

# Disability Bulletin

## Developments in Disability Law & Policy

Edition 8

### Policy Developments

#### 1. Introduction of the NALSA (Child-Friendly Legal Services for Children) Scheme, 2024: A Comprehensive Scheme for all Children

Access to justice is a cornerstone of an equitable society, yet children with disabilities face unique barriers within legal systems worldwide. The National Legal Services Authority (NALSA) has updated, revised and condensed the **NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015**, and **Legal Services for Differently-Abled Children Scheme, 2021**, into one comprehensive scheme – the [NALSA \(Child-Friendly Legal Services for Children Scheme\), 2024](#). This new scheme integrates provisions for all children while giving particular attention to the rights and needs of children with disabilities.

#### Legal Protections and Entitlements for Children with Disabilities under the RPWD Act, 2016

Children with disabilities are particularly vulnerable to exclusion, discrimination, and systemic barriers. The Rights of Persons with Disabilities Act, 2016 (RPwD Act), emphasizes the right of children with disabilities to equality, inclusion, and participation in legal processes. Some critical legal provisions under the RPwD Act include:

- **Equality in Rights and Participation:** Section 4 ensures children with disabilities enjoy their rights on an equal basis with others, and they are provided with age and disability-appropriate support in expressing their views.

**Legal Aid Obligations:** Section 12 (3) mandates NALSA and State Legal Services Authorities (SLSAs) to ensure accessible legal aid services for children with disabilities.

The NALSA scheme aligns with this by offering tailored interventions.

#### Key Provisions of the NALSA Scheme

##### 1. Disability-Specific Accommodations in Legal Support

The scheme mandates that children with disabilities are provided legal services tailored to their unique needs. This includes:

- **Accessible Communication:** Use of Braille, sign language interpreters, audio-visual aids, and plain language materials.
- **Support Services:** Engagement of special educators and counselors to assist children during legal proceedings.

##### 2. Specialized Legal Services Units (LSUCs)

Every district is to establish a Legal Services Unit for Children (LSUC), staffed by panel lawyers and para-legal volunteers trained in disability-centric legal practices. These units are tasked with:

- Assisting children with disabilities at all stages of legal proceedings.
- Liaising with other stakeholders, such as child welfare committees (CWCs), District Child Protection Units (DCPUs), and non-governmental organizations specializing in disability rights.
- Organizing periodic inspections to ensure that child care institutions (CCIs) housing children with disabilities are in compliance with legal and welfare standards.

### 3. Legal Representation in Various Settings

The scheme ensures that children with disabilities are represented effectively in diverse legal scenarios, such as:

- **Juvenile Justice Proceedings:** Through provisions under the **Juvenile Justice (Care and Protection of Children) Act, 2015**, the LSUCs work with Juvenile Justice Boards (JJBs) to ensure access to competent legal aid.
- **Custody and Guardianship Cases:** Lawyers ensure that the voices and best interests of children are prioritized in family court decisions.
- **Crime Victim Representation:** For children with disabilities who are victims of abuse, trafficking, or exploitation, the scheme ensures timely legal aid, psycho-social support, and assistance in claiming compensation.

### 4. Community Outreach and Awareness

To bridge the gap between entitlements and awareness, the scheme prioritizes community-level outreach programs, particularly in rural and underserved areas. These initiatives:

- Raise awareness about the rights of children with disabilities among parents, teachers, and caregivers.
- Highlight the role of helplines such as the Divyangjan Helpline (14456) for reporting and addressing grievances.
- Engage with local media, schools, and community organizations to destigmatize disability and promote inclusive education and justice.

### 5. Monitoring and Accountability

The scheme incorporates robust monitoring mechanisms to ensure its effectiveness. District Legal Services Authorities (DLSAs) are required to submit periodic reports on their outreach activities, legal aid provision, and support rendered to children with disabilities

### Challenges and the Way Forward

While the scheme is comprehensive, effective implementation remains crucial. Ensuring consistent training for legal professionals, robust monitoring mechanisms, and cross-sector collaboration can bridge gaps. Community-level advocacy and public awareness are also essential to dismantle societal stigmas that hinder access to justice for children with disabilities.

Access the NALSA Child Friendly Scheme 2024 [here](#)

## 2. The RBI issues New Guidelines to Facilitate Access of Digital Payment Systems for Persons with Disabilities

In an effort to foster inclusivity and promote accessibility, the Reserve Bank of India (RBI) has issued [new guidelines](#) to ensure digital payment systems are accessible to persons with disabilities. These directives build on the [RBI's Master Circular on Customer Service in Banks](#), dated July 1, 2015, which emphasizes equitable banking services for all. The guidelines are further aligned with the ["Accessibility Standards and Guidelines for the Banking Sector,"](#) as notified by the Ministry of Finance on February 2, 2024.

