Making Statutory Institutions Vibrant, Responsive and Accountable

Study of Institutional Structures for Safeguarding Socio-Economic Interests and Rights of the Persons with Disabilities

Synthesised National Report on Status of State Commissions for Persons with Disabilities
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National Synthesis Report on Status of State Commissions for Persons with Disabilities
PACS publication series:

Study on Statutory Commissions for Socially Excluded Groups

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Editorial Team: Priyanka Sarkar, Nini Mehrotra Lali, Priyanka Dale - PACS

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<table>
<thead>
<tr>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
</tr>
<tr>
<td>Acknowledgements</td>
</tr>
<tr>
<td>Abbreviations</td>
</tr>
<tr>
<td>Chapter – 1: Introduction</td>
</tr>
<tr>
<td>Background</td>
</tr>
<tr>
<td>About the Study</td>
</tr>
<tr>
<td>Chapter – 2: Findings from the Field</td>
</tr>
<tr>
<td>Mandate &amp; Institutional Designs</td>
</tr>
<tr>
<td>Institutional Effectiveness</td>
</tr>
<tr>
<td>Chapter – 3: Emerging Issues</td>
</tr>
<tr>
<td>Identity and Autonomy</td>
</tr>
<tr>
<td>Institutional Capacity</td>
</tr>
<tr>
<td>Proactive Outreach and Disclosure</td>
</tr>
<tr>
<td>Relationships</td>
</tr>
<tr>
<td>Chapter – 4: Recommendations and the Way Forward</td>
</tr>
<tr>
<td>Identity and Autonomy</td>
</tr>
<tr>
<td>Institutional Capacity</td>
</tr>
<tr>
<td>Outreach and Disclosure</td>
</tr>
<tr>
<td>Relationships</td>
</tr>
<tr>
<td>References</td>
</tr>
<tr>
<td>About the Study</td>
</tr>
<tr>
<td>Annexures</td>
</tr>
</tbody>
</table>
Socially excluded groups experience greater challenges in moving out of poverty. Being systematically pushed to margins, their life experiences are marked with inequality in accessing rights, entitlements and opportunities. This inequality manifests in contrasting figures of differential access to entitlements and even in access to constitutional rights. It is in the context of this chasm that Poorest Areas Civil Society (PACS) programme’s interventions are positioned. Focusing on Scheduled Castes, Scheduled Tribes, Muslims, Women and Persons with Disabilities, the programme works to assist the groups to claim their rights and entitlements while addressing issues of differential access. For PACS, strengthening demand as well as the supply side of the governance processes is strategically critical to ensure inclusive policies, programmes, and responsive institutions. Promoting social justice hence gets inevitably linked with making institutions for the socially excluded as well of the socially excluded vibrant, effective and accountable.

Recognising the tremendous historical barriers and discrimination that the socially excluded groups have faced and continue to face, the Constitution of India has various provisions and instruments for safeguarding their rights and addressing their development needs. For putting an end to all visible and invisible forms of discrimination however, it is crucial that all such protective and developmental measures are implemented and are continuously responding to the requirements of the people they are mandated to address. This is where the role of Statutory Institutions gains centrality. Having the constitutional mandate, the Statutory Institutions are to perform the important role of overall safeguarding interests and rights of socially excluded, of being the supervisory body with the primary responsibility of monitoring the entire gamut of protective, compensatory and developmental measures and mechanisms. It is in this context that the study of the Statutory Institutions* was undertaken by PACS in collaboration with the Society for Participatory Research in Asia (PRIA) across PACS programme focused states; viz. Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and West Bengal.

The national level reports synthesise the findings and the experiences of the State level studies vis-à-vis each commission. The study has been conducted by using participatory tools and has generated important information through interviews (with all possible stakeholders), Focus Group Discussions with community members, and multi-stakeholder state level workshops in each state. People across the states and stakes expect concrete initiatives for strengthening of these commissions.

The underlying directional idea of this action research study has been to create a critical and collaborative space for various stakeholders to engage with. Developing this pathway of engagement, the study brings to fore interesting and important analysis on issues of (i) legislative mandate, structure, composition, modes of functions of the Statutory Institutions (ii) assesses

*State Commissions for Women, Scheduled Castes, Scheduled Tribes, Minorities and Persons with Disabilities
awareness levels and practical experience of community members and puts together (iii) a set of recommendations for advocacy and dissemination based upon the study and socially excluded community’s experiences. The study draws attention to the fecundity of the various commissions and at the same time also to the areas which need inputs for the Statutory Institutions to play their role more effectively.

There is a real and an urgent need to strengthen the presence and engagement of the commissions and to address issues of access and visibility. There is an equally pressing need for the civil society, the activists, the campaigns and the Statutory Institutions to work together for promoting the rights of socially excluded communities.

We hope that the study is able to generate useful debates and discussions towards making Statutory Institutions vibrant, responsive and accountable.

In solidarity,

Rajan Khosla
Director
PACS

Dr. Rajesh Tandon
President
PRIA
The study team would like to thank the office bearers of all the State Commissions, of the Nodal Departments of the State Governments, members of the Urban Local Bodies and of the Panchayati Raj Institutions who took time out, provided the study team the information they needed as well as their insights and valuable suggestions in this process of exploring ways of strengthening the statutory institutions. This study could not have proceeded without their support.

This study would also not have been completed without the support of the civil society organisations and individuals who are working very closely with community people, at the grassroots. We would especially like to thank Vikas Vihar, Chhapra (Bihar), Development Education & Environmental Programme (DEEP), Patna (Bihar), Dalit Vikas Abhiyan Samiti (DVAS), Patna (Bihar), Nav Manas Kalyan Kendra, Bihar Sharif (Bihar), Disha Samaj Sevi Sanstha, Kanker (Chhattisgarh), Shikhar Yuva Manch, Bilaspur (Chhattisgarh), Badlao Foundation, Jamtara (Jharkhand), Vedic Society, Latehar (Jharkhand), Samarthan – Centre for Development Support, Bhopal (Madhya Pradesh), Sangini Gender Resource Centre, Bhopal (Madhya Pradesh), Adivasi Sanrachna Sewa Sansthan, Betul (Madhya Pradesh), Mansi – Centre for Human Development Research & Initiative, Panna (Madhya Pradesh), Institute of Social Sciences, Bhubaneswar (Odisha), Centre for World Solidarity, Bhubaneswar (Odisha), Women Organisation for Socio Cultural Awareness (WOSCA) Keonjhar (Odisha), Ekta Parishad Trust, Kalahandi (Odisha), Tarun Chetna, Pratapgarh (Uttar Pradesh), PACE, Pratapgarh (Uttar Pradesh), Gramin Vikas Sansthan (Uttar Pradesh), Child in Need Institute (CINI), South 24 Parganas (West Bengal), Nari-O-Shishu Kalyan Kendra, Howrah (West Bengal) for their contributions and time.

We would also like to thank Rekha Panigrahi, L.S Hardenia, Upasna Behar, Adv. Milind Wankhede and Mr. Jeet Parmar for their support study in its various phases.

We also wish to acknowledge the persistent work that has been put in by the PRIA team under Dr. Alok Pandey who anchored the study on behalf of PRIA. A special thanks to Dr. Rajesh Tandon, Dr. Martha Farrell, Dr Namrata Jaitely and Mr. Majoj Rai who have drafted these reports.

Last, but definitely not the least, our heartfelt thanks to all the community people who not only gave us time but also shared their experiences and personal information with us; and to whom we would like to dedicate this report with a hope of being able to translate it into real actions for them.

Hoping these reports part a significant strategy towards empowering the marginalised community.

