

**File No. R-49/1/2021-PRPP(RU-1)**  
**National Human Rights Commission**  
**Research Unit-I**

**Minutes of the Meeting of the Core Group on Rights of Persons with Disabilities held on 26th July, 2022 on Agenda titled “Discussion on Draft National Policy on Rights of Persons with Disabilities, 2021”.**

Dr. D.M. Mulay, Hon'ble Member, National Human Rights Commission chaired the meeting. The list of participants is placed at **Annexure-1**.

**2. Shri H.C. Chaudhary, Joint Secretary, NHRC** in his welcome address extended a hearty welcome to the expert members of the Core Group, representatives of the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Chief Commissioner for Persons with Disabilities, Special Invitees and NHRC officials. He mentioned that the Protection of Human Rights Act, 1993 (PHR Act, 1993) mandates the Commission to promote and protect human rights of all in the country. Towards the fulfillment of its mandate the Commission gives special attention to the protection of the rights of the marginalized section of the society including the persons with disabilities.

**3. Shri H. C. Chaudhary** further stated that as India is a signatory of United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), we all are legally bound to work for making the environment friendly for persons with disabilities. Further, the Constitution of India under Article 41 specifically mandates the State, within its economic capacity and development to make effective provision for securing the rights of persons with disabilities. He further stated that India's aspiration of development which is based on the concept of '*Antyodaya and Sarvodaya*' meaning uplifting the weakest sections of the society and development of all respectively, cannot be achieved if more than 26 million people do not find an appropriate environment where they can develop to their full potential. Under Section 12 (d) of the PHR Act, 1993, the National Human Rights Commission has the power to review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation. This meeting of the Core Group is being held to review the draft National Policy on Persons with Disabilities, 2021 from the human rights perspective, and suggest appropriate amendment(s) therein. Concluding his address, Shri Chaudhary requested all participants to give their valuable comments on the draft policy.

**4. Shri Devendra Kumar Singh, Secretary General, NHRC**, extended his regards to distinguished members of the Commission, members of the Core Group and all participants of the meeting and said that in the meeting the draft National Policy on persons with Disabilities formulated by Department of Empowerment of Persons with Disabilities will be discussed. The draft Policy, on its approval will replace the existing policy formulated 16 years ago in the year 2006. He further stated that draft policy seeks to incorporate significant changes happened

during last 16 years such as signing of UNCRPD and enactment of the Rights of Persons with Disabilities, 2016 which recognizes 21 types of disabilities instead of 7 mentioned in the earlier Act of 1995. He appreciated the initiatives of the Government regarding registration and issuance of disability certificates to the persons with disabilities (PWDs). He also made following suggestions:

- i. The gaps in the policy and issues related to its implementation needs to be examined.
- ii. There is a need for synergy in application of benefits across different programs and schemes of the Centre and State Governments.
- iii. The needs of PWDs below or near the benchmark degree of disability also require consideration.
- iv. The family members and caregivers are required to be sensitised towards the needs of PWDs.
- v. Role of 09 National institutions needs to be specified in the policy.
- vi. Government of India grants various tax incentives to various categories of tax payers including PWDs. There is a need to look at the exact data on PWDs benefited and the amount involved.
- vii. At the end he gave a tribute to the former Member of the Core group Late Shri P.K. Pincha on his second death anniversary, which incidentally fell on the date of the meeting .

**5. Dr. D.M. Mulay, Hon'ble Member, NHRC** in his Inaugural Address explained in brief the national and international developments towards protection of rights of persons with disabilities. He drew the attention of the house towards the problems faced in certification and inclusion of PWDs in Civil Service Examinations and other platforms. He stated that the meeting is being held to suggest appropriate amendment(s) in the draft National Policy to ensure better protection and promotion of human rights of PWDs. He requested the participants of the meeting to give their inputs and suggestions for improvement of the draft. He desired that based on discussions held today the NHRC may formulate its comments and observations for appropriate amendments in the draft policy and communicate the same to the Department of Persons with Disabilities for their consideration to incorporate the same in the draft Policy.

**6. Shri Justice Mahesh Mittal Kumar Hon'ble Member, NHRC** shared his experience of participation at an Asia Pacific Forum (APF) meeting on Disability jointly organized by APF and NHRC on 18th July, 2022, where he stressed upon the usage of Artificial Intelligence and several applications for catering to the needs of persons with disabilities. He said that use of technology can be added in the policy or a link can be developed which can be easily accessed by the PWD. He also gave a brief overview of cases where directions have been given by the Supreme Court to permit the visually impaired students to appear in the UPSC examinations.