### Features of the RBI Guidelines

- a) All payment system participants (PSPs)—comprising of banks and authorized non-bank payment system providers—to assess the accessibility of their systems and devices including Point-of-Sale (PoS) machines and other digital payment platforms
- b) PSPs are required to make necessary modifications to their systems, ensuring that persons with disabilities can access and use them seamlessly. These modifications must comply with the accessibility standards issued by the Ministry of Finance while maintaining the security integrity of the systems.
- d) All PSPs must submit a detailed report within one month of the issuance of the circular. This report should outline the systems or devices requiring modifications, along with a time-bound action plan for implementation.
- e) PSPs must designate a Nodal Officer to handle further queries or clarifications related to the initiative. The action plan and contact details of the Nodal Officer are to be submitted to the Department of Payment and Settlement Systems at the RBI via email at [dpssfeedback@rbi.org.in](mailto:dpssfeedback@rbi.org.in).

This directive underscores the RBI's commitment to fostering an inclusive financial ecosystem and is issued under Section 18, read with Section 10(2), of the Payment and Settlement Systems Act, 2007 (Act 51 of 2007). With these measures, the RBI aims to ensure that digital payment systems are not only secure but also universally accessible, empowering all individuals to participate fully in the digital economy.

Media Release: [ET Times](#)

### 3. Delhi Government Plans Lifelong Aid for Acid Attack Survivors and Subsidized Transportation for Children with Disabilities in Schools

The Delhi government is finalizing schemes to provide lifelong financial assistance for the medical treatment of acid attack survivors along with subsidized transport for school going children with benchmark disabilities. A benchmark disability is defined as an impairment of 40% or more. This was achieved by the latest Delhi High Court [Order](#) (S.V vs State , CRL.A. 728/2024).

#### Assistance for Acid Attack Victims

The Court emphasized that survivors of **sexual violence and acid attack victims** are entitled to free medical treatment under the provisions of Section 357C of the Criminal Procedure Code (CrPC) and Section 397 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. These provisions mandate that all hospitals, whether public or private, provide free medical treatment, including surgeries, diagnostic tests, and mental health support, without delay.

The judgment also highlighted systemic challenges in ensuring the timely disbursement of compensation and the provision of educational and vocational rehabilitation for survivors. In this particular case, the court directed the disbursement of a compensation amount of Rs. 13,00,000 and facilitated the re-enrollment of survivors in Class 12 through open schooling. Rehabilitation for survivors of sexual violence and acid attacks requires a holistic approach encompassing:

**a) Medical Assistance:** Timely surgeries, skin grafts, and psychological support are critical for acid attack survivors. Free medical treatment, as mandated by law, must include post-operative care, prosthetics, and counseling services.

**b) Financial Support:** Compensation schemes like the **Delhi Victims Compensation Scheme (DVCS)** must be efficiently implemented to ensure that survivors receive financial aid for treatment and livelihood restoration without bureaucratic delays.

**c) Educational and Vocational Training:** As seen in the Delhi High Court case, enabling survivors to continue their education or acquire vocational skills can help them regain independence. Training programs, such as becoming Para Legal Volunteers (PLVs), empower survivors to contribute meaningfully to society while earning a livelihood.

**d) Legal Aid:** Survivors often face challenges in navigating the legal system. Free legal assistance, as provided by District Legal Services Authorities (DLSAs), is essential to ensure that they can pursue justice without financial or procedural hurdles.

During a recent meeting chaired by Social Welfare Minister Saurabh Bharadwaj, officials announced:

**a) A draft transport subsidy plan for Delhi school students with benchmark disabilities** is nearing completion and will soon be presented for approval.

**b) Acid attack survivors** currently receiving a monthly disability allowance of ₹2,500, require ongoing medical interventions.

**c) A scheme to ensure lifelong financial aid** for these medical needs.

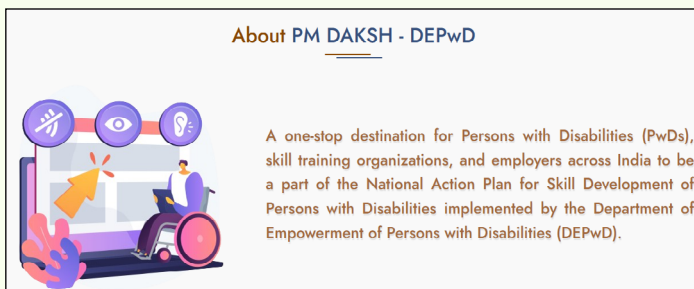
**d) A cabinet proposal** has been prepared to assist individuals with high-level disabilities by funding caregiver support.