In solidarity

Priyanka Dale
Programme Manager, PACS
Abbreviations

CSO  Civil Society Organisation
DDRC  District Disability Rehabilitation Centre
ESCAP  Economic and Social Commission for Asia and Pacific
FGD  Focused Group Discussions
GoI  Government of India
MP  Madhya Pradesh
UP  Uttar Pradesh
WB  West Bengal
NGO  Non-Government Organisation
PACS  Poorest Areas Civil Society
PRI  Panchayati Raj Institution
PwD  Persons with Disabilities
NSSO  National Sample Survey Organisation
SHG  Self Help Groups
ToR  Terms of References
UNCRPD  United Nations Convention on the Rights of Persons with Disabilities
Introduction

'The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want'.

“Article 41, Constitution of India”

Background

According to Census 2001, there were 2.19 crore persons with disabilities (PwD) in India who constituted 2.13% of the total population. Out of the total population of persons with disabilities, 1.26 crore are male and 0.93 crore are female. This includes persons with visual, hearing, speech, locomotor and mental disabilities. The Census data showed that 75% of PwDs lived in rural areas, 49% were literate and only 34% are employed.

However, data collected in 2002 by the National Sample Survey Organisation (NSSO), indicated that the number of PwDs was 1.85 crore, with a disability-wise break up which was significantly different from the Census 2001 data, as given in Table 1.1. Difference in coverage and definitions used for collection of data are cited as primary reasons for this difference between the Census and the NSSO survey.

“Person with Disability” means a person suffering from not less than 40% of any disability, as certified by a medical authority- the disabilities being (a) blindness, (b) low vision, (c) leprosy cured, (d) hearing impairment, (e) locomotor disability, (f) mental retardation, (g) mental illness, (h) autism, or, (i) a combination of any two or more of them. [Section 2, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, read with Section 2, The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act 1999.]

Ministry of Social Justice and Empowerment, Government of India

Table: I.1: Persons with disability in India by type

<table>
<thead>
<tr>
<th>S.No</th>
<th>Type of Disability</th>
<th>Census, 2001</th>
<th>NSSO*, 2002</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Population (in crore)</td>
<td>%</td>
<td>Population (in crore)</td>
</tr>
<tr>
<td>1</td>
<td>Locomotor</td>
<td>0.61</td>
<td>28</td>
</tr>
<tr>
<td>2</td>
<td>Visual</td>
<td>1.06</td>
<td>49</td>
</tr>
<tr>
<td>3</td>
<td>Hearing</td>
<td>0.13</td>
<td>6</td>
</tr>
<tr>
<td>4</td>
<td>Speech</td>
<td>0.16</td>
<td>7</td>
</tr>
<tr>
<td>5</td>
<td>Mental</td>
<td>0.22</td>
<td>10</td>
</tr>
<tr>
<td>6</td>
<td>Multiple</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>2.19</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Census of India 2001 and *National Sample Survey Organisation.
### Table 1.2: Distribution of the disabled by type of disability, sex and residence

<table>
<thead>
<tr>
<th>Type of Disability</th>
<th>Sex</th>
<th>Total</th>
<th>Rural</th>
<th>Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Disabled Population</td>
<td>Persons</td>
<td>21906769</td>
<td>16388382</td>
<td>5518387</td>
</tr>
<tr>
<td></td>
<td>Males</td>
<td>12605635</td>
<td>9410185</td>
<td>3195450</td>
</tr>
<tr>
<td></td>
<td>Females</td>
<td>9301134</td>
<td>6978197</td>
<td>2322937</td>
</tr>
<tr>
<td>In Seeing</td>
<td>Persons</td>
<td>10634881</td>
<td>7873383</td>
<td>2761498</td>
</tr>
<tr>
<td></td>
<td>Males</td>
<td>5732338</td>
<td>4222717</td>
<td>1509621</td>
</tr>
<tr>
<td></td>
<td>Females</td>
<td>4902543</td>
<td>3650666</td>
<td>1251877</td>
</tr>
<tr>
<td>In Speech</td>
<td>Persons</td>
<td>1640868</td>
<td>1243854</td>
<td>397014</td>
</tr>
<tr>
<td></td>
<td>Males</td>
<td>942095</td>
<td>713966</td>
<td>228129</td>
</tr>
<tr>
<td></td>
<td>Females</td>
<td>698773</td>
<td>529888</td>
<td>168885</td>
</tr>
<tr>
<td>In Hearing</td>
<td>Persons</td>
<td>1261722</td>
<td>1022816</td>
<td>238906</td>
</tr>
<tr>
<td></td>
<td>Males</td>
<td>673797</td>
<td>549002</td>
<td>124795</td>
</tr>
<tr>
<td></td>
<td>Females</td>
<td>587925</td>
<td>473814</td>
<td>114111</td>
</tr>
<tr>
<td>In Movement</td>
<td>Persons</td>
<td>610547</td>
<td>4654552</td>
<td>1450925</td>
</tr>
<tr>
<td></td>
<td>Males</td>
<td>3902752</td>
<td>2975127</td>
<td>927625</td>
</tr>
<tr>
<td></td>
<td>Females</td>
<td>2202725</td>
<td>1679425</td>
<td>523300</td>
</tr>
<tr>
<td>Mental</td>
<td>Persons</td>
<td>2263821</td>
<td>1593777</td>
<td>670044</td>
</tr>
<tr>
<td></td>
<td>Males</td>
<td>1354653</td>
<td>949373</td>
<td>405280</td>
</tr>
<tr>
<td></td>
<td>Females</td>
<td>909168</td>
<td>644404</td>
<td>264764</td>
</tr>
</tbody>
</table>

*Source: Census of India, 2001.*

The mandate of the Constitution of India is to ensure equality, freedom, justice and dignity of all individuals; thus creating an inclusive society. In pursuance of this mandate and according to Article 41 of the Constitution of India, several initiatives have been undertaken by the Government of India for the welfare and empowerment of PwDs. Accordingly, “Relief of the disabled and unemployable” figures in “List II” (“State List”) in the Seventh Schedule of the Constitution of India. “Disability” also appears in the 11th & 12th Schedules (pertaining to panchayats & municipalities of the Constitution).

Table 1.3 shows that the literacy rate among the PwDs is lower in all the seven states where the research has been conducted. The important thing that should be noted here is that the gap in literacy rate between general and PwD categories is nearly 15% in states like Chhattisgarh, Madhya Pradesh, Odisha and West Bengal.

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1. At Serial number 9.
2. 11th Schedule: Entry No.26: “Social Welfare, including welfare of the handicapped and mentally retarded”; and 12th Schedule: Entry No.9: “Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded”.

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National Synthesis Report on Status of State Commissions for Persons with Disabilities
The GoI adopted the proclamation on the ‘Full Participation and Equality of People with Disabilities in the Asian and Pacific Region’ during the Economic and Social Commission for Asia and Pacific (ESCAP) meeting in Beijing, in December, 1992. The Asian and Pacific Decade of Disabled Persons was also launched during this meeting; 1993-2002. GoI is also a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), 2007 which came into force in the year 2008 after its ratification by the Government. Three important obligations had arisen out of the Convention, namely (a) implementation of provisions of the UNCRPD, (b) harmonisation of Indian Laws with the UNCRPD, and (c) preparation of a Country Report by 2010.

The National Policy for Persons with Disabilities (2006) recognises the fact that a majority of PwDs can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures.

The National Policy for Persons with Disabilities (2006) recognises the fact that a majority of PwDs can lead a better quality of life if they have equal opportunities and effective access to rehabilitation measures.

The following mechanisms are in place for implementation of the National Policy:

i. The Ministry of Social Justice & Empowerment is the nodal Ministry to coordinate all matters relating to implementation of the Policy.

ii. The Central Coordination Committee, with stakeholder representation coordinates matters relating to implementation of the National Policy.

iii. There is a similar Committee at the State level. Panchayati Raj Institutions (PRIs) and Urban Local Bodies (ULBs) are associated in the functioning of the District Disability Rehabilitation Centres (DDRCs). They are required to play a crucial role in the implementation of the National Policy to address local level issues.


