



NATIONAL HUMAN RIGHTS COMMISSION

Minutes of the Core Group Meeting on Persons with Disabilities held on 20th March 2024

Agenda- "Mapping Inclusivity from the lens of Skill Development and Employability Avenues of Persons with Disabilities in India"

A meeting of the Core Group on Persons with Disabilities was held on 20th March 2024, at Manav Adhikar Bhavan, New Delhi in hybrid mode, which was chaired by **Hon'ble Member Dr. Dnyaneshwar Manohar Mulay, National Human Rights Commission**. The list of participants is enclosed at *Annex - I*.

Shri Devendra Kumar Nim, Joint Secretary, NHRC, welcomed all the participants. In his welcome address, he invited the core group members to have an open, constructive and collaborative dialogue to analyse the current institutional aid and programs in the context of skill development and employability avenues for PwD in India, and how the nation can navigate the way forward in the changing scenario. He stressed that the path towards a truly inclusive society demands sustained action on multiple fronts and concerned stakeholders must champion the creation of policies that embrace diversity, launch impactful public awareness campaigns that challenge negative stereotypes, and adopt a bottom-up approach that empowers individuals with disabilities.

After giving a brief about the technical sessions planned for the day, he stressed that, while legislation was in place to protect the rights of persons with disabilities, raising awareness about these rights and ensuring their effective implementation was essential, and reiterated the Commission's vision for the same.

Dr. Dnyaneshwar Manohar Mulay Hon'ble Member, NHRC, commenced his inaugural address by welcoming and thanking all the ex-officio members, core group members, special invitees and NHRC

senior officials and members of staff for their presence and involvement in the meeting. He reiterated the importance of the constitutional guarantees given to persons with disabilities, along with the laudable provisions in legislations like the RPwD Act. However, he reminded the members in attendance that theory must be translated into action to reap the benefits of its envisioned aim(s). The most important task at hand is to ensure the proper and timely implementation of the existing laws and fill the gaps in execution.

He mentioned that the way to truly progress would be to efficiently execute the laws enacted for the protection of the rights of the PwD. In this regard, he welcomed critical analysis by concerned stakeholders to formulate an actionable plan. He encouraged the special invitees to share the models of their entrepreneurial ventures and provide inspiring case studies that could be emulated on a larger scale.

• **Agenda 1- Addressing Gaps in Inclusive Education**

The first session commenced with a presentation by **Shri Praveen Prakash Ambashta, Deputy Chief Commissioner Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment**. He began by detailing the structural set-up, working mechanism, powers, functions and specific mandates of the departments and ministries concerned with working on protection of rights of persons with disabilities. He mentioned that the grievance redressal mechanism of the ministry had achieved notable strides in addressing cases filed with it and had disposed 40,070 cases in this regard. The online complaint filing mechanism involved the complainant receiving a lifelong ID which made the process efficient and easy to track. Upon elaboration of the provisions of the RPwD Act and guidelines for the Government mentioned in the same, he focused on how the specific needs of children with regards to education need more attention. There exist large implementation gaps that need to be filled immediately.

He raised the issue of the '*benchmark disability*' categorization by illustrating the example of NEET reservation available for aspiring students with disabilities. The concept of having an upper limit for capping disabilities proves problematic as it is not inclusive of the broad spectrum of disability and its varying implications. *Article 8 of The United Nations Convention on the Rights of Persons with*

Disabilities (UNCRPD) talks about raising awareness related to the rights of persons with disabilities. In this regard, India must focus on the positive portrayal of PwD in media and public platforms. He mentioned the example of *Sheetal Devi*, an Indian Paralympic gold medalist archer, and how more media visibility for such cases could act as catalysts to encourage and empower PwD.