**7** After these introductory remarks **Ms. Smriti Pandey, Junior Research Consultant (JRC)** made a power point presentation on salient features of the draft Policy and preliminary comments on behalf of the Commission.

**8** After the presentation, Dr. D.M. Mulay invited the participants to offer their comments. A summary of the comments offered by the participants is as below:

**Ms. Shampa Sengupta, Director, Sruti Disability Rights Centre stated as below:**

- i. In 2006 policy, there was a chapter on Women which was the first Indian document that talked about women with disabilities. However, there is no separate chapter in the new draft national policy.
- ii. Rehabilitation of women and girls is not mentioned in the policy and it is a major lacuna in the policy.
- iii. UNCRPD has a twin track approach throughout the document. The new policy should also have a twin track approach.
- iv. The policy mentions the violence against women and children but it does not explain how to address them which needs to be addressed.
- v. It is important to invoke the Criminal Law amendment of 2013 which has substantive provisions on handling of cases of sexual assault occurring in cases of women with disabilities.

**Dr. Sanjay Wadhwa, Professor and Head, Department of Physical Medicine and Rehabilitation, AIIMS, New Delhi** shared the impact of covid-19 pandemic on lives of PwDs and mentioned the following points.

- i. Disability is an experience of an individual where a medical condition plays an important role. The figure of 40% disability needs to be re-looked.
- ii. The role of National Medical Education needs to be considered so that the medical professionals can be sensitized regarding its duties and they can also give their inputs on the draft advisory.
- iii. There is a need to consider and understand the impact of 21 types of disabilities mentioned in the RPD Act, 2016. There is a need to include other evolving disabilities and revise the document to cover a larger number of PwDs.
- iv. Bio-psychosocial models of the disability need to be included to work for the rights of PwDs.
- v. Some courses in colleges need to be modified to meet the needs of the PwDs enrolled in those courses.

**Mr. Muralidharan Vishwanath, General Secretary, National Platform for the Rights of the Disabled, Delhi:** Said that he has had multiple consultations with various Civil Society Organisations (CSOs) and many of the recommendations prepared by him resonate with the presentation made by NHRC. Further, following points were mentioned by him.

- i. The policy only focuses on reiterating the sections and laws mentioned in the RPD Act. Whereas the policy should be focused on implementation of those sections. The policy also needs to include novel and better provisions.
- ii. The progress in implementation of 2006 policy and learning from it may be mentioned in the policy to provide a better picture of implementation of the previous policy.

- iii. The draft doesn't place a timeline to achieve the goals/ objectives of the policy which need to be added in the policy.
- iv. The policy uses terms such as handicapped etc. Therefore, universal terminologies should be referred to in the policy.
- v. There is a reference to women with disabilities but a specific chapter on women and children is missing in the policy. Further, education of women and children with disabilities is also lacking in the policy.
- vi. The focus of the policy should be on catering the needs of PWDs instead of putting an emphasis on prevention.
- vii. The PWD Act, 1995 has been replaced with RPD Act, 2016. However, there is a need that National Trust Act and Rehabilitation Council of India Act, 1992 also needs to be brought in consonance with the UNCRPD.
- viii. There are various problems with RPD Act, 2016 for e.g. Section 33 should be eliminated as the UNCRPD Committee also recommended in 2019 that this Section should be amended.
- ix. Article 14, 15 and 16 of the Indian Constitution also needs to be amended and include disability as a ground on which the discrimination is to be prohibited. Therefore, the policy should also talk about it as well.
- x. He also mentioned the best practices followed by the European countries to provide employment for PWDs and the same may be adopted in the policy.
- xi. He further raised the issue of the less number of UDID Certificate centers in the country, which is a major issue in making attempts to complete the certification of all PWDs.

**Prof. (Dr.) Sanjay Jain, Professor, NLSIU Bangalore** shared the following comments/ suggestions to be added in the draft national policy:

- i. Policy has nothing about political participation of PWDs which is not in consonance with the Section 29 of UNCRPD. To begin with, Article 243 of the Indian Constitution should be consulted and appropriate measures for participation of PWDs at municipal level may be taken. The best practices of Chhattisgarh in this regard may also be adopted.
- ii. The PWDs were not being consulted in the formulation of this policy and the same may be done.
- iii. Financial inclusion of PWDs in encouraging the Banks to provide loans to PWDs to make them financial independence.
- iv. The attitudinal barriers in Access to Justice must be taken into account. He also added a case dealt by Justice Dhananjaya Yeshwant Chandrachud for his landmark judgment.
- v. The accrediting bodies like National Assessment and Accreditation Council (NAAC) and University Grants Commission (UGC) are responsible for adoption of the best practices. Therefore, all accredited agencies must be taken on board to ensure the inclusion of PWDs and make an inclusive environment for them.