### Table: I.3: Population and literacy rate for PwDs in PACS states

<table>
<thead>
<tr>
<th>S.No.</th>
<th>State</th>
<th>Total Population (Croc.)</th>
<th>PwD Population</th>
<th>% of PwD in total</th>
<th>Literacy Rate Total</th>
<th>PwD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bihar</td>
<td>8.29</td>
<td>0.19</td>
<td>2.3</td>
<td>47.0</td>
<td>37.2</td>
</tr>
<tr>
<td>2</td>
<td>Chhattisgarh</td>
<td>2.08</td>
<td>0.04</td>
<td>2.0</td>
<td>64.7</td>
<td>47.9</td>
</tr>
<tr>
<td>3</td>
<td>Jharkhand</td>
<td>2.69</td>
<td>0.04</td>
<td>1.7</td>
<td>53.6</td>
<td>41.5</td>
</tr>
<tr>
<td>4</td>
<td>Madhya Pradesh</td>
<td>6.04</td>
<td>0.14</td>
<td>2.3</td>
<td>63.7</td>
<td>49.7</td>
</tr>
<tr>
<td>5</td>
<td>Odisha</td>
<td>3.67</td>
<td>0.10</td>
<td>2.8</td>
<td>63.1</td>
<td>48.8</td>
</tr>
<tr>
<td>6</td>
<td>Uttar Pradesh</td>
<td>16.61</td>
<td>0.35</td>
<td>2.1</td>
<td>56.3</td>
<td>44.5</td>
</tr>
<tr>
<td>7</td>
<td>West Bengal</td>
<td>8.02</td>
<td>0.18</td>
<td>2.3</td>
<td>68.6</td>
<td>52.7</td>
</tr>
</tbody>
</table>

*Source: Census 2001.*
Development and Departments of Elementary Education & Literacy, Secondary & Higher Education, Road Transport & Highways, Public Enterprises, Revenue, Information Technology and Personnel & Training are also identified for implementation of the policy.

v. The Chief Commissioner for PwDs at Central level and State Commissioners at the state level play a key role in implementation of the National Policy, apart from their statutory responsibilities.

About the Study

This study is part of a larger study of five different Statutory Commissions that has been undertaken in the seven focus states of the PACS programme; viz. State Commissions for the schedules castes, scheduled tribes, minorities, women and the persons with disabilities in the states of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh (MP), Odisha, Uttar Pradesh and West Bengal, and Odisha. A year long study, it began in January 2013 as a joint initiative of PACS and PRIA.

Within the larger objective of making Statutory Institutions vibrant and responsive, the study of the status of the Office of the State Commissioner for PwDs had the following specific objectives:

- To understand the legislative mandate, structure, composition, modes of functioning and delivery of Office of the State Commissioner for PwDs in seven states of Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh (MP), Odisha, Uttar Pradesh and West Bengal, mandated to safeguard the socio-economic rights of PwDs.
- To assess the awareness levels and practical experiences of members of PwDs with respective Office of the State Commissioner for PwDs.
- To arrive at a set of recommendations for advocacy and dissemination of efforts to make the Office of the State Commissioner for PwDs more ‘vibrant, responsive and accountable’.

The first phase of study generated data on review of the statutory and legislative mandates of each institution including their official terms of references (ToRs), actual constitution, composition, structure and support system, general functioning, and process of appointments of commissioners and officials for Office of the State Commissioner.

Based on the findings of preliminary data on Office of the State Commissioner for Persons with Disabilities and initial discussions with officer-bearers and associated actors of these offices, the Odisha State Commissioner’s office for the PwDs was selected for more in-depth study. In depth empirical study was carried out in the districts of Keonjhar and Kalahandi. The following methods were used:

- Focused Group Discussions (FGDs): Eight FGDs (two each in rural and urban locations in each district separately for men and women) were organised with PwDs to assess the level of awareness, accessibility, approach and effectiveness of the Office of the State Commissioner for PwDs.
- In-depth Interviews: Interviews were conducted with Persons with Disabilities, local functionaries, NGO workers, local leaders and others (60 in each district) to gain further information on various aspects of the functioning of Office of the State Commissioner for PwDs Odisha.
- Tracking of cases: Ten cases which were addressed by the Office of the State within the last three years were tracked to understand the actual procedures and time taken after a complaint is registered with the Office of the State Commissioner for PwDs.
The findings of the study are about the assessment of the institution, its mandate and institutional design effectiveness of the institution in relation to its outreach, transparency in functioning and responsiveness to the PwDs. Efforts have been made to provide a comparative picture across the seven offices under study, for providing a more nuanced analysis.

**Mandate & Institutional Designs**

In accordance with the Article 253 of the Constitution of India the Central Government enacted The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 to implement the proclamation on ‘Full Participation and Equality of People with Disabilities in the Asian and Pacific Region’.

The Act was published on 1st January 1996 and was notified on 7th February, 1996. The Act gives effect to the proclamation on the full participation and equality of the PwDs in the Asian and Pacific Region and provides for their education, employment, creation of barrier free environment, social security and similar overlooked areas. It provides for a three tiered arrangement for:

- The evolution of policy for the benefit of PwDs,
- Implementation of the provisions of the Act and laws, policies, etc. and
- Monitoring implementation and grievance redressal.

**The Institution**

At the central level the Office of the Chief Commissioner for PwDs has been set up and mandated to take steps to safeguard the rights of persons with disabilities under Section 57 of the Act.

- To exercise the powers conferred by sub-sections (1) and (2) of section 73 the Central Government also made ‘The Persons for Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Rules, 1996.

**Mandate of the Institution**

Under section 59 of the Act, the Chief Commissioner for PwDs, is mandated to redress the grievances related to deprivation of rights of persons with disabilities and non-implementation of laws, rules, bye-laws etc. issued by the appropriate governments for welfare of PwDs. For this purpose, the Chief Commissioner and Commissioners have been empowered with certain powers of Civil Court under Section 63 of the Act which maintains that

1. Chief Commissioner and the Commissioners shall, for the purpose of discharging their functions under this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:
   a. summoning and enforcing the attendance of witnesses;
   b. requiring the discovery and production of any document;
   c. requisitioning any public record or copy thereof from any court or office;
   d. receiving evidence on affidavits; and
   e. issuing commissions for the examination of witnesses or documents.

2. Every proceeding before the Chief Commissioner and Commissioners shall be
a judicial proceeding within the meaning of sections 193 and 228 (45 of 1860) of the Indian Penal Code. The Chief Commissioner, the Commissioner and the competent authority, shall be deemed to be a civil court for the purposes of section 195(2 of 1974) and Chapter XXVI of the Code of Criminal Procedure, 1973.

The office receives complaints/representations that relate to a range of issues like non-implementation or incorrect implementation of reservation in employment/education, unfair selection, promotion, transfers, denial of service benefits and other service related matters; improper infrastructure and facilities for education, denial of admission, writing of exams, harassment, civil/criminal disputes, accessibility related issues, denial of cheque books/ATM cards, preferential allotments of land, petrol pumps, gas agencies, etc.

A large number of organisations and PwDs also seek clarifications. If there is a violation of any provision of the Disability Act or of any law, rules and regulations etc. made for the benefit of PwDs, the Office of the Chief Commissioner takes up the matter with the concerned authorities and resolves it through either conciliation/advice or quasi-judicial proceedings that are concluded by passing orders with appropriate direction/advice to the concerned authorities.

In order to perform its mandate the Office performs following functions:\footnote{http://www.ccdisabilities.nic.in/page.php?s=reg&t=def&p=activities Constitutional Bodies, Statutory Bodies and}

### Prevention
- Creation of awareness on the causes of disabilities and the preventive measures to be adopted.

### Education
- Working with concerned authorities to implement inclusive education for children with disabilities and insuring that the required facilities are available.