These initiatives aim to enhance welfare measures for the city's most vulnerable residents.

Media Release: [ABP News](#)

## 4. Empowering Persons with Disabilities: The PM-DAKSH-DEPwD Portal for Skilling and Employment

The Department of Empowerment of Persons with Disabilities (DEPwD), Ministry of Social Justice and Empowerment, launched a groundbreaking digital platform – Pradhan Mantri Dakshta Aur Kushalta Sampann Hitgrahi ([PM DAKSH-DEPwD](#)) to enhance **skill development and employment opportunities for persons with disabilities across the country**. The PM DAKSH portal, is a comprehensive hub that addresses the diverse needs of persons with disabilities, training organizations, employers, and job aggregators.



The portal's primary objectives are to provide skill training and foster meaningful employment opportunities for persons with disabilities.

Two key modules have been meticulously developed to deliver this mission:

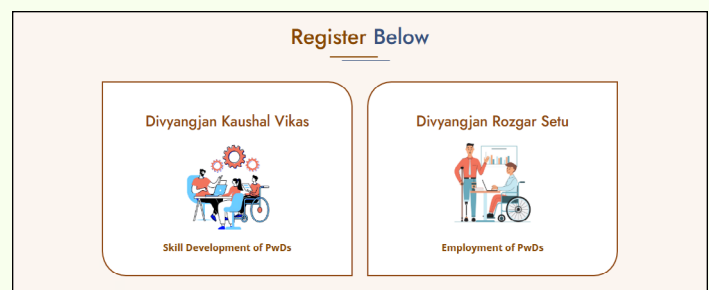
### 1. Divyangjan Kaushal Vikas

This module facilitates the implementation of the **National Action Plan for Skill Development of Persons with Disabilities (NAP-SDP)**. It offers a seamless, end-to-end platform for persons with disabilities interested in skill training. Key features include

- registration using the Unique Disability Identity (UDID),
- access to over 250 skill development courses,
- e-learning resources,
- identification of training partners at the state and district levels,
- access to study materials and detailed trainer information, making skill training more accessible for persons with disabilities.

### 2. Divyangjan Rozgar Setu

As a significant step toward bridging the gap between employers and persons with disabilities, this module is dedicated to providing information on employment opportunities across various organizations. It offers geo-tagged data on job vacancies and earning prospects within private companies. The platform also highlights details about persons with disabilities from different parts of India, enabling inclusive hiring practices. To enhance employment prospects, the department has forged partnerships with leading companies such as Amazon, Youth4Jobs, and Godrej Properties. Currently, the portal features more than 3,000 job vacancies providing for people with a range of disabilities, ensuring such roles are aligned with the interests and abilities of persons with disabilities.



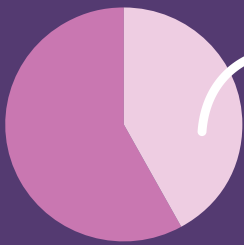
The PM-DAKSH-DEPwD portal serves as a crucial step in empowering persons with disabilities by leveraging technology to address challenges in skill development and employment.

Source: [Report](#)

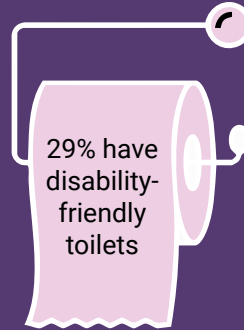
## 5. Some Key India-Specific Insights from the UNDESA: Disability and Development Report 2024

The new United Nations Department of Economic and Social Affairs (UNDESA) released the “Disability and Development Report 2024: Accelerating the Realization of the Sustainable Development Goals by, for, and with Persons with Disabilities” on Nov. 20, 2024.

