for research on disability related technology, products and issues to promote and support research and development for enhancing facilitation and rehabilitation of PwDs as well as application of science and technology to the development of indigenous products, aids and appliances for empowerment of PwDs.  |
| 23. Do you encourage service providers to adopt a ‘business and human rights approach’ to their endeavours?   |
| 24. How do you incentivize innovative person-centered new providers to enter the market? Describe.  |
| 25. Do minimum wage laws apply in this sector?  Is there a career advancement structure for workers in the sector? | The mechanism of ensuring minimum wage is available for work force in the country which is equally applicable to workers with disabilities.  Moreover, the RPwD Act, 2016 provides at least 4% reservation in central government establishments (CGEs) for persons with benchmark disabilities. The benefit of reservation is also being extended in promotion in government establishments. In case of private establishments, it has been made mandatory for them to develop equal opportunity policy detailing, inter-alia, about their policy for recruitment and facilities for PwDs.  |
| **E.** | **Process of Reform** 26. What lessons have been learned to build momentum, while minimizing resistance, for systems change consistent with Article 19? |   Most of the schemes such as ADIP, DDRS were in existence much before the UNCRPD. There is no social resistance towards implementing the programmes and policies for independent living of PwDs and their participation in the community.  |
| 27.  Did you have an initiative to re-imagine services that includes service users (e.g., have you commissioned a Task Force?). | The scheme guidelines have in-built provision of monitoring and evaluation. The schemes and programmes of the Government are evaluated from time to time to ascertain if the desired objectives are achieved and accordingly, required modifications in the contours of schemes/ programmes are made.  |
| 28. In what ways do you solicit the input of people with disabilities and family members in policy making, program oversight, strategic planning, etc. (e.g., national advisory councils, regional/local forums, surveys, webinars, etc.). | The Department of Empowerment of Persons with Disabilities solicits the views of stakeholders in policy formulation through various means and ways including Gazette notification, uploading of material on websites, advertisement through print and electronic media and circulation to States/UTs/NGOs/PwD associations. PwDs and their associations are also represented in Central Advisory Disability Board on Disability, which is apex policy recommending body in disability sector. |
|   | 29. What are the two or three strategic objectives you have to enhance the quality, availability, and effectiveness of services to people with disabilities in your state? | * Whole-of-Government approach.
* Increased use of adaptable technology.
* Inter-linking of schemes and programmes through common database.
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