### Employment
- Engaging with concerned organisations to ensure 3% reservation for PwDs on receipt of complaints or suo-moto.
- Engaging with Central and State Governments to identify posts suitable for persons with disabilities. (Posts in Central, State, or Private sector?)

### Non-discrimination
- Organising workshops on Accessibility and Access Audits including training on conduct of Access Audits.
- Organising Access Audit of public places to ensure barrier free environment for PwDs.

### Implementation of the Persons with Disabilities Act, 1995
- Conducting of quasi-judicial proceedings for redressal of grievances of PwDs, and safeguarding their rights.
- Organisation of joint mobile courts of Chief Commissioner for PwDs and State Commissioners to ensure accessibility of redressal mechanism at the door steps of PwDs.

### Coordination
- Taking up matters with various ministries for formulation of schemes for the benefit of PwDs; coordination of the work of Commissioners by organising national and regional level meetings of the State Commissioners, to review status of implementation of the provisions of the Act.

### Statutory nature and formation
It has been provided in the Act that there shall be a Chief Commissioner at the national level and a Commissioner in each State of the Union/UT, who would be broadly responsible for:

- Monitoring the utilisation of funds disbursed by the Central Government and compliance of various provisions of the Act.
- Safeguarding the rights and facilities made available to PwDs.

The Chief Commissioner is authorised, on his/her own motion or on the application of any aggrieved person, or otherwise to look into complaints relating to:

- Deprivation of rights of PwDs
- Non-implementation of laws, rules, bye-laws, instructions issued by appropriate authorities for the welfare and protection of rights of the disabled.
**Constitutional bodies, Statutory Bodies and Statutory Authorities**

Constitutional bodies can't be abolished without amending that part of the Constitution (e.g. National Commission for Scheduled Castes, Panchayati Raj Institutions, etc.) which sometimes also requires consent of the states. They can be invalidated by the Supreme Court whereas a statutory body (National Commission for Backward Classes) can simply be abolished by an act of the parliament with simple majority. There are some Statutory Authorities (Chief Commissioner for Persons with Disabilities) also that are set up by law that authorised them to enforce legislation on behalf of the relevant country or state.

**Composition**

The composition of the Office of the Chief Commissioner for PwDs and Office of the State Commissioners for PwDs varies from office to office (Table 1.3). At the Office of the Chief Commissioner for PwDs there is a Chief Commissioner who is assisted by two Deputy Commissioners. There are 18 administrative staffs also associated with the office\(^1\). In Odisha all the District Magistrates are nominated as Deputy Commissioner to the Office of the Chief Commissioner for PwDs.

The criteria for selection of the Chief Commissioner and State Commissioners are not specific / clear. Again, there is no clear procedure for selection and appointment of these Commissioners.

As far as the tenure of the Chief Commissioner and State Commissioners are concerned it is clearly mentioned in the rules related to Office of the Chief Commissioner for PwDs. The tenure of the Chief Commissioner is of a period of three years from the date on which s/he assumes office. However, a person may serve as Chief Commissioner for a maximum of two terms, with upper age limit of sixty-five years.

**Financial Status**

A study of the latest available annual budgets of the offices reflects that there is no fixed criterion for allocation of budgets to different offices and therefore it varies, significantly, across the offices. The annual budget for the Office of the Chief Commissioner for PwDs was Rs. 1.77 crore (2011-12) whereas it was only Rs. 13.5 lakh and 24.42 lakh for the larger states like Uttar Pradesh and Madhya Pradesh, respectively (Table 2.1). The smaller states like Chhattisgarh and Jharkhand have been allocated with much higher resources for their offices. An assessment of the expenditure pattern of various offices shows that budgetary provisions in all the offices are made only for running the office (paying salaries and meeting administrative expenses) and very limited funds are available for programmatic activities of the offices in respect of fulfilment of their mandates.

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18 staff includes (2 Desk Officers, 1 Private Secretary, 1 Research Assistant, 5 Personal Assistants, 1 Accountant, 4 LDCs, 1 SLI, 1 Driver, 2 Peons and 1 Sweeper).

(Source: http://www.ccdisabilities.nic.in/page.php?s=reg&c=def&p=info_rta_c8)
Table: 2.1: Statutory nature of Office of the Commissioner for PwDs

<table>
<thead>
<tr>
<th>National State</th>
<th>Year of enactment</th>
<th>Year of selection of independent Commissioner</th>
<th>Date of constitution</th>
<th>Current office Composition</th>
<th>Current office Staffing (Support Staff)</th>
<th>Publication of annual Report</th>
<th>Budget of annual Report</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Chief Commissioner for PwD</td>
<td>1996</td>
<td>2011</td>
<td>2011</td>
<td>1 Commissioner and 2 Deputy Commissioners</td>
<td>All positions are filled.</td>
<td>NA</td>
<td>21 are filed</td>
</tr>
<tr>
<td>Bihar</td>
<td>Only GO</td>
<td>2011</td>
<td>2011</td>
<td>1 Commissioner</td>
<td>Filed</td>
<td>10 posts have been sanctioned.</td>
<td>5 are filled on deputation</td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>Only GO</td>
<td>2011</td>
<td>2011</td>
<td>1 Commissioner</td>
<td>Filed</td>
<td>Not clear in GO</td>
<td>4 persons are appointed on deputation/contract</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>Only GO</td>
<td>2011</td>
<td>2011</td>
<td>1 Commissioner</td>
<td>Filed</td>
<td>Not clear in GO</td>
<td>3 are filled on deputation</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>Only GO</td>
<td>2011</td>
<td>2011</td>
<td>1 Commissioner</td>
<td>Filed</td>
<td>Not clear in GO</td>
<td>28 are filled on deputation</td>
</tr>
<tr>
<td>Odisha</td>
<td>Act and Rule</td>
<td>2011</td>
<td>2011</td>
<td>1 Commissioner</td>
<td>Filed</td>
<td>Not clear in GO</td>
<td>12 are filled on deputation/Contract</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>Only GO</td>
<td>2011</td>
<td>2011</td>
<td>1 Commissioner</td>
<td>Filed</td>
<td>Not clear in GO</td>
<td>9 are filled on deputation</td>
</tr>
<tr>
<td>West Bengal</td>
<td>Only GO</td>
<td>2011</td>
<td>2011</td>
<td>1 Commissioner</td>
<td>Filed</td>
<td>11 posts have been sanctioned.</td>
<td>4 are filled</td>
</tr>
</tbody>
</table>
Institutional Effectiveness

The indicators to assess the institutional effectiveness of the Office of the State Commissioner for PwDs included public awareness about the Commission’s existence and functions, the transparency dimensions of its work and the responsiveness of the Commission vis-à-vis its mandated functions.

Public awareness

Public awareness about the functioning of the Office of the State Commissioner for PwDs was based on the responses of the interviewed respondents as well as the FGDs with the community members and PwDs. The interviewed respondents included community members, CBO members, representatives of panchayats, Non-Government Organisations (NGOs), government officials, as well as other citizens like shop keepers etc.

In terms of data from the interviewed respondents, in Odisha (the state selected for an in-depth study) 90% of the respondents were not aware about the Office of the Commissioner for PwDs. The remaining 10% respondents informed that they received information about the Office from NGOs working on the issues related to disabilities, or from some other sources but not the Office itself. It shows that the government agencies or the Office of the State Commissioner for PwDs have not been able to extend its outreach in terms of making people aware about its functioning and mandate. At the same time it also implies that the proactive quotient on the Office’s side is low.

