



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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Item 5 of the provisional agenda

Consideration of reports submitted by parties
to the Convention under article 35

List of issues in relation to the initial report of India

Addendum

Replies of India to the list of issues*, **

[Date received: 30 May 2019]

* The present document is being issued without formal editing.

** The annexes are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee.

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A. Purpose and general obligations (arts. 1–4)

Response to paragraphs 1 to 4

1. The Indian Constitution guarantees freedom, justice and equality of all individuals including persons with disabilities and lays down the foundation for an inclusive society. Constitution of India has in its preamble declared that the Constitution of India would secure to all its citizens ‘justice, social economic and political; liberty of thought, expression, belief, faith and worship, equality of status and opportunity’.
2. These values find resonance in both the fundamental rights and directive principles of the Constitution.
3. It recognises the need to take special measures to ensure that persons with disabilities enjoy the full range of human rights and fundamental freedoms, live a life of dignity, free from violence, harassment, discrimination, want and marginalisation.
4. The Government has enacted the Rights of Persons with Disabilities Act 2016 (RPwD Act) based on the guiding principles of the United Nations Convention on Rights of Persons with Disabilities. The Act provides various rights and entitlement for Persons with Disabilities (PwDs). It also mandates the State governments and local authorities to take measures to ensure that the PwDs enjoy rights equally with others.
5. Constitution of India secures to all its citizens equality of status and of opportunity. As per Article 14 of the Constitution, the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Further, the RPwD Act 2016 contains clear provisions to prohibit discrimination on the ground of disability.
6. The Government has notified Guidelines on 4 January, 2018 for assessing the extent of disability in a person, which are applicable uniformly across the country.
7. Further, the Government has launched the Unique Disability ID project to create a national database for persons with disabilities and to issue Unique Disability ID (UDID) card since 2016–17. The database will provide an online platform for issuance of certificate of disability as per the assessment Guidelines. 29 States/UTs have started implementing the project. And within this year the project will be rolled out in all the States/UTs covering all the Districts in the country. The UDID card will be inter-operable from one State to another and will be valid across the country.
8. In India, PwDs are addressed as ‘Divyangjan’ in Hindi and other Indian languages like Gujarati, Telugu etc. This term is used in the local dialects of the Act and Rules thereunder including in Hindi. ‘Divyangjan’ does not accurately reflect its literal English translation as persons with divine organs. It actually means persons with divine powers. The ‘persons with disabilities’ community at large has welcomed it and is very appreciative of this term attributed to them. Therefore, the word ‘Divyangjan’ cannot be termed as derogatory to persons with disabilities. Nonetheless, the phrase ‘persons with disabilities’ is still in use in English.
9. A separate Department, namely, Department of Empowerment of Persons with Disabilities (DEPwD) has been set up in the Central Government to give focussed attention to the cause of empowerment of PwDs. The Department implements various schemes and programmes to supplement the efforts of the provincial Governments towards realisation of the rights of PwDs with annual support grant of more than 150 million USD. Major achievements of the Department for social inclusion and rehabilitation, educational and economic empowerment of persons with disabilities are given in Annexure I.
10. The Government has constituted the Central Advisory Board on Disability in accordance with the RPwD Act 2016 under the Chairmanship of Minister, Social Justice & Empowerment. Ten members are nominated to represent Persons with Disabilities or Organisations working for PwDs.

11. This Advisory Board works as the highest policy recommending body at the National level concerning PwDs. It is also empowered to monitor and evaluate the programmes/policies to ensure full participation of PwDs.

12. Chief Commissioner for PwDs and State Commissioners for PwDs appointed under the Act monitor and ensure proper implementation of the law.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Response to paragraph 5

13. India has put in place a robust affirmative action programme to secure substantive equality for all. Article 15 of the Constitution of India prohibits discrimination on the grounds of religion, race, caste, sex or place of work. However, the Constitution allows the State for making special provisions for the advancement of socially and educationally backward classes of citizens and for the Scheduled Castes and Scheduled Tribes.

14. The Government has notified RPwD Rules 2017 to ensure effective implementation of Section 3 (3) of the RPwD Act 2016 without causing disadvantage to PwDs. The heads of the establishment have been made accountable under these rules in case of any misuse of safeguard provisions under the law to deny any rights or benefits to PwDs as envisaged in the Act.

15. These Rules further bar establishments from compelling any PwDs to partly or fully pay the cost of reasonable accommodation.

16. India recognises the entire population as indigenous. There is general discrimination prevailing against marginalised/vulnerable sections in the country at the societal level. But the State is seeking to address this issue through affirmative actions.

17. The Government is in the process of formulating an umbrella scheme for the welfare of transgender persons and is considering bringing a law for protection of rights of transgender persons. The Government implements various schemes for social, educational and economic empowerment of Scheduled Castes, Scheduled Tribes and other backward class.

18. The RPwD Act 2016 is equally applicable to all PwDs irrespective of their caste, creed, religion, gender etc. The Supreme Court has also recently decriminalised the consensual sexual acts (i.e. persons above the age of 18 years who are competent to consent) in private amongst same sex in adults.

19. The Government has amended various laws, namely, the Indian Divorce Act, 1869; the Dissolution of Muslim Marriage Act, 1939; the Hindu Marriage Act, 1955; the Hindu Adoption and Maintenance Act, 1956; the Special Marriage Act, 1954, to remove the discriminatory provisions relating to leprosy affected persons.

20. The RPwD Act recognises leprosy cured as one of the categories of disabilities and hence cannot be discriminated against.