**Ms. Nidhi Goyal, Founder & Executive Director, Rising Flame, Mumbai, (Maharashtra):** added on what needs to be strengthened in the policy by sharing the following points:

- i. Monitoring and Evaluation Framework: The chapters in the policy lack how the actions mentioned in the policy are to be taken and a framework for them is also to be set up.
- ii. Strengthening the budget is also necessary to implement the policy in its true spirit.
- iii. The policy talks about the data but also mentions that disaggregated data is absolutely important which includes gender, social and physical markers as well.
- iv. Meaningful participation of PWDs at planning, implementation, evaluation and monitoring process should be mentioned in the Policy.
- v. Coordination should take place within all the Ministries, to ease out the access for PWDs. Therefore, the policy should include equal participation of all Ministries, not just few as mentioned in the Policy.
- vi. There should be a mention of having a disability desk within each ministry to ensure a disability inclusive environment.
- vii. Women with disabilities and Gender marginalised persons do not find space in the Policy. Therefore, it is essential that an inter-sectional approach may be adopted in each chapter of the policy and there should be mention of a mechanism to address the specific nuances of this kind of group which is majority within the disability.
- viii. Vision of the policy mentions the equal opportunity for persons with disabilities which reflect a charity approach; therefore, it is essential that the vision should be framed in a way that actually reflects an empowering approach towards PWDs.
- ix. In many places the policy adopts a welfare approach instead of a rights based approach by using inappropriate phrases such as “normal life for persons with disabilities”.
- x. In the chapter of Prevention, Early identification and Intervention By mentioning some of the neurological conditions the policy is hinting at what WHO calls birth defect surveillance, as it emphasizes stigma on disability and promotes a eugenics approach. The policy states that all disabilities can be cured and it reflects a medical approach rather than the right based approach.
- xi. It is essential to rephrase/ change this as many of the women with/without disabilities are forced for abortion based on the birth defect surveillance
- xii. She also talked about the infrastructure accessibility at digital platforms, infrastructure wise etc.

**Shri Yajurvendra Mahajan, Founder, Deepstambh Foundation, Jalgaon, (Maharashtra)** shared that two students of his NGO have cleared the UPSC examination and shared further impediments to be faced by them. He further added following suggestions:

- i. Competitive and higher education exams need to be made online to make it convenient for persons with disabilities.

- ii. It should be aimed to create a disabled friendly infrastructure at every district to facilitate the persons with disabilities.

**Shri Rajive Raturi, Consultant, Gurugram (Haryana):** Highlighted the following points to be included in the draft National Policy.

- i. We would like the policy to implement the law in its true spirit which is currently lacking in the policy.
- ii. Issue of Employment: Section 34 of the RPD Act allows “to appoint not less than 4% of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one percent each shall be reserved for persons with benchmark disabilities”. There is also provision for organizations to seek exemption from this clause and departments are using these exemption flaws not to provide employment to persons with disabilities
- iii. Focus on providing appropriate reasonable accommodation for persons with disabilities in workspaces is to be given.
- iv. The Department of personnel and Training need to identify what kind of Reasonable Accommodation which is required for persons with disabilities to perform various jobs. It needs to be provided on a one to one basis in each workspace which should reflect in the policy.
- v. Institutes for abandoned women and destitute with disabilities have no mention in the policy. Therefore, an emphasis must be given in the policy to cater to their needs.
- vi. Issue of certifications. Pensions of PWDs, shortage of manpower and data regarding them need to be made available.

**Dr. Indumathi Rao, Regional Advisor, CBR Network, Bangalore:** emphasised on the gaps in the existing framework:

- i. Presently, there is no service delivery strategy for early identification, early intervention, and pre-school education in rural areas. Mechanism for development interventions at the community level with partnership with families /anganwadi and Asha workers which needs special attention.
- ii. There is no system for voluntary registration of disability at gram Panchayat level or urban ward level. It is essential that the policy includes VDR-UDR using a simple register at the grass root level and with robust District disability data base systems online for voluntary registration of disability.
- iii. The impact of disability and difficulties must be seen as the main manifestation for issuing disability certification. The impact of disability is not permanent as it varies based on the rehabilitation support and its effect in reducing the impact and enhance the functioning.
- iv. Physical, social and verbal abuses are rampant to the persons with disabilities. There are also issues in the existing system such as hygiene and sanitation. The policy however is completely silent in addressing these issues.
- v. The policy lacks the mechanism to reach the needs of the rights of persons with disabilities living in the rural area.