Out of 10% respondents who have information about the Office of the State Commissioner for PwDs only one-third knew the exact location of the office that is situated in the state capital Bhubaneswar. Very few respondents were aware that at the district level there was a mechanism in place through which they can file complaints or grievances (as the District Magistrates are nominated as Deputy Commissioner). The doctors posted at the block level were also not much aware about the Office of the Commissioner for PwDs as most of the beneficiaries, received those benefits from the block offices. 3.3% respondents opined that the Office was inaccessible and the main constraint seemed to be physical access

Only 3.3 per cent respondents had information and clear idea related to appointment of the Chairpersons and members of the Commission. 6.7 per cent respondents had information about the nodal department that is responsible for the functioning of the Commission. These figures reflect that people, especially the PwDs do not know about these institutions and the fact that such institutions have been constituted to work for people.

One of the key mandates of the Office of the Commissioner for PwDs is that it works to create suitable employment for PwDs. However, in case of Odisha it was seen that Self Help Groups (SHGs) that have been formed by the NGOs, are unable to get any support from the financial institutions. This is despite the claims of the Office of the State Commissioner for PwDs that it has oriented more than 500 professionals including the Managers of Lead Banks, NABARD, DRDA, etc. to sanction loans to PwDs but the fact of the matter is none of these institutions are providing working capital to the SHGs formed by the PwDs in the state. These livelihood generation activities instead are being captured by the local businessmen in the name of SHGs who are, for instance supplying the materials (Phenol) to the health department and earning good margins out of that. Due to poor awareness about the institution among community and limited efforts of the institution, only 6.7 percent respondents shared that they are visualising an impact of the functioning of Office of the Commissioner for PwDs in the state.

Transparency of the Office

As far as the transparency in the functioning of the Office of the State Commissioner for PwDs is concerned only 8.3% respondents shared that they had information about the programmes conducted by the Office. However, many of them also shared that all these programmes were organised at the district level.

Another indicator of transparency by the Office of the State Commissioner for PwDs is the preparation and presentation of the annual reports in the public domain. As per their
The Office of the State Commissioner for PwDs do not have a separate website. Information related to the office can only be accessed via the website of Department of Women and Child Development which is also the nodal department for the Office.

Another important transparency criterion is the easy access to information about number of cases received and progress made by the Office on those cases. In the year 2011-12 the Office of the State Commissioner for PwDs receive 690 cases but registered only 420 cases. Out of these registered cases only 192 cases were disposed by the Office. These figures show that the Office has a very low rate of disposal of cases (Approx. 47%). Additionally, information about the pending cases cannot be found out from any of these websites.

### Table: 2.2: Details of the cases handled by Office of the State Commissioner for PwDs in 2011-12

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Heads</th>
<th>Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total number of complaints received/ suo-moto registered</td>
<td>690</td>
</tr>
<tr>
<td>2</td>
<td>Number of cases received/ suo-moto registered</td>
<td>420</td>
</tr>
<tr>
<td>3</td>
<td>Number of cases disposed (as on 31-03-2012)</td>
<td>192</td>
</tr>
<tr>
<td>4</td>
<td>Number of complaints pending (as on 31-03-2012)</td>
<td>228</td>
</tr>
<tr>
<td>5</td>
<td>Camp courts held in different districts</td>
<td>15</td>
</tr>
<tr>
<td>6</td>
<td>Grievances received, heard and instructions given on the spot</td>
<td>2000</td>
</tr>
</tbody>
</table>

Source: Annual Report 2011-12, Office of the State Commissioner for Persons with Disabilities, Odisha

**Responsiveness of the Office**

During the study 10 cases were tracked from the Keonjhar and Kalahandi districts of Odisha. The prime objective behind the tracking of cases was to understand the various dimensions related to...
the functioning of the Office. The cases dealt by
the Office were tracked to assess the
effectiveness of the Office in facilitating justice,
support and relief to the victims of atrocities or
violation of socio-economic rights.

**Step 1: Filing case by the complainant** : A
case is filed in case of a grievance or
violation of safeguards in respect to provisions of
the Constitution and various legislative measures.

The most common reason for filing a complaint is
related to improper absorption of the people in
the state services. Of the 10 cases tracked in
Odisha all were related to service matters. It
reflects the reiging concerns amongst the PwDs
and how the State Government has not been able
to respond to that need.

Complainants are generally not aware of all the
modalities of filing a complaint. Hence in many
cases, the complaint is made through a facilitating
agency, typically an NGO. In cases where the
complainant approaches the Office directly, it is
both through post and through personal visit.

Empirical data indicates that staff of the Office did
not provide any support during the process of
filing the complaint with the Office. In most cases,
the respondents reported staff behaviour as
falling short of either responsibility or sympathy.

**Step 2: Entails enquiry by the Office on the
registered complaint.** It was found that the Office
had not sent any acknowledgement of the
registration of cases to the petitioners. In most
cases, the Commission started action towards an
enquiry within one month. During the process of
the enquiry, no update on the complaint is
provided to the complainant by the Office.

It is strange to note that a petitioner has to
appear before the Office at the time of first
hearing otherwise his/her case would be
deemed rejected. However, if the second
party, mostly a government's department,
do not appear before the Office there is
no provision to take any action against them.

Two aspects become critical during this step. First,
there is no standard operating procedure, with
fixed benchmarks, for the Office to take action
and initiate enquiry after the complaint is
registered.

Second, there is no mechanism for ongoing
feedback to the complainant on the progress of
the complaint. The complainant has to make
efforts to track the progress, many a times at
great cost and effort, and with no clear outcomes.

**Step 3: entails disposal of cases.** Disposal might
not necessarily mean satisfactory redressal of
grievance or punishment to the violators. In
several cases tracked during the study, the
disposal had not happened even after two years.
In one of the cases that was pending before the
Office for last three years the petitioners sat on a
dharna that converted into a hunger strike after
some days.

The study also revealed that the powers of the
Office are not adequately deployed since many
members and staff lack judicial/legal competence.
The Office is not able to conduct enquiry in a
free, fair and timely manner so as to ensure
justice.

It is important to note that the offenders, in many
cases, is the government itself. So, many a times it
becomes very difficult for the Office to take a
strong action against the government and/or its
officials.
Chapter 3

Emerging Issues

The critical and in-depth assessment of the mandated role, institutional design, as well as the institutional effectiveness of the Office of the Chief Commissioner for PwDs and the Office of the State Commissioner for Persons with Disabilities raised some pertinent issues related to the identity, capacity, outreach and relationship dimensions of these statutory institutions.

Identity and Autonomy

- **Restricted Independent Powers**: The Office of the State Commissioner for PwDs enjoys the power of a civil court, yet its powers are restricted to sending recommendations to the government. As per the provision in the concerned acts, the Office can only recommend/advice in any matter but they cannot bind the authority to implement the same. This was reinforced in the study, wherein the Office has given recommendations in number of cases but further action has not been taken by the concerned authority on those recommendations.

- **Political Affiliation**: In the absence of prescribed qualification, criteria as well as process for the appointment of members in the Office of the State Commissioner for PwDs, political appointment have become the unstated and preferred norm. The appointed Commission members are continuously at the brink of pressure exerted from political mentors or for compliance with the Government in power, as they would belong to the same ruling party.

Institutional Capacity

- **Centralised Administrative System**: The State Office has only one office at state level. Although the District Magistrates are designated as the Deputy Commissioners but for them the issue of disability is generally the least of the priority. They are unable to effectively play their role of being the “eyes and ears” of the State Office.

- **Inadequate Human Resources**: The Office of the State Commissioner for PwDs in Odisha is not well equipped with a professional team and is facing quality human resource deficit; more in terms of legal support to the Office. In the absence of adequate legal support the Office has not been able to dispose of several cases.

- **Restricted Financial Resources for Programmatic Work**: The functioning of the Office is affected by inadequate planned financial resources earmarked to assist them to undertake programmatic interventions, viz their investigative, as well as developmental role. There is no separate budget head for programmatic expenditure like awareness generation, publicity of provision of the act, publication, etc. which is reflective of the way currently programmes are conceived.