21. The Government has revised the Haj Policy recently. The following have been included in the revised Haj guidelines relating to persons with disabilities:

(a) Physical disability of a person will not be construed as adverse physical health of a person;

(b) Persons with benchmark disabilities who cannot travel alone as certified by the Medical Authorities and applying for Haj must be accompanied by an able-bodied person during all stages of the journey. The person accompanying should be the blood relative of such persons with disabilities;

(c) Detailed health requirements for Haj pilgrims as per the health regulations are issued by Ministry of Health, Kingdom of Saudi Arabia.

22. The Government has been implementing Rashtriya Vayoshri Yojana since 01.04.2017 with an objective to provide aids and assistive living devices such as walking sticks, elbow crutches, walkers/crutches, tripods/quadpods, hearing aids, wheelchairs, artificial dentures and spectacles free of cost to senior citizens belonging to Below Poverty Line (BPL) category. As on 31.03.2019, 2,57,663 devices have been distributed to 98,838 beneficiaries.

Women with disabilities (art. 6)

Response to paragraph 6

23. India is committed to continuing its effort and initiatives for eradicating violence and discrimination against women and girls including women and girls with disabilities.

24. The RPwD Act 2016, recognises explicit needs of Women with Disabilities. The Act mandates the Government and local authorities to take measures to ensure that women and children with disabilities enjoy their rights equally with others.

25. The Act mandates women including those with disabilities to have access to appropriate information regarding reproductive and family planning. As per the provisions of the Act, no women with disabilities shall be subject to any medical procedure without her express and informed consent.

26. The Act mandates that at least five women representing persons with disabilities should be nominated to the Central Advisory Board on Disability. Five women representing non-Government organisations concerned with disabilities or disabled persons' organisations have been included as members of the Central Advisory Board constituted by the Government on 08.11.2017.

27. The Government is mandated under the Act to frame schemes and programmes for providing social security measures to persons with disabilities which, inter alia, include support to women with disabilities for livelihood and upbringing of their children.

28. Disaggregated data regarding education and employment of women with disabilities are not separately maintained.

29. National Commission for Women has taken up several activities and engagements dealing directly with women with disabilities including their challenges and empowerment. These include National level seminar on 'deaf women empowerment', Round table consultation on 'critical issues concerning women with disabilities', consultation on 'opportunities for women with disabilities', seminar on 'promotion and welfare of women with disabilities' etc.

30. The mechanism of constituting the National Commission for Women and the State Commission for Women does not debar representation of women with disabilities in these commissions.

31. To enable the integration of gender perspectives into policy formulation and implementation and to ensure the women's concerns are given equal weightage in development agendas, the Government of India remains committed to its Gender Budgeting Scheme.

32. The schemes and programmes of the Ministry of Women and Child Development are applicable to women in general, including women with disabilities.

Children with disabilities (art. 7)

Response to paragraph 7

33. The RPwD Act 2016 mandates the rights of children with disabilities to live with their parents. In exceptional cases, where the parents are unable to take care of their child with disabilities, he/she may be rehabilitated in the community in a family setting or in shelter home run by the Government/NGOs.

34. As per Section 2 (14) (iv) of the Juvenile Justice (JJ) (Care and Protection of Children) Act, a child who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after, or having parents or guardians unfit to take care, if found so, by the Board or the Committee is included as a child in need of care and protection. As per Section 50 (2) of the JJ Act, the State Government shall designate any Children home, as a home fit for children with special needs delivering specialised services, depending on requirements.

35. The Child Protection Scheme provide additional financial support to the child care institutions having children with special needs i.e. children who are either affected by substance abuse or who are mentally or physically challenged. The scheme provides for purchase of specialised equipment and materials like psychological test materials, training materials for speech and language, teaching materials, wheel chairs, crutches etc.

36. The Government implements Deendayal Disabled Rehabilitation Scheme of the Department, which provides for financial support for running special schools for children with disabilities, even in rural areas. DDRS has been evaluated during financial year 2018/19 through an independent organisation namely Academy of Management Studies, Lucknow. The study shows that that the scheme is fruitful and effective for rehabilitation of persons with disabilities. The Scheme has been strengthened and expanded to ensure effective implementation and wider coverage of the RPwD Act, 2016.

37. The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities implements the following important schemes for children with disabilities:

(a) DISHA, an early intervention and school readiness scheme for children in the age group of 0–10 years which aims at setting up Disha Centres for therapy, training and family support;

(b) VIKAAS, a Day care scheme, which focuses primarily on enhancing interpersonal and vocational skills and offers care giving support to such children.

Awareness-raising (art. 8)

Response to paragraph 8

38. The RPwD Act has explicit provisions for awareness raising about rights of persons with disabilities. It mandates the Chief Commissioner or the State Commissioner to conduct, encourage, support and promote awareness campaigns and sensitization programmes amongst key stakeholders to protect the rights of PwDs.

39. It provides for orientation/sensitization at the school, college, university and professional training levels as well as orientation and sensitization on rights of PwDs amongst employers, administrators, co-workers etc.

40. The Department implements awareness generation programme and has a clear media plan to generate awareness about the rights of PwDs as well as certain initiatives taken by the Government for realization of their rights and entitlements.

41. The UN Convention on Rights of Persons with Disabilities has been translated into Hindi language.

42. In India there is a system in place through Press Trust of India and other regulatory bodies under the Ministry of Information & Broadcasting to handle cases of any derogatory remarks attributed to any community by the Media so as to maintain peace and harmony in the country encompassing all citizens.

Accessibility (art. 9)

Response to paragraph 9

43. The RPwD Act lays thrust on ensuring accessibility in built infrastructure, transportation system and ICT Eco System.

44. The Government has notified the accessibility standards for public buildings, passenger bus transport and websites. These accessibility standards are applicable to public offices/services in rural areas also.