### Physical Accessibility



Banks, post offices, and shops in community considered inaccessible by **42% of persons with disabilities** in India

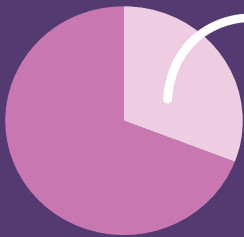


29% have disability-friendly toilets



47% consider transportation inaccessible in India

### Socio-Economic Indicators



31% of people with disabilities in India make decisions about day-to-day life and big decisions like where to live, who to live with, and how to spend money



70-80% of people with disabilities of both genders use mobile phones

65% use the internet

60% persons with disabilities live in households with improved/safe source of drinking water



66% lived in homes with access to improved sanitation

## Access to Financial Services

India has the largest gap between persons with disabilities and those without in accessing online financial services (18%)

## Education

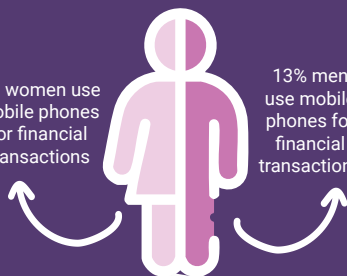


6-7% of persons with disabilities have completed graduate or higher levels of education

10% of people with disabilities use mobile phones for financial transactions



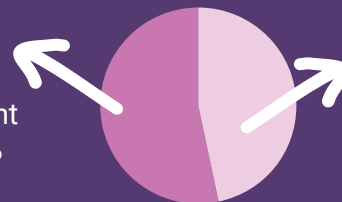
7% women use mobile phones for financial transactions



13% men use mobile phones for financial transactions

## Employment

Other Disabilities Employment Rate: ~40%



Psychosocial Disability Employment Rate: ~35%

“creating self-assessment tools got companies to assess their readiness to hire persons with disabilities.”

## Access to Justice

1. 4% women (15-49 years) with disabilities in India experience sexual violence at least once in the past 12 months
2. India has retained partial legal guardianship and other forms of substituted decision making while introducing aspects of supported decision making in its laws
3. India has piloted programs/projects for instituting some form of supported decision making
4. Women with disabilities are more likely to have their legal capacity denied particularly related to financial and property decisions.
5. Good practices: India provides reasonable accommodations to increase access to justice in courts.

## Budgets

1. Public spending on social programs as a percentage of GDP – 0.001% - India ranks lowest among other nations
2. India is a major recipient of the disability inclusive Official development Assistance (ODA) (USD 2.3 billion in 2021).

To know more statistical details on health and other indicators of development for those with disabilities (disaggregated by gender), the link to the report is below.

Source: [Report](#)

# Legal Developments

## 1. Supreme Court judgement (Rajive Raturi vs. UOI)

Summary of the Case: [Rajive Raturi v. Union of India & Ors](#)

Writ Petition (C) No. 228 of 2006

Court: Supreme Court of India, Bench: Justice D Y Chandrachud

Decided on: 8th November 2024

### Background

The case originates from a writ petition filed in 2005 by Rajive Raturi in the Supreme Court, highlighting the lack of accessible infrastructure for persons with disabilities. Despite a 2017 judgment by Justice AK Sikri laying down **11 mandatory action points** to improve accessibility nationwide, compliance from States and Union Territories remained poor.

The Supreme Court reviewed the matter in 2019, appointing the NALSAR Centre for Disability Studies (NALSAR-CDS) to evaluate the progress. NALSAR-CDS submitted its findings in July 2024, uncovering significant non-compliance and legislative conflicts in the implementation of accessibility laws.

### Key Findings of NALSAR-CDS Report that have Driven the Outcome of the Judgement

- a) **Accessibility in Courts:** Out of 30 High Court benches, only two had tactile guiding strips and interpreters for the hearing impaired. Awareness about intellectual and developmental disabilities was a mere 6.6%.
- b) **Accessibility in Prisons:** Facilities like wheelchairs, prosthetics, and Western toilets were largely limited to central and women's prisons. District and sub-jails were underserved, with a notable shortage of mental health professionals.
- c) **Accessibility in Educational Institutions:** Enrolment of disabled students dropped sharply in higher grades. Only 2% of students could access toilets, and 64% faced barriers due to inaccessible learning formats.
- d) **Accessibility in Employment:** Barriers included inaccessible job portals, lack of accessible educational facilities, and inconsistent implementation of accessibility standards.

e) **Healthcare Accessibility:** Infrastructure often lacked accessibility, hindering timely and appropriate care for disabled individuals.

f) **Accessibility in Buildings and Transport:** While newer facilities like the Andheri Metro Station met accessibility standards, older infrastructure like the Bombay Art Gallery lacked even basic features.

g) **Accessibility in Educational Institutions:** Only 21.4% of sports venues had accessible restrooms, and 89.3% lacked assistive listening systems.

h) **Accessibility in Employment:** Temporary ramps set up during elections were removed afterward, leading to inconsistent accessibility.