- **Ineffective Operating Mechanisms**: The existing systems for filing complaints, facilitating enquiry and disposing of the cases need to be galvanised. Online system for registering of complaints, proper mechanism to follow up cases, online grievance redressal mechanism or toll free number, specified mechanism for meetings of the Office members, and keeping records of the same are practical means that can help the entire system gear towards a better pace. It is generally to prove that the petitioner is disabled, that person has to visit the office to file the compliant.
Proactive Outreach and Disclosure

- **Limited Outreach of the interventions of the Office:** There are issues related to accessibility to the Office and greater awareness about its formation and functioning. The effort of the Office of the State Commissioner for PwDs must be positioned to make the community aware about its existence, mandate and functioning. Until, these efforts have been limited in intensity as well as scale.

- **Community Unaware about Statutory Rights:** Majority of the PwDs were not aware about the rights and provision available to them under the constitution and also about the social legislation existing to safeguard their rights.

Relationships

- **Poor Relationship with the Labour/Employment offices:** Since most of the complaints that the Office gets, in cases of PwDs, are about employment; it is imperative that this Office has strong networks with the District Disability Rehabilitation Centre (DDRC) and the District employment Office. These networks however are not strong.

- **This is one of the reasons that even after their existence, from past several years, these offices have not been able to provide any skill and/or jobs to the persons with disabilities.**

- **Inadequate Linkages with Judiciary:** Linkage with the judiciary and with the legal assistance cell in the districts established to provide free legal aid to the members of deprived community has not been established.

- **Limited Link with Panchayats and Municipalities:** It was found out during the field work that the office bearers of the Panchayati Raj institutions (PRIs) and urban local bodies (ULBs) did not have the required sensitivity to work for the welfare of the PwDs. Even though the provisions have been made in the eleventh and twelfth schedules of the Constitution, the Office at the state level has not been able to take assistance of the PRIs and ULBs to address the issues of disabled at the local level.

- **Restricted Engagement with CSOs:** The study has reflected inadequate institutional linkages between the Office and the large number of CSOs, NGOs and social activists working at the state and district level on issues of socio-economic and political empowerment of the disabled. The engagement of the CSOs is mostly restricted to supporting the complainants to file their complaints with the Office. The CSOs have also shared their frustration and dissatisfaction with the ineffective and isolated functioning of the Office of the State Commissioner for PwDs.
Building on the key findings of the study and the critical issues highlighted, a set of recommendations are included for making the Office of the State Commissioner for PwDs more ‘vibrant, responsive and accountable’. The section includes suggestions for the Office of the State Commissioner for PwDs to enhance autonomy, strengthen institutional capacity, expand outreach and forge relationships. It builds on the voices of the respondents of the study.

Identity and Autonomy

- **Membership Criteria**: In order to enhance the independent identity of the Office of the State Commissioner for PwDs, it is important to establish a clear and transparent set of criteria for appointment of Chairperson and members of the Office. It should include:
  - A work force with professional experience, social commitment and a set of independent track records of previous efforts, to work on issues of disabilities, with stipulated minimum educational qualification. It is important for the Chairperson to be apolitical.

- **Appointment of Commissioners**: A transparent and clearly defined process of appointment of Commissioners needs to be established. The process can include a plan for periodic replacement of retiring Commissioners well in advance so that no vacancy or vacuum exists. A committee should make the selection, which could comprise of the Prime Minister/Chief Minister, Leader of the Opposition, judge of Supreme/High Court and a nominee of the President/Governor (who is a civil society person outside the political party connection or government service). Further to ensure selection of capable Commissioner, a pool of potential Commissioners can be created through an open process.

- **Independent Power to the Commission**: It is important that the Commissioner must be appointed by the State Governor. The annual report of the Office of the State Commissioner for PwDs should be sent first to the Governor. This is also consistent with the constitutional provisions where the President of India, and governors of the state, are duty-bound to protect the rights of the PwDs.

Institutional Capacity

- **Strengthen the Human Resources of the Office**: The Office needs to have a professional team which has competencies in jurisprudence, investigation, research, capacity development, communication and documentation. This will assist the Office to handle the complaints more effectively and efficiently.

  There is need for a full time member Secretary in all the Offices of the State Commissioner for PwDs to enhance the effectiveness of the Office in responding to complaints, preparing reports etc. The State Government should fill the vacant posts so that the Office can function smoothly. Ongoing capacity building of the staff of the Office also needs to be undertaken.

- **Strengthen the Financial Resources of the Office**: The Office should be mandated to prepare a five year plan with deliverables and budgets, which would be the basis of annual budgets of the Offices. A nationally accepted norm for benchmarking this budget outlay needs to be created in this regard. These budgets should include various types of activities...
(like awareness-raising, studies, field-based capacity development, investigation, etc.) for the fulfilment of its mandate.

- **Strengthen Internal Mechanisms of the Commission:** The internal functioning of Offices needs to be strengthened to assist in filing of cases, enhance speed of response on complaints preparing reports and making presentations to different stakeholders. Steps also need to be taken to build a strong follow-up mechanism of the cases.

These include the following provisions:

- toll free number and online complaint registration system so that people can easily fill their complaints from their respective places;
- regular field visits to know about the ground realities;
- provisions for members to make investigative visits and to hold regular meetings of the Office to review the progress of the cases;
- provision to address the cases through fast track courts, so that decisions/resolutions could be made without any bureaucratic delay;
- computerised system of updation and tracking of cases so that the complainants and the general public can access relevant information without having to write to or visit the Commission;
- fully functioning website which can provide information about the Commission’s activities as well as the responses to the complaints
- efficient follow up mechanism to facilitate inquiries about the action(s) taken by the concerned authority on the recommendations made by it;
- better systems of data-collection, recording, analysis and dissemination.

**Outreach and Disclosure**

- **Enhancing Awareness in the Community about their Legal and Statutory Rights and about the Powers and Functions of the Commission:** This would include conducting awareness camps and programmes at district and block level regarding the existence and functioning of the Office; provisions for the officials to conduct meetings in villages in order to allay the concerns and problems of people with regards to services and employment. The different modes to raise the level of awareness among the people include the effective utilisation of various forms of media like newspaper, radio, TV, folk songs etc. mobiles, wall writings, and erecting hoardings at the village and market roadside so that the people can become aware of the presence of the Commission and the various programmes it offers. Basic information like phone numbers, provisions, rights and duties of the Office can be enumerated on the community walls. In addition the services of village functionaries and CBOs can be taken to generate awareness. In addition, community based groups like Mahila Mandal, farmers groups, SHGs can be involved as information mediators. Thus sensitising the functionaries on the roles and responsibilities of the Office and making them aware of the statutory rights of the PwD can assist them in playing the role of an extension arm of the Office in awareness generation work. The Gram Sabha can be the focal point of people to meet and discuss.

- **Strengthen Community Capacity:** It is important to support and assist PwDs in filing the complaint in the Office with an aim to educate them about the procedures to be followed. Organising workshops and seminars to raise the awareness of the PwDs about their legal rights by the NGOs and other Organizations which are already working in the communities can also be an effective step forward.

- **Creating Multi-stakeholder Platforms on PwD Issues:** The Office can provide a platform for government agencies, academia, media, civil society who are working towards improving the status of PwDs in the state. Periodical meetings can
be held on issues related to rights of PwDs, creating spaces for complementarities of actions and mutual accountability mechanism.

**Relationships**

- **Relationship with Local Institutions:** PRIs and ULBs should be linked with the Office for increasing awareness about the work of the Office, and also on generating awareness among the PwDs on their statutory rights, any violation of which they can bring forward to the Office. To ensure this it is essential that the Office undertakes specific orientation for the elected PRIs about the Office as well as the statutory and legal rights of the PwDs, especially under the new National Policy for the PwDs. The orientation can include operational aspects like process to file the complaint, etc.

- **Linkage with the District and State Level Judicial Process:** The legal functions expected to be carried out by the Office can be done in partnership with judicial bodies which have greater competence and legitimacy to do so. The Office of the State Commissioner for PwDs can partner with state and district legal aid cells as they have legal expertise as well as the mandate to do what the Office wants to do.