45. While all the new public buildings are required to meet the accessibility standards with immediate effect, for the existing buildings, it has been mandated to make them accessible within a period of five years.

46. As regards services, all the service providers are required to meet accessibility standards within a period of two years.

47. As a proactive measure, the Government has launched the Accessible India Campaign for achieving universal accessibility.

48. The Ministry of Electronics & Information Technology is implementing a project entitled 'Common Minimum Framework' for making 100 Central Ministries/Department's websites compliant with the Guidelines for Indian Government Websites (GIGW). 95 such websites have already been made GIGW compliant.

49. As regards promoting universal design of goods, it is stated that Rights of Persons with Disabilities Act 2016 mandates the Government to take measures for promotion, development, production and distribution of universal design consumer products and accessories for general use of PwDs.

Right to life (art. 10)

Response to paragraph 10

50. The Asha Kiran Complex for persons with intellectual disabilities managed by the Government of NCT of Delhi is one of its kind residential facility in Delhi which takes care of destitute and abandoned persons with intellectual disabilities of both sexes and all age groups. Out of a total of 1058 residents currently staying in the complex, 341 are children.

51. The number of deaths of children in different institutions of Asha Kiran Complex has decreased substantially over the years. Children come to the Asha Kiran Complex from the streets or those who have been abandoned by their families. Such children have very low immunity and are without any medical and immunisation history. Very often, they have different associated diseases such as psychosis, chest infection, low immune system, diseases due to drug addiction, etc. All these diseases are detected subsequent to their admission. Most of the deaths have occurred in the hospitals where they were being treated for chronic diseases. Out of a total of 32 deaths for the period from 2014–15 to 2018–19, 25 deaths occurred in hospitals while undergoing treatment.

52. The Government of NCT of Delhi has taken various steps for enhanced medical and care giving facilities in the centre which are summarized at Annexure II.

53. As mentioned in response to the list of issues under Article 7, Section 8 of the RPwD Act mandates the rights of children with disabilities to live at home with the family. However, with a view to take care of those who have been abandoned by their families, or their families are not traceable, such homes do exist and are maintained by the concerned provincial State Governments.

54. The Indian Constitution does not permit mercy killing. It is an offence under the law.

55. India is a democracy with elected governments at all levels, independent judiciary, various statutory institutions such as Human Rights Commissions, Commissions for Protection of Child Rights, Commissions for Women, Commissioners for Disabilities, both at national and state level. A number of legislations have been enacted to ensure liberty and security of persons including the PwDs. Ministry of Home Affairs, Ministry of Women and Child Development, Ministry of Social Justice & Empowerment, Ministry of Tribal Affairs, Ministry of Minority Affairs, Ministry of Health & Family Welfare etc., have formulated suitable laws, regulations, rules, bye-laws in their respective domains. However, State Governments have the responsibility under the Constitution of India to protect the citizens in accordance with the law of the land.

56. The Indian Constitution guarantees and provides protection of fundamental rights to every citizen, including in the state of Jammu and Kashmir. An independent judiciary, national and state Human Rights Commissions, free and vibrant media and active civil society are the natural safeguards for more than 1.25 billion citizens of the world's largest democracy.

Situations of risk and humanitarian emergencies (art. 11)

Response to paragraph 11

57. The Government of India has enacted RPwD Act, 2016, to comply with the provisions of UNCRPD, including Article 11 of the said Convention.

58. It is incumbent upon the National Disaster Management Authority (NDMA) and State DMA to take appropriate measures to ensure inclusion of PwDs in all disaster management activities for the safety and protection of PwDs during crisis situations including armed conflicts.

59. NDMA has incorporated special provisions for persons with disabilities in the Disaster Management Plan (NDMP), 2016, National Policy on Disaster Management (NPDM), 2009 and in its various guidelines issued by them. Details are at Annexure III.

60. NDMA does not consider PwDs as a more vulnerable section of community. NDMP 2016 emphasises on strengthening their capacity so that they can also be used as resources for the purpose of disaster risk reduction. It is on the agenda of NDMA to involve persons with disabilities in planning, monitoring and evaluation of disaster risk reduction strategies so that their issues are better addressed and implemented.

61. It may be noted that India does not have an armed conflict within its borders. Thus reference to Jammu and Kashmir as conflict affected area is incorrect. Jammu and Kashmir is an integral part of India. Identifying Kashmir region specifically in the context of PwD is unwarranted.

Equal recognition before the law (art. 12)

Response to paragraph 12

62. The RPwD Act provides for limited guardianship as a support system to enable the PwDs to take legally binding decisions. Limited guardianship stands for a joint decision system which operates on mutual understanding and trust between the guardian and PwD which is limited to a specific period, a specific decision and a specific situation. It operates in accordance with the will of the PwDs.

63. The Act mandates the State Governments to designate authorities to mobilize communities and create awareness to support PwDs in exercise of their legal capacity.

64. The measures to be taken by the designated authorities shall, inter alia, include setting up of suitable support arrangement enabling them to exercise legal capacities for PwDs as well as for persons with disabilities with high support needs.

Access to justice (art. 13)

Response to paragraph 13

65. Access to justice remains a priority for India. Article 39A of the Constitution of India mandates the State to ensure that the operation of the legal system promotes justice, on the basis of equal opportunity, and, in particular, to provide free legal aid by suitable legislation or schemes or in any other way to ensure that opportunities for securing justice are not denied to any citizens because of economic or other disabilities.

66. The RPwD Act 2016 recognises access to justice as a right of the PwDs.

67. The Department of Justice has initiated two programmes namely, (i) Tele-Law: Mainstreaming Legal Aid through common service centres and (ii) Nyaya Bandhu to facilitate free legal advice and legal aid to the needy, disadvantaged and marginalized

sections mentioned under Section 12 of Legal Services Authorities Act, 1987 that includes women, children, Persons with Disability, Scheduled Castes and Scheduled Tribes, persons in custody, victims of trafficking and victims of natural disaster etc.