**Ms. Poonam Natarajan, Ex-Chairperson, National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities:**

- i. High support needs are defined in the Act and mentioned in two places in the policy but there's no consistent view on once a PWD gets a certificate of high support needs and what the help/ assistance a PWD will be getting.
- ii. High support needs PWDs are being left out from the program and are pushed in home based education. And it has no forms, no mid day meals, etc, and no bags and books are given. Therefore, there is a need to emphasize on how people with high support needs will be included in this programme.
- iii. The certification process has a medical approach. The new law committee had a medico social scale for assessment of the barriers which is not being implemented. The medical aspect in the certification of PWDs is only being followed.
- iv. A task force should be set up to look into the certification of PWDs.
- v. Policy does not talk about consent for things like institutionalization, medical treatment etc.
- vi. There is not enough support and workforce for adults with disabilities, especially in case of PWDs with high support needs. Caregivers are also needed to be given due importance in inclusion to provide appropriate training and support for taking care of PWDs by organizations like RCI.
- vii. There should be a mechanism for providing appropriate support for persons with high support needs and PWDs whose parents have died or lost to make them independently live in the community.
- viii. Prevention of institutionalization also needs to be added in this document.

**Dr. Padmini Chennapragada, Ph.D. in Adapted Physical Education and Master of Science (M.S.), Hyderabad** emphasised on the chapter 8 of the draft National Policy, i.e., Sports, Culture and Recreation and shared the following points on the same.

- i. A large percentage of the population engaging in sports belongs to the rural and semi urban areas. So the information related to sports mentioned in the chapter 8 of the policy, needs to be broken down in such a format that is in a simple language and can help PWDs in rural area for guidance.
- ii. It is not mentioned in the policy that which nodal Ministry will restructure the courses as mentioned in the Section 30 of RPD Act or Chapter 8 of the policy. Therefore, there is a need to recognize the nodal agency and provide that information in the policy document.
- iii. There is a need to list the safeguards for engagement of women with disabilities, children with disabilities etc. in sports.
- iv. Instead of elaborate written text the citizens can benefit from flow charts or pictorial information. Therefore, the same may be included in the policy document to make it easily understandable by the readers.

**Dr. Kiran Kumari, Assistant Professor, Punjabi University, Patiala, Punjab shared following suggestions for the draft national policy:**

- i. Rehabilitation centers must be strengthened.
- ii. Many areas like mechanisms of coordination need to be strengthened and focus should be on implementation of law.
- iii. There is no mention of training of human resources by RCI including sensitization of teachers, professors and institutes.
- iv. Aspects of social research must be added in the policy.
- v. Training of all academic professionals must be made mandatory
- vi. Capacity building program is necessary to reduce the attitudinal barrier in the community.

**Shri Surajit Dey, Registrar (Law), NHRC;** said that although, the provision of Prevention of Disabilities which was under Chapter IV of the PwD Act, 1995, was melted down a bit under RPD Act, 2016 by inserting the issue of prevention of disability under Section 25 which is on Healthcare. The Section 25 (2) of RPD Act states that the Government will take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities.

In contrast the Draft National Policy for Persons with Disabilities, 2021 seems to be focusing on the aspect of prevention of disabilities. In the policy document after Introduction and Principles, the Chapter 3 of the policy is Prevention, Early Identification and Intervention. The chapter starts with the narrative that prevention is better than cure. Perhaps it was not the intention when the UNCRPD was drafted and that is why there is no mention of prevention of disabilities in the UNCRPD.

**Disability Pension:** Para 11.6, 11.7 and 11.8 also discusses that the Disability Pension is being provided under the National Social Assistance Programme of M/o Rural Development. It accepts the fact that the quantum of disability pension varies from Rs 300 to Rs 3500 from state to state, depending on the economic capacity of respective states. However, the National Policy under Para 11.9 failed to flag the need to standardize the quantum of disability pension across the country. The states may not be allowed to hide behind the veil of economic capacity to deny the right to have social security on an equal basis across the country.

**Accessibility:** Chapter 9 exclusively deals with the issue of Accessibility for persons with disabilities. It earmarked a large number of measures to create a barrier free environment for PwDs. On page 56, the policy document outlined that M/o Road, Transport and Highways will issue necessary guidelines for making modifications in the personal vehicles used by persons with disabilities as per requirement. The policy must mention clearly that the burden of cost of the modification in the personal vehicles used by persons with disabilities should not put on the PwDs but in fact must be borne by the Government or else it will lead to increase in their expenditure in turn affecting their personal mobility as enunciated under Article 20 of UNCRPD.