- **Relationship/Linkages with CSOs:** It is very important that the Office develops strategic linkages with district, state and national level civil society organisations working to improve the status of PwDs. This will enable them to enhance their outreach and also assist in their ongoing functioning. The NGOs can play a role in enhancing the awareness about the Office, mobilising victims and providing them support in filing complaints, by undertaking field studies and investigations, supporting the Office in its capacity development programmes, and undertake campaigns on PwDs community issues.

- **Engagement with Research Institutes and Academia:** Structured engagement with State Research Institutions and University departments working on Social Inclusion and

- **Synergy with other Commissions:** In each state, a number of Commissions exist, some with overlapping mandates; an issue highlighted during the study. Periodic meetings of related Commissions within the state would assist in meeting specific mandates of the Commissions. For example, Office of the State Commissioner for PwDs can work with Women’s Commission on issues related to disabled women. In addition there needs to be linkages between the National and State Commissions, for more effective functioning of both.

The Constitution of India has made several provisions for the protection and enhancement of rights of members of the PwDs. The Ministry of Social Justice and Empowerment is trying its level best to implement the programmes made for the PwDs. National and state legislations have been enacted to pursue these provisions of the Constitution. Office of the Commissioner, both national and at state levels, are some of the key institutional mechanisms to support and monitor the realisation of those constitutional provisions and legislations. It is imperative that these Offices are empowered, enabled and strengthened to be able to work towards their mandates in a serious, systematic and sustained manner.

Recommendations and the Way Forward
References

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- Census of India, 2001, Office of the Registrar General and Census Commissioner, GoI.
- The Orissa Gazette, (Extraordinary), No. 1370, Cuttack, Friday, September 5, 2003 Women and Child Development, Department, Government of Odisha.
This study was initiated by Poorest Areas Civil Society (PACS) programme through Participatory Research in Asia (PRIA) to look some critical areas and aspects of selected institutions in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and West Bengal.

**Objectives of the Study**

- To understand the legislative mandate, structure, composition, modes of functioning and delivery of institutions mandated to safeguard constitutional rights of Scheduled Castes, Scheduled Tribes, Women, Minorities and Persons with Disabilities.
- To assess the awareness levels and practical experiences of members of socially excluded communities towards two selected institutions, from the five mentioned, in each of the seven states.
- To arrive at a set of recommendations for advocacy and dissemination efforts to make these institutions vibrant, responsive and accountable.

**Methodology**

Field visits and desk review were conducted during the first phase of the study. The mandates and remit of each of the above mentioned commissions were studied through secondary sources gathered from websites, existing literature and reports of the commissions. Meetings and interviews with the office bearers of the commission were also held.

In the second phase, 14 commissions were shortlisted from the first 35 for a deeper study. This was done after taking into account various aspects, the population of a particular social group and functioning of the respective institutions in a particular state. In this phase two distinct processes were involved, two districts were selected; two blocks each, to conduct interviews of persons from socially excluded communities. This was to assess awareness levels, experience of engagement with commissions in cases of violations. Eight focus group discussions were also organised. To ensure participation by women in the study and allow them to voice their perspectives separate focused group discussions were held. Ten cases were taken for study to get an on-ground of the cases those were taken up these commissions.

This study is conducted by using participatory tools and it has been able to generate information through interviews (with all possible stakeholders), Focus Group Discussions with community members, and multi-stakeholder state level workshops in each state.
Flow chart: Depicting the process of response and redressal in Office of the Commissioner for PwD

1. **Complainant**
   - Complaint through post
   - *Suo Moto* on the incident
   - Filing complaint by visiting

2. **Cognisance by Commission**

3. **Response to applicants**
   - Order for Investigation
   - Calling the applicant, non-applicant and witnesses for hearing
   - Visiting place for probing further (If required)

4. **Judgment/recommendations of the Commission**

5. **Complainant Satisfaction**

6. **Complainant Dissatisfaction**
### List of Commissioners, Disabilities in State Governments