68. The Tele-Law services is currently operational in selective 1800 common service centres in 11 States and is proposed to be extended to all the States/UTs by the year 2020.

69. The Nyaya Bandhu i.e. the Pro bono legal services are provided by pro bono advocates who are registered with the Department of Justice to provide free legal aid under this programme. A Nyaya Bandhu mobile application is developed to provide seamless connectivity between the registered litigant and registered pro bono advocate.

70. The Department of Justice provides support to National Legal Services Authority (NALSA) Act that aims to provide free and competent legal services to the weaker sections of the society. NALSA has a nationwide network with State/District and Taluk level legal service authority, 69,000 Para Legal Volunteers and 63,000 Panel Lawyers to provide free legal aid to all eligible persons.

71. 6,420 persons with disabilities have been provided with court based legal aid and advice by NALSA during the period April, 2017–March, 2018.

72. Under the scheme of Action Research and Judicial Reform of Department of Justice, financial assistance is extended to undertake research, studies, organising conferences, seminars etc., in areas of justice delivery, legal research and judicial reforms.

Liberty and security of the person (art. 14)

Response to paragraph 14

73. The RPwD Act 2016, mandates that the persons with disabilities have right to equal recognition everywhere as any other person before the law. Intellectual disability, mental illness (psychosocial disability), leprosy cured are covered as specified disabilities within the said Act. Thus, persons with such disabilities do have the right to equality before the law.

74. The RPwD Act 2016 mandates that the persons with disabilities are not confined to any particular living arrangement and they have the right to live in community.

75. It mandates the Government to take steps to give access to arrangement of in house, residential and other community support services including personal assistance to support living with due regard to age and gender.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Response to paragraph 15

76. The RPwD Act 2016 mandates the Government to take measures to protect the persons with disabilities from being subject to torture, cruel, inhuman or degrading treatment.

77. As per this Act, no person with disabilities shall be subject of any research without his/her free and informed consent obtained through accessible modes.

Freedom from exploitation, violence and abuse (art. 16)

Response to paragraph 16

78. The RPwD Act, 2016 mandates the Government to take measures to protect persons with disabilities from all forms of abuse, violence, exploitation. The Act authorises any person or organisation to report incidents of any abuse, violence against PwDs to the Executive Magistrate of the locality, who in turn, is required to take steps for his/her rescue and rehabilitation.

79. The Act authorises any police officer to act upon any complaint regarding abuse/violence against PwDs.

80. The Executive Magistrate is authorised to look into offences under Indian Penal Code committed against PwDs.

81. Using force on any person with disability, voluntarily or knowingly denying food to persons with disabilities, voluntarily causing injury/damage to any limb/sense/supporting device of PwD, using one's position to dominate the will of a child/woman with disability for sexual exploitation etc. are offences under the Act and punishment has been provided for such offences.

82. The Government enacted various legislations to address the issue of gender inequality, discrimination and violence faced by women including women with disabilities which, inter alia, include:

(a) The Protection of Women from Domestic Violence Act, 2005;

(b) The Protection of Women from Sexual Harassment at Workplace (prevention, prohibition and redressal) Act, 2013;

(c) Criminal Law Amendment Act, 2013 (which broadens the definition of rape and include new offences such as Acid attack, stalking, sexual harassment, voyeurism and disrobing within the Indian Penal Code, 1860.

83. As regards provisions of the Juvenile Justice (Care and Protection of Child) Act, 2015, the position has been indicated in response to the list of issues under Article 7. However, segregated data with regard to offences against children with disabilities is not maintained.

84. The Ministry of Women and Child Development has been pursuing with all the States/UTs to regularly monitor all the Child Care Institutions (CCIs) as mandated under the Section 41 of the JJ Act, 2015 and the JJ Rules framed thereunder. The scheme provides additional financial support to the CCIs having children with special needs i.e. children who are either affected by substance abuse or who are mentally or physically challenged. The scheme provides for purchase of specialised equipment and materials like Psychological test materials, training materials for speech and language, teaching materials, wheel chairs, crutches, etc. In these CCIs, children are provided age appropriate education, either within the institution, or outside, in a formal education system through convergence with other schemes and programs of the Government or civil society.

85. The Chief Commissioner for Persons with Disabilities and the State Commissioner for Persons with Disabilities are mandated under the RPwD Act, 2016 to monitor implementation of the provisions of the Act, schemes and programmes meant for persons with disabilities. They are also empowered to review the factors that inhibit the enjoyment of rights of PwDs and recommend appropriate remedial measures. The Chief Commissioner for Persons with Disabilities and the State Commissioners are assisted by the Advisory Committees which have members drawn from experts in the disability sector including from organisations working for the cause of persons with disabilities.

86. The National Crime Records Bureau is an agency of Ministry of Home Affairs to collect, compile and publish the year wise data in respect of all kinds of crimes in India. However, National Crime Records Bureau does not collect the data specifically related to persons with disabilities.

Protecting the integrity of the person (art. 17)

Response to paragraph 17

87. As per the RPwD Act, 2016, no person with disability shall be subject to any medical procedure which leads to infertility without his/her free and informed consent.

88. As per the RPwD Act, 2016, performing/conducting any medical procedure on women with disabilities which leads to or is likely to lead to termination of pregnancy without her express consent, are punishable offences.

89. Intentionally insulting or intimidating with intention to humiliate a person with disability at any place within public view is a punishable offence under the above Act.

