1. Please provide information in relation to the existence of legislation and policies concerning mainstream and/or specific social protection programmes with regard to persons with disabilities, including:

list of 4 items

• Institutional framework in charge of its implementation;

• Legislative, administrative, judiciary and/or other measures aiming to ensure access of persons with disabilities to mainstream social protection programmes

(e.g., poverty reduction, social insurance, health care, public work, housing);

• Creation of disability-specific programmes (such as disability pensions, mobility grants or others);

• Fiscal adjustments or other similar measures.

The Persons with Disabilities Act of 1995 obligates the government to provide unemployment allowance to those registered in Special Employment Exchanges for a period of 2 years, to frame insurance schemes for those in public employment, framing of schemes that include the provision of aids and appliances free of charge to those below a specified income level, disability pension schemes to those below a specified income level, the provision of land at preferential and concessional rates for construction of house and business establishments and a 3% reservation in public employment for three specified disability groups as well as a 3% reservation in all poverty alleviation programmes. Further the recently enacted Food Security bill provides for subsidized rations to all persons with disabilities listed in the BPL category. The NREGA Act also obligates the government to provide a minimum of 180 days of wage employment to marginalized groups but persons with disabilities have not been specifically been mentioned in this Act though some states do provide persons with disabilities with employment in identified work areas.

Institutional mechanisms for delivering this mandate include the Ministry of Social Justice and Empowerment, the Ministry of rural development, the Ministry of Women and Child Welfare. The Justice System in our High Courts and the Supreme Court have played a positive and significant role in ensuring social security measures for persons with disabilities.

A new disability bill is on the cards which was referred to the Parliamentary Standing committee in 2014 and the report of the committee has now been placed in the houses of Parliament. This report seeks to ensure that persons with disabilities are entitled to food, clothing and shelter free of cost and without any criteria on income level, the provision of insurance schemes on equitable terms on an equal basis as others. The report also states that the quantum of allowances for persons with disabilities will be 25% more than applicable to other marginalized communities, provision of allowances to women with disabilities for the care of their children and provision of support to children with disabilities for their care if they are destitute or orphans. The bill also seeks to increase unemployment allowance for a period of five years and reservation in public employment will be upped to 5 % to include more disability groups. However, the bill is yet to be passed in the Parliament.

list end

2. Please provide information on how persons with disabilities are consulted and actively involved in the design, implementation and monitoring of social protection programmes.

There are no such provisions in the law, administrative memo’s and procedures and persons with disabilities are not consulted in the framing of such schemes their implementation as well as their monitoring.

3. Please provide information in relation to difficulties and good practices on the design, implementation and monitoring of mainstream and/or specific social protection programmes with regard to persons with disabilities, including:

list of 8 items

• Conditions of accessibility and the provision of reasonable accommodation; There are no such specific measures being implemented in the delivery of these programmes.

• Consideration of the specific needs of persons with disabilities within the services and/or benefits of existing programmes; Specific needs of persons with disabilities are not taken into consideration when they do incidentally become beneficiaries of such programmes.

• Difficulties experienced by persons with disabilities and their families in fulfilling requirements and/or conditions for accessing social protection programmes; Certification of disability is a pre requisite to all persons with disabilities to access any social security measures. This remains a huge challenge, specially in rural areas, as a vast majority of persons with disabilities are not certified by the government’s own admission. For availing facilities of loans from banks guarantors are required and persons with disabilities who deserve such loans are unable to provide guarantors and guarantees and as such are unable to access loan facilities from public sector banks. Private banks do not have any special loan facilities for persons with disabilities. Further as disability in India has a definite poverty context the Income ceiling provisions bar most from availing social security benefits as they possess no such income certificates.

• Consideration to age, gender and race or ethnic-based differences and possible barriers; No such considerations prevail.

• Conflicts between the requirements and/or benefits of existing programmes, and the exercise by persons with disabilities of rights such as the enjoyment of legal capacity, living independently and being included in the community, or work; Legal capacity is denied to persons with psychosocial and intellectual disabilities and prevents them from owning and inheriting property, opening bank accounts and entering into financial arrangements and mortgages denying them access to bank loans facilities. The concept of independent living is as yet alien to India and destitute persons with disabilities and those abandoned find themselves in custodial institutions with no exit policies and denial of their right to live in the community.

• Allocation of grants to personal budgets;

• Disability-sensitive training and awareness-raising for civil servants and/or external partners; Recently there have been efforts to sensitize civil service officers during their probationary period and otherwise these programmes are minimal. The National Trust does however have training and sensitization as one of their mandates. More such programmes required.

• Existence of complaint or appeal mechanisms. At the national level there is the Chief Commissioner Disabilities and at the State level there are the State Commissioners of Disability with quasi judicial powers of a civil court. Whilst they have the power to summon witnesses and documents their orders are not binding. The High Courts at the state level and the Supreme Court are mechanisms which are not accessible to most persons with disabilities but in matters of Public Interest on social security have passed positive judgments.

list end

4. Please provide any information or data available, disaggregated by impairment, sex, age or ethnic origin if possible, in relation to:

list of 3 items

• Coverage of social protection programmes by persons with disabilities; No such information is in the public domain. The concerned Ministries would posess this information and can be accessed by any individual under the RTI Act.

• Rates of poverty among persons with disabilities;The government does have some data on this as BPL surveys have been done but there is no concensus on this data even amongst the concerned Ministry and the Planning Commission.

• Additional costs or expenses related to disability.  No such data is available.

list end

5. Please provide information in relation to the eligibility criteria used for accessing mainstream and/or specific social protection programmes with regard to persons with disabilities, including:Definition of disability and disability assessments used for eligibility determination:Certification of disability which is a pre requisite for availing all social security measures are done by certified medical boards using a medical approach to certifying disability. A person with disability is to be certified 40% or more to avail any benefit under the law.

list of 3 items

• Consistency of the eligibility criteria among different social protection programmes; There is consistency as far as this criteria is concerned. Persons should have a 40% disability or more. Some specific measures are for severely disabled persons (80%) and Income certificates of families. However the Income certificate level varies from state to state and from scheme to scheme.

• Use of income and/or poverty thresholds; Described above.

• Consideration of disability-related extra costs in means-tested thresholds. No consideration given to this aspect.

list end

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