Speaking about the current structure of the educational set-up, he lauded the recent Supreme Court directions given to Kendriya Vidyalas to hire sign language interpreters. He further opined that an increased budget allocation must be done to educational institutions to provide them incentives to make their campus more accessible. More courses with relevant employability implications must be delivered. Simultaneously, the Government should develop a suitable list of jobs specifically for the PwD. Distinction in allocating jobs must be maintained to improve efficiency and simulation for purposes of employment must be done.

The second speaker was ***Smt. Meenakshi Balasubramanian, Centre for Promotion of Social Justice***. She began her presentation by elucidating the barriers to reasonable accommodation, job identification and providing an inclusive environment with regards to employment opportunities. The importance of impact evaluation was stressed, especially with regard to the efficiency of providing home-based education as an option. Implementation gaps could be filled by undertaking regular impact assessments to identify quality service and outcomes of the same. There exist major gaps in scholarship programs dedicated to students with PwD at primary and secondary education institutions. State budgets do not reflect adequate fund allocation in order to provide a holistically inclusive educational environment. Stress was laid on fully realising the scope of Article 4 of UNCRPD.

Government skill development programs need to be reassessed in order to build the capacity of the child. Gaps between what the child wants and what the child is offered is one that needs to be filled urgently with proper intervention at a policy and advocacy level, to accommodate the changing paradigm. Considerable lack of data is observed as a constant trend. There exists data prima facie only on enrollment numbers at school, but nothing substantial on dropout numbers etc., and this results in lack of accountability. Furthermore, in the Indian context,

UNICEF's *Child Functioning Module* could be emulated as a working example.

The third speaker was **Shri Akhil S. Paul, Sense International India**. He commenced his presentation by giving a brief about the historical evolution of education and rehabilitation of children with disabilities. He highlighted that in India, the approach to education for students with disabilities has broadly evolved under three themes, viz. '*special education*', '*integrated education*' and '*inclusive education*'. The major challenges faced in the inculcation of an inclusive education system can be listed as-

- Lack of an accessible curriculum and study resources.
- Having an enabling environment and infrastructure that is not limited to just ramps.
- Lack of sensitised staff members.
- Usage of derogatory labelling and name-calling.
- Not being able to understand the concept of inclusion in general education.
- High dropout rates and failure of the homeschooling system.
- Ignorance of the need for a clinical assessment to better understand the child's needs.
- Social exclusion and isolation among peers and by school staff etc.
- Lack of accessibility and necessary facilities in rural and remote areas.

He further proposed suggestions to overcome these challenges. An important facilitator would be to engage and collaborate with the community. The use of technology as an enabler should not be underestimated. Flexible and approachable measures should be devised at a policy and advocacy level. Focus should be paid on empowering the marginalized group with the larger community of people with disabilities.

• **Agenda 2- Navigating Implementation Blocks in Employment of PwD**

The second session commenced with a presentation by **Shri S.K. Mahato and Smt. Ipsita Mitra, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment**. The schemes undertaken under the aegis of the ministry were highlighted, with a special mention of PM DAKSH Portal

and ROZGAR SETU. The ministry also provides empanelled training partners for scheme implementation, thereby assuring the on-ground execution of the same. It was mentioned that imparting of skill development programs takes place for specific approved courses, however there exists the challenge of providing wage employment even post skill development training. With regards to self employment, the provision to access loans exists for the PwD.

The second speaker was **Shri Arman Ali, NCPEDP**. The presentation began with the speaker recommending the involvement and attendance of representatives from Ministry of Education, so as to have an open dialogue with the ministry responsible for education of all students including those with disabilities. The RPwD Act in its essence is deemed game changing. It states that all educational institutions that are 'recognized' and 'funded' by the government need to include students with disabilities. However, this very basic clause isn't complied with. It was highlighted that one cannot simply parachute people with disabilities into education. The mode of learning i.e. school based or home based must be a matter of choice rather than an imposed alternative. This lack of basic attention and poor stakeholder management needs urgent correction.