Liberty of movement and nationality (art. 18)

Response to paragraph 18

90. As per the Registration of Births and Deaths Act, 1969, it is mandatory for registration of every birth including that of birth of children with disabilities.

91. There are certain disabilities which cannot be visualised or diagnosed at the time of birth and as such, separate mandatory registration exclusively for children with disabilities is not feasible.

92. The Government has been implementing UDID Card project which provides an online platform for issuance of certificate of disability and for creating a database of persons with disabilities including children with disabilities.

93. The UDID project envisages issuance of Unique Disability ID Card to all persons with disabilities irrespective of their age. The UDID database will also serve as a registration folder of all persons with disabilities in the country. Each person with disabilities can be identified through their eighteen-digit unique number.

94. The UDID card will be linked to various services meant for persons with disabilities and will act as an access tool for them.

95. Moreover the Government is also working in the direction of developing a vertical programme for early identification and intervention of disability during childhood at the District level through the District Disability Rehabilitation Centres.

Living independently and being included in the community (art. 19)

Response to paragraph 19

96. As compared to the erstwhile PwD Act, 1995, the RPwD Act, 2016 does not have any terminology 'persons with severe disability'.

The Act does not promote separate institutional mechanism for persons with severe disability.

97. After enactment of the RPwD Act, 2016, the Government has decided to review the National Policy for Persons with Disabilities, 2006 and a committee has been constituted under the Chairmanship of Secretary, DEPwD.

98. There are certain categories of persons with disabilities who are either homeless or where the families do not have the capability to bring up such children with disability. The Government supports the rehabilitation of such persons with disabilities through respite care/residential care homes under DDRS or through schemes of the National Trust.

99. The Government is working in the direction of developing Community Based Rehabilitation models for rehabilitation of persons with disabilities including persons with psychosocial disabilities.

100. The National Institute of Mental Health Rehabilitation being established in Sehore, Madhya Pradesh will inter alia focus on community based rehabilitation of persons with mental illness after their successful treatment.

101. Further, the Government is entering into Memoranda of Understanding with other countries for cooperation in disability sector issues including development in community based rehabilitation programmes in the country.

Personal mobility (art. 20)

Response to paragraph 20

102. The RPwD Act focuses on enhancing personal mobility of persons with disabilities.

103. The Act mandates the Government to frame schemes and programmes to promote personal mobility of persons with disabilities at affordable cost and to provide for incentives and concessions, retrofitting of vehicles and personal mobility assistance.

104. The Government implements a scheme entitled 'Assistance to Disabled Persons for Purchase/Fitting of Aids and Assistive Devices' (ADIP) to promote personal mobility of persons with disabilities. Under the scheme, about 268 different types of aids and assistive devices are provided free of cost to persons with visual impairment, hearing impairment, intellectual/developmental disability and locomotor disability and living below poverty line.

105. The Government promotes research and development to promote cost effective aids and assistive devices. Moreover, the Government has set up State owned Artificial Limbs Manufacturing Corporation (ALIMCO) for manufacturing low cost aids and assistive devices. The corporation has signed bilateral agreements with Ottobock, Germany and Motivation, UK to develop high-end devices at affordable prices to meet Indian requirement.

106. The Government is providing financial support for modernisation of manufacturing unit of ALIMCO so as to augment its capacity for production of high quality affordable aids and assistive devices.

107. The Corporation has branch offices across the country and trains its manpower periodically to keep it abreast of the mobility support requirement of persons with disabilities. While distributing aids and assistive devices, adequate training is imparted to persons with disabilities about these aids and assistive devices to maximise its utility. Moreover, the National Institutes and their CRCs which have presence in certain remote areas, provide training support for use of aids and assistive devices.

108. Ministry of Road Transport has issued directions to State/UT authorities to consider applications for grant of driving license to hearing impaired applicants and applicants having monocular vision.

Freedom of expression and opinion, and access to information (art. 21)

Response to paragraph 21

109. The RPwD Act, 2016 recognises sign language as a means of communication along with Braille, Tactile writing.

110. The Government has set up the Indian Sign language Research and Training Centre (ISLRTC) with a view to promote Indian sign language. The institute also works in the direction of capacity building by way of running courses on sign language interpretation. It provides training facilities to the Government organisations, in training their manpower to provide sign language interpretation service. The institute has so far developed a sign language dictionary consisting of more than 6000 standardised sign language words/phrases which are available online to facilitate communication of persons with hearing impairment and their families.

Respect for privacy (art. 22)

Response to paragraph 22

111. The Supreme Court of India examined the use of Aadhaar in detail. In its order dated 26.09.2018, the Supreme Court held that the Aadhaar Act does not violate the right to privacy of an individual when one agrees to share biometric data. Private entities have been barred from using Aadhaar card for KYC (Know Your Customer) authentication purposes. Aadhaar is needed for specific purposes such as Income Tax filing, obtaining PAN card and availing benefits of welfare schemes and Government subsidies.

112. The Supreme Court has struck down the National Security exception under the Aadhaar Act.

Respect for home and the family (art. 23)**Response to paragraph 23**

113. The Government has initiated the process of consultation with various States/UTs to remove certain discriminatory provisions in various Marriage/Religious laws.

114. The position regarding Amendment of various Acts to remove discriminatory provisions relating to leprosy affected persons has been indicated in response to issues raised under Article 5.

115. As per Adoption Regulation 2017 (Eligibility criteria for prospective adoptive parents), the prospective adoptive parents shall be physically, mentally and emotionally stable, financially capable and shall not have any life threatening medical condition. This provision is provided in view of the best interest of the child. However, there is no specific bar/prohibition with regard to PwD adopting a child in India.

