**Reply of NHRC India to Questions for National Human Rights Institutions**

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| 1. Please provide information on how your country is considering the rights of persons with disabilities in their policies aimed at implementing and monitoring the Sustainable Development Goals, including: | |
| Existing national strategies and action plans, | * As per Section 40 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (PWD Act, 2005), the Government and local authorities are to reserve not less 3% in all poverty alleviation schemes for the benefit of persons with disabilities. * Section 68 of the PWD Act, 1995 further provides social security through a scheme for payment of unemployment allowance to persons with disabilities registered with the Special Employment Exchange for more than two years and not placed in any gainful occupation. * Section 25 of the PWD Act, 1995 provides for early detection and prevention of disability focusing on health aspects of SDGs. * The operational guidelines of Mahatma Gandhi National Rural Employment Act, 2005 also provides strategies for inclusion of persons with disabilities in the scheme. * Under ‘Skill India Campaign’ persons with disabilities are included in a massive way. * Incheon Strategy to “Make the Right Real” adopted by UNESCAP to which India is a party will facilitate inclusion of PWDs in SDGs. |
| Budget allocation for their implementation, | Adequate budgetary provisions are being made. |
| Existing mechanisms or frameworks to monitor their implementation, | * Chief Commissioner for Persons with Disabilities at National Level and State Commissioner for Persons with Disabilities at State level are the grievance redressal/monitoring mechanism. These are Statutory bodies having quasi-judicial powers. * The National Human Rights Commission of India also monitor its implementation . |
| How do these strategies/plans take into consideration the situation of women and girls with disabilities, and of children and older persons with disabilities? | In a proposed legislation Rights of Persons with Disabilities Bill, 2014 (RPD Bill) which is being considered by Parliament of India, there is a separate provision for disabled women covering gender aspect. |
| How is the participation of persons with disabilities and their representative organization ensured in the development and implementation of such strategies/plans? | Through meetings /consultations with civil society representatives from persons with disabilities. |
| 1. Please provide information on the legislative and policy framework in place in your country concerning non-discrimination, including: | |
| Whether “disability” is specifically mentioned as a prohibited ground of discrimination, | * Article 14 of the Indian Constitution, which forms part of Fundamental Rights, ensures to everyone equality before the law and equal protection of laws, includes persons with disabilities as well. Article 15 and 16 of Indian Constitution further visualizes some prohibitive grounds of disability though disability per se is not explicitly mentioned. This is covered in view of Article 14 of the Constitution. * Article 41 of the Constitution of India which forms part of Directive Principle of State Policy expect the State to strive to provide assistance to persons with disability in certain situations including in cases of old age, sickness, disablement and other cases of underserved wants. * The legislative framework of India also comprises four legislations - PWD Act, 1995, the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, Mental Health Act, 1987 and Rehabilitation Council of India Act, 1992. Section 44-47 of the PWD Act, 1995 explicitly provides for non-discrimination and barrier free access in transport, build-up environment, on the roads and in government services. |
| The existence of any budgetary mechanism to ensure the provision of reasonable accommodation by public entities, | Adequate budgetary provisions are being made *inter-alia* in “Accessible India Campaign” which aims to make the entire country accessible for persons with disabilities. |
| Whether the denial of provision of reasonable accommodation amounts to discrimination, | The Indian Judiciary is in favour of positive discrimination towards PWDs which is akin to reasonable accommodation. Besides, the RPD Bill, 2014 which is pending in Parliament explicitly provides for reasonable accommodation on lines of UNCRPD. |
| The existence of any affirmative action measures for persons with disabilities, | The PWD Act provides range of affirmative action which includes not less than 3% reservation in all poverty alleviation schemes, preferential allotment of land at concessional rates and making available assistive devices. Section 33 of the PWD Act also provides for reservation of not less than 3% of jobs across all grades for PWDs belonging to specific categories. |
| The existence of any legal, administrative or other effective remedies available for persons who have been subject of discrimination on the basis of disability (including denial of reasonable accommodation), | * Yes. Chief Commissioner for Persons with Disabilities at National Level and State Commissioner for Persons with Disabilities at State level are the grievance redressal mechanism. These are Statutory bodies having quasi-judicial powers. * The National Human Rights Commission of India can also be approached by PWDs, if there is a violation of their human rights. |
| The establishment of governmental agencies or other similar institutions to guarantee to persons with disabilities equal and effective protection against discrimination. | Yes. Chief Commissioner for Persons with Disabilities at National Level and State Commissioner for Persons with Disabilities at State level are the grievance redressal mechanism. These are Statutory bodies having quasi-judicial powers. The National Human Rights Commission of India can also be approached by PWDs, if there is a violation of their human rights. |
| 1. Please provide information on the legislative and policy framework in place in your country concerning accessibility for persons with disabilities in relation to the physical environment, transportation, information and communications, and to other facilities and services; including: | |
| The existence of national standards, guidelines, and regulations on accessibility and universal design, including access to Information and Communication Technologies, | Section 44, 45 and 46 of the PWD Act, 1995 provides for making roads, transport and build-up environment accessible for persons with disabilities. The RPD Bill, 2014 which is pending in Parliament contains more elaborate measures which are in line with UNCRPD. The “Accessible India Campaign” not only covers accessibility on roads, transport and build-up environment but also seeks to make websites and other communication and information means accessible to PWDs. |
| The existence of time bound action plans to make public and private facilities and services accessible for persons with disabilities, | The “Accessible India Campaign” has a time bound targeted plan. |
| The existence of accessibility requirements for public procurement. |  |
| The existence of any enforcement mechanism of accessibility standards, | There exist elaborate accessibility guidelines which are mandatory. |
| The provision of training on accessibility issues for State official and other actors. | While capacity building measures are taken in respect of accessibility both by government and civil society from time to time, the efforts needs to be intensified further. |
| 1. Please provide information on the legislative and policy framework in place in your country concerning support services for persons with disabilities, including: | |
| The diversity and coverage of services available (e.g., services for supported decision-making, communication, mobility, personal support, housing and living arrangements, access to general services such as education, employment, justice and health; and other community services), | The National Trust which is a statutory body does implement schemes for support and care of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities. |
| The availability of certified sign language interpreters, | An Indian Sign Language Research and Training Centre (ISLRTC) is coming up in the country for this purpose. |
| The types of service delivery arrangements (e.g. direct provision, public-private partnerships, partnerships with community-based or non- government organizations, contracting out, privatization), | The National Trust provides support services through non-governmental organizations for persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities. |
| The financial mechanisms to ensure affordability or support services for all, persons with disabilities, |
| How services enable direct choice and control of users with disabilities? |