*(as on September, 2013)*

<table>
<thead>
<tr>
<th>S.No.</th>
<th>State</th>
<th>Name</th>
<th>Address</th>
<th>Telephone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Andaman &amp; Nicobar Islands</td>
<td>Shri M.N. Murali</td>
<td>Commissioner, Disabilities, Andaman &amp; Nicobar Admn., Goal Ghar, Port Blair, South Andaman - 744 101</td>
<td>03192-233356 (O), 243817 (Fax)</td>
</tr>
<tr>
<td>2</td>
<td>Andhra Pradesh</td>
<td>Smt. K. Sarada Devi</td>
<td>Commissioner, Disabilities, Govt. of Andhra Pradesh, Vikalangula Sankshema Bhavan, Near Louis Braille Flyover, Nalgonda 'X' Roads, Malakpet, Hyderabad - 500036</td>
<td>(040) 24559048, 24554873, 24559047 24619048 (Telefax)</td>
</tr>
<tr>
<td>3</td>
<td>Arunachal Pradesh</td>
<td>Shri HageBatt</td>
<td>Commissioner, Disabilities, Govt. of Arunachal Pradesh, Banquet Hall, Room No. 11, Itanagar - 791 111, Arunachal Pradesh</td>
<td>(0360) 2006216, (0360) 2247208 (Fax)</td>
</tr>
<tr>
<td>4</td>
<td>Assam</td>
<td>Smt. Bijoylakshmi Baruah Gogai</td>
<td>Commissioner, Disabilities, Govt. of Assam, Latakata, Basistha, Guwahati, Assam-29</td>
<td>2300724 (Telefax)</td>
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<td>5</td>
<td>Bihar</td>
<td>Shri Kaushal Kishor Verma</td>
<td>Commissioner, Disabilities, Government of Bihar, Deptt. of Social Security, Sinchail Bhawan, Old Secretariat, Patna - 800 015</td>
<td>(0612) 2215041</td>
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<td>6</td>
<td>Chandigarh</td>
<td>Shri Anil Kumar</td>
<td>Commissioner, Disabilities, Chandigarh Administration, Room No. 410, 4th Floor, Deluxe Building, Sector -09, Chandigarh - 160 019</td>
<td>(0172) 2740216 (O) 2740008, 2740337 (Fax)</td>
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<td>7</td>
<td>Chhattisgarh</td>
<td>Shri Inder Chopra</td>
<td>Commissioner, Disabilities, Jila Panchayat Bhawan, Durg - 491001, Chhattisgarh</td>
<td>0788-2325470 (O)</td>
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<td>8</td>
<td>Dadra &amp; Nagar Haveli</td>
<td>Smt. Madhu K. Garg</td>
<td>Commissioner, Disabilities, Administration of Dadra &amp; Nagar Haveli, Sachivalaya, Silvassa (P.O.), Dadra &amp; Nagar Haveli</td>
<td>(0260) 2633110 (O), 2642787 (Fax), 2642043 (Fax)</td>
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<td>9</td>
<td>Daman &amp; Diu</td>
<td>Smt. Madhu K. Garg</td>
<td>Commissioner, Disabilities, UT Administration of Daman &amp; Diu, Social Welfare Department, Collectorate, Dholar, Moti Daman, Daman - 396220</td>
<td>(0260) 2231453 (O), (0260) 2230049 (Fax)</td>
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<td>10</td>
<td>Delhi</td>
<td>Shri K.S. Mehra</td>
<td>Commissioner, Disabilities, Govt. of N.C.T. of Delhi, 25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi - 110002</td>
<td>23216001 - 04, 23216005 (Fax)</td>
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<td>11</td>
<td>Goa</td>
<td>Shri P. Krishnamurthy</td>
<td>Commissioner, Disabilities, Government of Goa, Secretariat, Porvorim, Vardez, Goa - 403 521</td>
<td>(0832) 2419407 (O), (0832) 2419608 (Fax)</td>
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<td>12</td>
<td>Gujarat</td>
<td>Shri Sanjay Nandan</td>
<td>Commissioner, Disabilities, Government of Gujarat, Dr. Jivraj Mehta Bhavan, Block No.16, Ground Floor, Gandhinagar, Gujarat - 382 010</td>
<td>(079) 23256746 to 49 (O), (079) 23256746 (Fax)</td>
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<td>13</td>
<td>Haryana</td>
<td>Shri Shashi Bharat Bhushan</td>
<td>Commissioner, Disabilities, Deptt. of Social Justice &amp; Empowerment, Government of Haryana SCO No.66-67, Sector-17 A, Chandigarh</td>
<td>(0172) 2547517, (0172) 2714614 (Telefax)</td>
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<td>14</td>
<td>Himachal Pradesh</td>
<td>Shri P.C. Dhiman</td>
<td>Commissioner, Disabilities, Himachal Pradesh Govt. Secretariat, Shimla -171002, H.P.</td>
<td>(0177)2880671, 2622269 (Telefax)</td>
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<td>15</td>
<td>Jammu &amp; Kashmir</td>
<td>Shri Gazzanfer Hussain</td>
<td>Commissioner, Disabilities, J&amp;K Government, Civil Secretariat, Jammu</td>
<td>(Nov-April : Jammu) (0191)2579126 (O), (0191) 2542759 (Fax), (May-Oct. Srinagar)(0194) 2482568 (O),(0194) 2452271 (Fax)</td>
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<td>16</td>
<td>Jharkhand</td>
<td>Smt. Mridula Sinha</td>
<td>Commissioner, Disabilities, Govt. of Jharkhand, Engineers' Hostel, Ground Floor, Sector - III, Dhorwa, Ranchi, Jharkhand - 834 004</td>
<td>0651- 2401825 (O), 2401886 (Fax)</td>
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<td>17</td>
<td>Karnataka</td>
<td>Shri K.S. Rajanna</td>
<td>Commissioner, Disabilities, Government of Karnataka, No. 55, 2nd Floor, “Abhya Sankerna”, Risaldar Street (Flat Form Road), Karnataka Slum Development Board Building, Sheshadripuram, Bangalore - 560020</td>
<td>(080) 23462625, 23462659, (080) 23462029 (Telefax)</td>
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<td>18</td>
<td>Kerala</td>
<td>Prof. Dr. N. Ahmad Pillai</td>
<td>Commissioner, Disabilities and Ex-officio Secretary for Persons with Disabilities, Government of Kerala, 1st Floor, Govt. VTC Building, Social Welfare Institution Complex, Thiruvananthapuram-12.</td>
<td>(0471) 2347704 (O)</td>
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<td>19</td>
<td>Lakshadweep</td>
<td>Shri Pranjal J. Hazarika</td>
<td>Commissioner, Disabilities, Department of Social Welfare &amp; Tribal Affairs, U.T. of Lakshadweep, Kavarati - 682555</td>
<td>(04896) 263703, 262314, 262547 (O), (Fax) (04896) 262547, 263657, 262140</td>
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<td>20</td>
<td>Madhya Pradesh</td>
<td>Shri Baldeep Singh Maini</td>
<td>Commissioner, Disabilities, Govt. of Madhya Pradesh, Community Hall, New Market, T.T. Nagar, Bhopal - 462003 Madhya Pradesh</td>
<td>0755- 2773008, 0755 - 2552665 (Fax)</td>
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<tr>
<td>21</td>
<td>Maharashtra</td>
<td>Shri Bajirao Jadhav</td>
<td>Commissioner, Disabilities, Maharashtra State, Govt. of Maharashtra, 3, Church Road. Pune - 411 001</td>
<td>(020)26122061, (020) 26111590 (Fax), 26126698 (Fax)</td>
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<td>22</td>
<td>Manipur</td>
<td>Shri L. Haokip</td>
<td>Commissioner, Disabilities, &amp; Secretary, Social Welfare Department, Government of Manipur, Old Secretariat, Imphal - 795 001</td>
<td>(0385) 2451183, (0385) 2452629 (Fax)</td>
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<td>23</td>
<td>Meghalaya</td>
<td>Ms. Caramai Kharkongor</td>
<td>Commissioner, Disabilities, Govt. of Meghalaya, Department of Social Welfare, Temple Road, Lower Lachumiere Shillong, Meghalaya - 793 001</td>
<td>0364- 2506521 (Telefax)</td>
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<td>24</td>
<td>Mizoram</td>
<td>Smt. B. Sairengpuii</td>
<td>Commissioner, Disabilities, Govt. of Mizoram, House No. M/C - 3A, Chaltlang, Vengai, Aizawl, Mizoram</td>
<td>0389- 2348134 (O)</td>
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<td>25</td>
<td>Nagaland</td>
<td>Dr. Atha Vizol</td>
<td>Commissioner, Disabilities, Social Welfare Department, Government of Nagaland, Nagaland Civil Secretariat, Kohima - 797 001, Nagaland</td>
<td>(0370) 2270284 (O) (Telefax), (0370) 2270284</td>
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<td>26</td>
<td>Odisha</td>
<td>Smt. Kasturi Mohapatra</td>
<td>Commissioner, Disabilities, Govt. of Odisha, SIDR Building, Capital Hospital Campus, Unit-6, Bhubaneswar - 751001</td>
<td>(0674) 2390006 (O) (Telefax)</td>
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<td>Punjab</td>
<td>Shri Samir Kumar</td>
<td>Commissioner, Disabilities &amp; Govt. of Punjab, Room No. 9, 7th Floor, Punjab Civil Secretariat-1, Chandigarh</td>
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<td>29</td>
<td>Rajasthan</td>
<td>Smt. Rainu Singh</td>
<td>Commissioner, Disabilities, Government of Rajasthan, G-3/1-A, Vishesh Yogyajan Bhawan (Ext.), Hotel Raj Mahal Residency Area, Jaipur - 302 015</td>
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<td>30</td>
<td>Sikkim</td>
<td>Shri R.K. Purkayasta</td>
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<td>(03592) 202461(O), (Fax) 203676</td>
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<td>31</td>
<td>Tamil Nadu</td>
<td>Shri V.K. Jeyakodi</td>
<td>Commissioner, Disabilities, Govt. of Tamil Nadu, State Resource-cum-Training Centre Campus, Jawaharlal Nehru Inner Ring Rd, K.K. Nagar, Chennai - 600078</td>
<td>(044) 24719945(O), (Fax) (044) 24719946</td>
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<td>32</td>
<td>Tripura</td>
<td>Shri Nepal Chandra Sinha</td>
<td>Commissioner, Disabilities, Department of Social Welfare &amp; Social Education, Government of Tripura, Civil Secretariat Building, Agartala - 799001</td>
<td>(0381) 2414045(Telefax)</td>
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<td>33</td>
<td>Uttarakhand</td>
<td>Shri B.R. Tamta</td>
<td>Commissioner, Disabilities, Department of Social Welfare, Govt. of Uttarakhand, H. No. 107, Block-I, Dharampur, Dehradun</td>
<td>0135-2669981, 2712451(O) (Telefax)</td>
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<td>34</td>
<td>Uttar Pradesh</td>
<td>Shri Manoj Kumar</td>
<td>Commissioner, Disabilities, Govt. of Uttar Pradesh, 21, Krishna Colony, Faizabad Road, Lucknow</td>
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<td>35</td>
<td>West Bengal</td>
<td>Smt. Mita Banerjee</td>
<td>Commissioner, Disabilities, Govt. of West Bengal, Office of the Commissioner for Persons with Disabilities, 45, Ganesh Chandra Avenue, Kolkata - 700 013</td>
<td>(033) 22374731, (033) 22375379(Telefax)</td>
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