116. As per the Adoption Regulation 2017, the prospective adoptive parents shall be declared eligible and suitable by the Specialised Adoption Agency based upon the Home Study Report and supporting documents and in case any prospective adoptive parent is not declared eligible or suitable, the reasons for the same shall be recorded in the Child Adoption Resource Information and Guidance System. The prospective adoptive parents may appeal against the decision of rejection to the Authority.

117. Adoption Regulations was framed by the Central Adoption Resource Authority (CARA) which may also be consulted on this issue.

Education (art. 24)**Response to paragraph 24**

118. Education is fundamental pillar of development in any country. India therefore prioritises inclusive and quality education for all and has initiated various measures to raise the literacy rates of excluded and marginalised groups and facilitate their access to education. Government scholarships for schooling and higher education targeted at women, Scheduled Castes and Scheduled Tribes and other backward classes seek to improve their access to education. Additionally, scholarships have been introduced for persons with disabilities at all levels of education including for studies abroad.

119. The Government of India launched Samagra Shiksha – An Integrated Scheme for school education, from 2018/19, which is an overarching programme for the school education sector extending from pre-school to class XII and aims to ensure inclusive and equitable quality education at all levels of school education. It envisages the ‘school’ as a continuum from pre-school, primary, upper primary, secondary to senior secondary levels and subsumes the three erstwhile centrally sponsored schemes i.e. Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA) and Teacher Education (TE).

120. There is a provision for filling up of 5% of the annual sanctioned intake capacity in Government or Government aided higher educational institutions by candidates with benchmark disabilities in accordance with the provisions of the Rights of Persons with Disabilities Act, 2016.

Health (art. 25)**Response to paragraph 25**

121. Swavlamban Health Insurance scheme was implemented on a pilot basis in the year 2015–16 with the objective of covering about 50,000 persons with disabilities within a period of two years. The scheme was funded through a separate fund namely, the Trust Fund for Persons with Disabilities and not through the budgetary grant of Union of India. 46,758 persons with disabilities were enrolled under the scheme during 2015–16 and 2016–17.

122. Meanwhile the Government has launched the Ayushman Bharat – Pradhan Mantri Jan Aarogya Yojana (PMJAY) National Health Insurance Programme in the financial year 2018/19. The scheme provides free secondary and tertiary care hospitalisation of up to Rs. 0.5 million per family per year. 107.4 million poor and vulnerable families as per the socioeconomic caste census data base are entitled for cashless and paperless access to services at the point of service. As per the criteria of eligibility under PMJAY, all the 0.72 million rural families with disabled members in the country and no able bodied adult member are covered. In addition, PwD members in any of the other 100 million plus targeted families are covered under PMJAY. Several services are available free of cost in public health facilities particularly for the persons with disabilities.

123. The Government of India is implementing Reproductive, Maternal, Newborn, Child and Adolescent Health (RMNCH+A) Strategy and programme under NHM for improving the health of women, adolescent and children including persons with disabilities. There are various interventions both at family and community level such as Janani Shishu Suraksha Karyakram, Rashtriya Bal Swasthya Karyakram, Rashtriya Swasthya Karyakram, provision of Sick Newborn Care Units (SNCUs), Nutrition Rehabilitation Centres (NRCs), Universal Immunisation Programme, home based new born and young children care by ASHA workers etc. The sub-centers and Primary Health Centres are being strengthened as Health and Wellness Centres to provide improved comprehensive primary health care close to the community. These initiatives are being implemented universally with special focus on unreached and marginalised population to achieve goals set under Universal Health Coverage.

124. The Government of India under National Health Mission, has initiated a Rashtriya Bal Swasthya Karyakram (RBSK) where healthcare provider teams visit schools and Anganwadi centres to identify children with birth defects and developmental delays including disability. These children are then referred to District Early Intervention Centers (DEIC) for early interventions to prevent and minimise disability. The children identified with developmental delays are comprehensively screened for any other chronic health conditions. Comprehensive free treatment is also provided for management and treatment at various identified health facilities for such children. There are more than 11,000 RBSK field teams and 92 District Early Intervention Centres (DEICs) across the country. The Indian Public Health Standards (IPHS) for the public health facilities provide for barrier free access for all the disabled persons.

125. India achieved elimination of leprosy as a public health problem, (defined as less than 1 case per 10,000 populations) at the National level in 2005.

126. Section 25 of the RPwD Act, 2016 mandates the Government and the local authorities to provide free health care facilities in the vicinity especially in rural areas for persons with disabilities of lower income group. It also envisages priority in attendance and treatment to persons with disabilities.

127. The Government and local authorities are also mandated under the Act to take measures to promote health care and prevent occurrence of disability by way of taking measures for pre-natal, perinatal and post-natal care of mother and child, educating through the pre-school, primary school, primary health centres, Anganwadi workers etc., promoting awareness campaign and disseminating information for general hygiene, health and sanitation, sexual and reproductive health care especially for women with disabilities.

Habilitation and rehabilitation (art. 26)

Response to paragraph 26

128. DDRS has been evaluated during financial year 2018/19 through an independent organisation namely ‘Academy of Management Studies’, Lucknow. The study shows that that the scheme is very fruitful and effective for rehabilitation of persons with disabilities. The Scheme has been revised to ensure effective implementation and wider coverage of the RPwD Act, 2016 with effect from 1st April, 2018. Following are some highlights of the revised Deendayal Disabled Rehabilitation Scheme (DDRS):

(a) The list of model projects under revised DDR Scheme has been streamlined and reduced from 18 to 9. The Department has constituted six sub-committees to introduce new projects for new disabilities listed in the RPwD Act, 2016;

(b) The cost norms of the scheme have been enhanced by 2.5 times;