Approach towards issues faced by the PwDs cannot always be that of charity. While this approach remains important, focus needs to be paid on proper implementation and accountability towards a lack of it. The rural areas face the double burden of socio-legal lack of facilities and opportunities. Migration should be recognized as a tangible challenge for PwD. It was also highlighted that there is seldom any political representation or outreach done by political parties for people with disabilities, and this must be changed. Despite all the noise, there exists major gaps in implementation and this can be rectified if the entire ecosystem works with a symbiotic approach towards issues like budget allocation, infrastructural changes, employment opportunities in the private sector etc.

The third speaker was **Dr. Sonam Kapse, Founder, TERRASINNE**. Terrasinne is an entrepreneurial venture that is in the business of empowering lives of PwDs and putting individuals with disabilities in roles of leadership, thereby revamping the nomenclature from 'Disabled' to 'DisabLED'. The speaker began her talk by greeting

everyone in sign language apart from the verbal mode. The aim of her presentation was to provide a case study of Terrassinne. 14 different types of disabilities have found place in Terrassinne, with regards to employment of PwDs. The focus of the organization is to empower and give financial support to PwDs. The roadmap used by the company is scalable and replicable, which is what makes it an efficient case study for other businesses to follow and encourage the private sector for employing PwDs. Training programs must take into account not just the disability but also the ability of the PwDs. Employers must focus on providing a conducive environment for PwD employees and foster an environment of growth and opportunity.

The fourth speaker was **Ms. Purna G. Mittal, Asst. Prof. University of Delhi**. The focus of the presentation was on defining Progressive Disabilities and making the participants aware of its life altering implications. The speaker showcased audio-visual case studies to appeal to the empathy of participants to better understand the importance of initiating dialogue on progressive disorders. The essence of progressive disorders is lost, as it is clubbed under the generalized box of disabilities. According to a recent survey conducted by the speaker, 144 barriers were identified that prevent PwDs to get a job. The speaker highlighted the fact that each and every disability must be given its appropriate space and platform and should not suffer the risk of generalization.

The fifth speaker was **Ms. Alina Alam, Founder MITTI Café**. This model was also an effort in providing a case study for entrepreneurial ventures to employ PwDs and encourage their economic independence and dignity. The aim and idea behind starting Mitti Café was to generate sustainable livelihood options and awareness about PwD, so as to alleviate the stigma surrounding them. Mitti café till date has served more than 11 million meals and beverages in its various pan-India outlets. The speakers showcased heartwarming real life snippets of workers at Mitti Café and emphasized the importance of changing the paradigm to supporting the ability of PwDs and how they can in turn support people without disabilities. Mitti Café is the first privately owned café to operate in the premises of Supreme Court of India and will very soon be operational in the complex of Rashtrapati Bhawan too.

- **Agenda 3- Way Forward: Building an Inclusive Nation with**

an Empathetic Approach

The third session commenced with a presentation by **Dr. Vaibhav Bhandari, Founder, Swavlamban Foundation**. The speaker began by stressing on the importance of having mandatory compliance of the provisions laid in the RPwD Act. He highlighted that a pertinent challenge for PwDs is the lack of implementation of government schemes at the grass-root level. There are no review meetings or IQ assessments held at periodic intervals to truly evaluate the situation on ground, and this must be rectified urgently. Public transportation system is seldom found to be disabled friendly. Owing to inter-department structural lags, PwDs tend to suffer for longer durations as they are not aware which department to approach and what mandate that department has.

The speaker also focused on progressive disabilities and mentioned that there should be guidelines and SOPs for welfare measures for the same. There must also be penalties and/or punishments for non-compliance of welfare measures meant for PwDs.

The second speaker was **Shri Nipun Malhotra, Nipman Foundation**. The speaker in a very concise and crisp manner highlighted the importance of policy review needed for implementation of provisions of legislations concerned with PwDs. He mentioned that corresponding with the UNCRPD guidelines, the Indian government must introduce guidelines catering to the Indian context and changing scenario. He stressed on the urgent need of changing the housing and building codes to facilitate construction of disabled friendly buildings. It was mentioned that insurance companies discriminate against PwDs, and this matter should be addressed by the government. He suggested that having a senior nodal officer in each ministry would facilitate efficiency as the nodal officer would specifically look into the matters relating to PwDs.