### Reason for Concern: Conflict in Legal Framework

1. **Rule 15 of the RPWD Rules (2017):** Provides accessibility standards but frames them as recommendations, making them advisory and non-mandatory in nature.
2. **Section 40 of the RPWD Act (2016):** Mandates the Central Government to formulate rules for accessibility in consultation with the Chief Commissioner.
  - The use of the word "shall" signify that these rules are compulsory and enforceable, with punishments prescribed under Section 89 for non-compliance.

**Conflict:** The advisory nature of Rule 15 contradicts the mandatory intent of Section 40

### Guiding Principles for Accessibility

1. **Accessibility as a Fundamental Right:** Accessibility is not merely a convenience but a prerequisite for Persons with disabilities to meaningfully exercise other rights.
2. **Two-Pronged Approach:** a. Retrofitting existing infrastructure to make it accessible. b. Designing new infrastructure to be accessible by default, avoiding the need for retrofitting.

## Suggestions for Mandatory Rules

1. **Universal Design:** Prioritize inclusive design principles to make spaces usable by all without specialized adaptation.
2. **Comprehensive Inclusion:** Cover a wide range of disabilities, including physical, sensory, intellectual, and psychosocial.
3. **Assistive Technology Integration:** Mandate technologies like screen readers, audio descriptions, and accessible digital interfaces for public and private platforms.
4. **Stakeholder Consultation:** Involve continuous consultation with Persons with disabilities and advocacy groups for practical insights.

## 2. Supreme Court Overturns Disability Barrier for MBBS Admissions in Omkar Ramchandra Gond v. Union of India, 2024

In a groundbreaking decision, the Supreme Court in [Omkar Ramchandra Gond v. Union of India, 2024](#) ruled that a disability exceeding 40% cannot be a blanket disqualification for admission to medical courses. The judgment followed a plea by Omkar Ramchandra Gond, whose 44-45% speech and language disability had led to rejection from an MBBS program under the persons with disabilities category.

The bench, comprising Justices BR Gavai, KV Viswanathan, and Aravind Kumar, held that Disability Assessment Boards must evaluate if a candidate's disability genuinely impedes their ability to complete the course. Merely quantifying disabilities, the Court stated, violates Articles 14 and 21 of the Constitution, promoting exclusion instead of inclusivity.

The Court directed that boards provide clear reasons if they deem a candidate ineligible, emphasizing that decisions can be challenged via judicial review. Pending updated regulations from the National Medical Commission (NMC), the boards must adhere to principles outlined in a January 2024 Ministry of Social Justice communication, which highlighted assistive technologies.

Highlighting the intent of the Rights of Persons with Disabilities Act, 2016, and Article 41 of the Constitution, the Court criticized Appendix H-1 of the 2019 NMC regulations for creating inequities. Candidates with less than 40% disability could pursue MBBS without reservation, while those exceeding the threshold were barred entirely, an "absurd" outcome the Court rectified.

Citing inspirational figures like Sudha Chandran and Arunima Sinha, the Court underscored the transformative potential of inclusive education.

## Judgement

Gond's admission was granted via an interim order, and was validated, marking a pivotal step toward equitable opportunities for individuals with disabilities.

Media Release: [TOI](#)

## 3. Chief Commissioner of Persons with Disabilities Post Vacant Since 2019; Efforts to Fill Role Fail Again

It was revealed by the Ministry of Social Justice and Empowerment in the Rajya Sabha that the post of Chief Commissioner for persons with disabilities has remained vacant for over five years, despite several efforts by the government. The vacancy has raised concerns about the lack of leadership within the Department of Empowerment of Persons with Disabilities (DEPD), which plays a critical role in protecting and promoting the rights of persons with disabilities in India.

The position, which was last occupied in January 2019, has been managed by the department's secretary in an additional capacity since then. The Ministry informed the Rajya Sabha that three attempts had been made to fill the post. The first attempt was in March 2019, followed by another in March 2023. However, both attempts were unsuccessful. The latest attempt in March 2024 involved recommending three potential candidates, but the process was stalled at the Department of Personnel and Training (DoPT) stage, which is overseen by the Prime Minister's Office.

The DoPT has now called for a "fresh process" to fill the position, further delaying the appointment. The CCPD is a critical post responsible for overseeing the implementation of policies and laws protecting persons with disabilities, as well as investigating complaints related to disability rights.

In response to the ongoing vacancy, disability rights groups have expressed their concerns about the absence of a permanent leader for the DEPwD, which could potentially hinder the progress made in improving the lives of persons with disabilities.

Media Release: [The Hindu](#)