(c) The eligible Programme Implementing Agencies (PIAs), after their project is approved by the competent authority shall be entitled for 90% of amount calculated based on the cost-norms as prescribed under this revised scheme. In case of projects located in special areas 100% of the amount calculated based on revised cost norms shall be allowed. Special Areas are as under:

(i) 8 North-Eastern States;

(ii) States in the Himalayan Region (J&K, Uttarakhand and Himachal Pradesh);

(iii) Left Wing Extremism Affected Districts (as notified by Ministry of Home Affairs) – 106 Districts; and

(iv) Districts adjoining the international borders – 34 Districts;

(d) There will be no tapering of Grant-in-Aid (reduction of admissible Grant in Aid up to 75%) even in urban areas;

(e) Number of beneficiaries: Grant-in-aid will be calculated for the number of eligible beneficiaries who have been present in the institution for at least 15 days out of previous 30 days prior to the date of inspection. The number of such beneficiaries has to be specified by the inspecting officer in the inspection report;

(f) No bar on increase of number of beneficiaries provided infrastructure is available;

(g) The PIA has to apply for Grant-in-Aid on the online portal of the Ministry (e-Anudaan) and forward the complete proposal to District Social Welfare Officer. Upon inspection and submission of online inspection report, the District Social Welfare Officer would forward the proposal to respective State Government/UT administration and to Government of India. If the State Government/UT administration does not decide on the proposal within 60 days, Government of India can decide on the proposal on the basis of inspection report submitted by the inspecting officer for PIAs receiving Grant-in-Aid under the scheme.

Work and employment (art. 27)

Response to paragraph 27

129. After the enactment of RPwD Act, 2016, the Department of Personnel & Training (DoP&T) issued instructions to all the central Ministries/Departments of the Central Government on 15.01.2018 to provide 4% reservation of the total number of vacancies in direct recruitment to the persons with disabilities. Every Government establishment shall maintain reservation Roster for determining/effecting reservation for persons with disabilities. Specific points have been identified in the reservation roster for being filled by the persons suffering from disabilities and circulated to all concerned.

130. An on-line system for collection of data from different Ministries/Departments has been put in place. Further, it has been modified in the wake of increase in the percentage of reservation for persons with disabilities from 3% to 4%.

131. To fill up vacancies meant for persons with disabilities, DOPT issued instructions in 2015 asking various Ministries/Departments to conduct Special Recruitment. As per information received from the Ministries/Departments, 14,263 backlog vacancies for persons with disabilities have been filled up under the Special Recruitment Drive launched so far.

132. The Mahatma Gandhi National Rural Development Guarantee Act, 2005 envisages prioritising works creating individual assets on land or homesteads owned by the household belonging to the persons with disabilities. Further, it also envisages a separate schedule of

rates for women, elderly, people with disabilities and people with debilitating ailments so as to improve their participation through productive work.

Adequate standard of living and social protection (art. 28)

Response to paragraph 28

133. Section 24 of the RPwD Act mandates the Government to formulate schemes and programmes to safeguard and promote the rights of persons with disabilities for adequate standard of living to enable them to live independently or in community.

134. The Act envisages that the quantum of assistance to the persons with disabilities under such schemes and programmes should be at least 25% higher than the similar schemes applicable to others.

135. The Government of India has extended comprehensive social protection cover to BPL beneficiaries through National Social Assistance Programme (NASP). NASP inter alia includes Indira Gandhi National Disability Pension Scheme which targets to cover 1 million persons with disabilities by way of extending monthly pension.

136. The State Governments also implement the pension scheme for persons with disabilities which is applicable to all categories of persons with disabilities including leprosy cured.

137. In addition the States/UTs are also implementing the other security schemes such as unemployment allowance, one-time marriage allowance etc. for persons with disabilities based on their economic capacity and development.

138. No separate data pertaining to percentage of persons with different disabilities availing the benefits of social security programmes is maintained in the Department.

139. The Mid day meal scheme being implemented by the Government covers all school children (including children with disabilities) studying in Class I – VIII in Government/Government aided schools. The scheme covers more than Rs. 120 million children studying in 1.14 million schools in the country. The Government incurs more than Rs. 176,000 million in implementing the scheme including the subsidy of about Rs. 76000 million on food grains.

Participation in political and public life (art. 29)

Response to paragraph 29

140. As per the Indian laws, the persons with disabilities are not debarred from participating in political life i.e. seeking election for the State/National Parliament or State Assemblies.

141. The Election Commission of India (ECI), a constitutional authority, has been making various approaches to augment the election process accessible to persons with disabilities.

142. The ECI declared 2018 as the Accessible Election as their theme in order to make electoral participation accessible for persons with disabilities.

143. The ECI in consultation with DEPwD, various related Ministries along with Chief Electoral Officers of all States/Union Territories and NGOs, Civil Society Organizations has been organizing action-oriented brainstorming discussions in this regard.

144. As a result of the above meetings, efforts have been made for creating awareness on exercising the franchise of persons with disabilities in India.

145. The Print Media, Electronic Media and Radios were engaged widely to generate the awareness.

146. The Ministry of Urban Development, Government of India developed harmonized guidelines and space standards for barrier free built environment for the persons with

disabilities and elderly persons. This has also been notified under the Rule 15 of the Rights to Persons with Disabilities (RPwD) Act, 2016, enacted by the Government of India.

147. The ECI has formulated an innovative and unique Voters Awareness Forums (VAFs) in all the Central Government Offices in order to ensure that no voter is left behind, including persons with disabilities.

148. Further to this, the ECI also initiated formulation of a National Advisory Committee on Accessible Election (NACAE) in order to frame policy formulation, interventions and action points based on a strategy framework on accessible election.

149. The NACAE comprises members from various Government Offices, Media Organizations, Civil Society Organizations, UNDP, Academicians, etc.