**Shri Rajesh Yadav, Joint Secretary, Department of Empowerment of Person with Disabilities (DEPwD), Ministry of Social Justice & Empowerment** acknowledged the unavailability of the draft National Policy in sign language and Braille language and stated that these documents will be ready within 2-3 days and will be made available soon. He also shared the progress in issue of UDID Certification of Persons with Disabilities and stated that the DEPwD has issued more than 75 Lakhs UDID Certificates and everyday 8,000 UDID certificates are being issued. He also said that the Department is making efforts fpor in process to provide the disability certificates with ease to PWDs and for the same the consultations with the Secretaries of the state are being made by the Ministry. He further listed out some of the observations / comments given by the experts on education where the progress of monitoring of learning outcomes should be indicated and regulation of the educational system need to be focused and health and life insurance should be streamlined, Disaster management, Indian context, social security system, issue of pension, institutional mechanism etc. were mentioned by him. Lastly, on behalf of the Ministry Shri Rajesh Yadav said that DEPwD is in a welcoming position to invite comments from the Commission and Hon'ble member and the Ministry will publish the document after inclusion of the comments being submitted. He also requested the Commission to write to all the states to translate and publish the draft policy in local language.

**Shri H.C. Chaudhary, Joint Secretary, NHRC** informed all that the Commission will formulate its comments and formally submit it to the Department of Empowerment of persons with Disabilities within next 25 days and requested the Ministry to consider these comments before finalizing the policy.

**Dr. D.M. Mulay, Hon'ble Member, NHRC in his concluding remarks** thanked all experts, representatives of Ministries and NHRC officials for their valuable comments on the draft national policy and summarized the major points shared by them. He also said that the based NHRC document of its observations/ comments/ suggestions on the draft policy are made, the same will be circulated along the experts for their comments, if any and the same will be submitted to the Ministry of Social Justice and Empowerment. At the end, he also appreciated the Research division and NHRC Team for organizing the meeting.

The meeting ended with a Vote of Thanks to the Chair and all the participants present in the meeting by Dr. M.D.S. Tyagi, Joint Director (Research), NHRC.

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**List of Participants:**

**I. NHRC Officials:**

1. **Dr. D.M. Mulay**, Hon'ble Member, NHRC- Chair
2. **Shri Justice Mahesh Mittal Kumar**, Hon'ble Member, NHRC
3. **Shri Rajiv Jain**, Hon'ble Member, NHRC
4. **Shri Devendra Kumar Singh**, Secretary General, NHRC
5. **Shri Surajit Dey, Registrar (Law)**
6. **Shri H.C. Chaudhary**, Joint Secretary, NHRC
7. **Dr. M.D.S. Tyagi**, Joint Director (Research)
8. **Shri Sanjay Kumar**, Deputy Secretary, NHRC
9. **Shri Sanjay Kumar**, US (RU-1)
10. **Ms. Smriti Pandey**, JRC, NHRC
11. **Ms. Lakshmi Kumari**, JRC, NHRC
12. **Mr. Masroof Anwer**, JRC, NHRC

**II. Representatives from Government/Ministries:**

**Shri Rajesh Yadav**, Joint Secretary, Department of Empowerment of Person with Disabilities, Ministry of Social Justice & Empowerment

**III. Expert Members of the Core Group:**

1. **Ms. Poonam Natarajan**, Ex-Chairperson, National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities
2. **Shri Rajive Raturi**, Consultant, Gurugram (Haryana)
3. **Ms. Nidhi Goyal**, Founder & Executive Director, Rising Flame, Mumbai, (Maharashtra)
4. **Shri Yajurvendra Mahajan**, Founder, Deepstambh Foundation, Jalgaon, (Maharashtra)

**IV. Special Invitees:**

1. **Ms. Shampa Sengupta**, Director, Sruti Disability Rights Center, Kolkata
2. **Dr. Padmini Chennapragada**, Ph.D. in Adapted Physical Education and Master of Science (M.S.), Hyderabad
3. **Dr. Indumathi Rao**, Regional Advisor, CBR Network, Bangalore
4. **Dr. Sanjay Jain**, Professor, NLSIU Bangalore
5. **Mr. Muralidharan Vishwanath**, General Secretary, National Platform for the Rights of the Disabled, Delhi
6. **Dr. Sanjay Wadhwa**, Professor and Head, Department of Physical Medicine and Rehabilitation, AIIMS, New Delhi
7. **Dr. Kiran Kumari**, Assistant professor, Punjabi University, Patiala, Punjab

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