The final speaker was **Smt. Nidhi Goyal, Rising Flame**. She urged the participants to not look at disability as a cross-cutting subject but rather as one that is convergent and congruent. She mentioned that technology and assistive devices must be made more accessible to PwDs across rural and urban areas. Safety and child sex abuse are often neglected topics when it comes to violation of rights of PwDs, and this needs urgent attention. Medical awareness around disabilities like

ALS must be catered to, and the psycho-social disabilities must also find adequate representation in dialogue and action. Policy making should give importance to the inter-sectionality of disability within marginalized groups like the dalit community, older persons etc.

After the three technical sessions, **Smt. Vijaya Bharathi Sayani Hon'ble Member, NHRC** gave her remarks and mentioned her experience of visiting the organization *Manasa*, where she noticed the harassment that parents of children with disabilities face at an institutional and societal level. She focused on how fund disbursement must be made a priority for parents in order to minimize such pain and harassment.

The closing remarks were presented by **Hon'ble Member, NHRC Dr. Dnyaneshwar Manohar Mulay**. In his remarks Sir thanked all the participants for their insightful contributions and gave pertinent suggestions for chartering a way forward. Some of these suggestions include-

- Addressing the deficiency in accessibility norms and how the NHRC can initiate audits of government buildings, hospitals like AIIMS etc. to analyze ground level reality and fill gaps therein in collaboration with the concerned ministries.
- Generate awareness and make the education system more inclusive through introducing relevant courses and capacity building measures.
- Provide progressive disorders the space they deserve in dialogue and action concerning PwDs.
- Taking cognizance of the lack of data on various aspects of rights of PwDs.
- Reviewing the current building codes and suggesting amendments thereof.

The meeting ended with a Vote of Thanks by Lt. Col Virendra Singh, Director, NHRC.

Annexure-1

NHRC Officials/ Staff-

1. Dr. Dnyaneshwar M. Mulay, Hon'ble Member, NHRC
2. Smt. Vijaya Bharathi Sayani, Hon'ble Member, NHRC
3. Shri Ajay Bhatnagar, Director General (Investigation), NHRC
4. Shri Devendra Kumar Nim, Joint Secretary, NHRC
5. Smt. Anita Sinha, Joint Secretary, NHRC
6. Lt Col Virender Singh, Director (Administration), NHRC
7. Dr. Kanaklata Yadav, Consultant (Research)
8. Ahana Ray, JRC
9. Avani, JRC
10. Manisha, JRC
11. Arpita, JRC
12. Niharika, JRC

Members of Core Group/Ex-officio/Special Invitee in attendance-

1. Shri Praveen Prakash Ambashta, Deputy Chief Commissioner
Department of Empowerment of Persons with Disabilities, Ministry
of Social Justice and Empowerment
2. Smt. Meenakshi Balasubramanian, Centre for Promotion of Social
Justice.
3. Shri Akhil S. Paul, Sense International India
4. Shri S.K. Mahato, Deputy Secretary, Department of Empowerment
of Persons with Disabilities, Ministry of Social Justice and
Empowerment.
5. Smt. Ipsita Mitra, Deputy Secretary, Department of Empowerment
of Persons with Disabilities, Ministry of Social Justice and
Empowerment.
6. Shri Arman Ali, NCPEDP
7. Dr. Sonam Kapse, Founder, TERRASINNE
8. Purna G. Mittal, Asst Prof, University of Delhi.
9. Ms. Alina Alam, Founder, MITTI Café
10. Dr. Vaibhav Bhandari, Founder, Swavlamban Foundation.
11. Shri Nipun Malhotra, Nipman Foundation
12. Smt. Nidhi Goyal, Rising Flame