150. Under NACAE, the ECI also initiated a State/Union Territory Steering Committee and District Monitoring Committees on accessible elections in order to ensure mapping of elections having persons with disabilities, enabling barrier free environment, training of election functionaries, etc.

151. DEPwD activated an Election Cell in order to create a smooth transaction with the ECI.

152. Accordingly, the Election Cell has identified Nodal officers in all the States/Union Territories in the country to coordinate with the Chief Electoral Officers of the States/Union Territories.

Participation in cultural life, recreation, leisure and sport (art. 30)

Response to paragraph 30

153. The RPwD Act, 2016 mandates the Government and local authorities to take measures to promote and protect the rights of persons with disabilities to have a cultural life and to participate in recreational activities equally with others.

154. The buildings used or accessed by the public at large, inter alia, including, building used for cultural, leisure or recreational activities are termed as public buildings as per the RPwD Act, 2016. As such, it is mandatory for such buildings to be made accessible to persons with disabilities in accordance with the said Act.

155. The Act further mandates the Government to work towards developing technology, assistive devices and equipment to facilitate access to and inclusion for persons with disabilities in recreational activities including access for persons with hearing impairment to television programmes with sign language interpretation or subtitles.

156. India was the first country to ratify the Marrakesh Treaty on 30th June, 2014 to facilitate access to published works for persons who are blind, visually impaired, or otherwise print disabled.

157. DEPwD took the initiative to launch a Central Sector Scheme entitled 'Support for establishment/modernization/capacity augmentation of Braille Presses'. The main purpose of the Scheme is to provide Braille books free of cost to the school going visually impaired children through Sarva Shiksha Abhiyan and Rashtriya Madhyamik Shiksha Abhiyan of the Ministry of Human Resource Development (Dept. of School Education), Government of India.

158. The Scheme is implemented through State Governments, Union Territory (UT) Administration and Voluntary Organizations running Braille presses for more than five years or any other establishment designated by the State Government or UT administration for running a Braille press. Through this scheme, Grants-in-aid are being given to the Implementing Agencies for establishment of new Braille press; continued support in the form of recurring grant for printing and supplying free books.

159. The Scheme has its presence all over country.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

Response to paragraph 31

160. With a view to create a database of persons with disabilities based on authentic and reliable data, the Government has started implementing the Unique Disability ID project in the country.

161. The UDID web portal also serves as an online platform for issuance of certificate of disability. It enables digitisation of all the manual certificates issued earlier into the portal so as to have a comprehensive database. As such the database will have data relating to persons with disabilities who have valid certificate of disability.

162. The database is dynamic and will provide real-time information about the persons with disabilities location wise, category wise, age wise, gender wise, etc.

163. Since the database will have only information relating to certified persons with disabilities, the database will be highly reliable and can be used by policy planners, researchers, programme executives, academicians etc.

164. The database has elements to weed out duplicity and provide mechanism for online verification through mobile apps. Thus, the system enhances its reliability to significant level.

165. The Census of India, 2021 is being planned which would provide authentic data on persons with different types of disabilities.

166. Recently, a sample household survey was conducted to generate data on persons with disabilities.

International cooperation (art. 32)

Response to paragraph 32

167. In various multilateral and bilateral development assistance programmes, there exist provisions for inclusion of and access to disabled persons either in policy or in projects.

168. Details of the provisions under the development assistance programmes in India under World Bank, Asian Development Bank, New Development Bank, Asian Infrastructure and Investment Bank, Japan International Cooperation Agency etc. has been given at Annexure IV.

169. NITI Aayog has engaged persons with disabilities for preparation of “Strategy of New India @ 75” document. Chapter 33 of this document includes various strategies for inclusive empowerment of persons with disabilities. Specific strategies are included for creation of barrier free infrastructure, universal design and accessible standards in engineering, architecture and computer science studies and also to adopt a life cycle approach for community based rehabilitation in mission mode.

National implementation and monitoring (art. 33)

Response to paragraph 33

170. As stated above, the Government constituted the Central Advisory Board on Disability under the chairmanship of Hon’ble Union Minister of Social Justice & Empowerment in accordance with the provisions of Rights of Persons with Disabilities Act, 2016.

171. The Board has representation at the Minister’s level from all the States/UTs, Secretary level of all concerned Ministries/Departments besides having representation from persons with disabilities/their organisations and experts in the field of disability.

172. The Central Advisory Board on Disability follows a systematic approach for coordination with all concerned sectoral Ministries/Departments. Detailed agenda for the Central Advisory Board is circulated to all Central Ministries/Departments which is then discussed in the meeting of the Board. Issues pertaining to any particular sector are separately taken up by the Department being the secretariat of Central Advisory Board with the concerned sectoral Ministry/Department. Similarly, issues pertaining to the States are taken up appropriately with the concerned States/UTs.

173. The RPwD Act mandates the Chief Commissioner for Persons with Disabilities (CCPD) to monitor the implementation of the provisions of the RPwD Act. He is also empowered to study treaties and other instruments on the rights of persons with disabilities and make recommendations for their effective implementation.

174. At the State level, the Act mandates appointment of State Commissioners for Persons with Disabilities who are also mandated to monitor implementation of the provisions of the Act.

175. Both the Chief Commissioner and State Commissioners enjoy the power of civil court while discharging their functions.

176. Both the Chief Commissioner and State Commissioners are supported by the Advisory Committees. In case of the Chief Commissioner, he is supported by 11-member Advisory Committee consisting of experts drawn from different disabilities.

177. It is further stated that the Central Advisory Board on Disability which also has representation from persons with disabilities and their organisations, inter alia, is mandated to monitor and evaluate the laws, policies and programmes to achieve full participation of persons with disabilities.
