

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF SOCIAL WELFARE
GLNS Complex, Firozshah Kotla, Delhi Gate, New Delhi-110002
(Persons with Disability Welfare Branch)

F.No.82/208/Admn.Matters/AD III/DSW/09/1944-245

Dated: 19.12.2018

To

System Analyst (IT Branch.),
Department of Social Welfare, GNCTD,
GLNS Complex, Delhi Gate,
New Delhi.

Sub: Regarding uploading of Draft Concept Note, proposed Organisational Structures for setting up of separate department of Disability Affairs.

Sir/Madam,

As desired by Secretary, Social Welfare you are directed to upload the documents mentioned below on the departmental website at the earliest:

1. Cover note inviting suggestions from the Public and stakeholders
2. Draft Concept Note for setting up a separate department for the empowerment of persons with disabilities under the Govt. of NCT
3. proposed organisational structure at the Head office level of the new Department
4. Proposed organisational structure at the District Level of the new Department

Kindly ensure that these contents are uploaded under the "What's New" page of the department's website at the earliest.

Encl: Copy of the documents.

A. Madhavi
19/12/18
(Dr. A. Madhavi)
Dy. Director (Disab.)

F.No.82/208/Admn.Matters/AD III/DSW/09/

Dated:

Copy for information to:

1. PS to Secretary (SW), DSW, GLNS Complex, Delhi Gate, Delhi.

A. Madhavi
19/12/18
(Dr. A. Madhavi)
Dy. Director (Disab)

Romy Singh
19/12/18
Mr. Abhishek

1730/CC
19/12/18

**INVITING SUGGESTIONS FROM THE GENERAL PUBLIC AND ALL
STAKEHOLDERS ON THE SUBJECT OF SETTING UP A SEPERATE
DEPARTMENT ON EMPOWERMENT OF PERSONS WITH DISABILITES**

Dtd -19/12/2018

General public and all stakeholders are hereby informed that the GNCT of Delhi is proposing to set up a separate Department for Empowerment of Persons with disabilities to provide for focussed attention to the needs of the persons with disabilities and to enable launch of various schemes and projects for the empowerment of persons with disabilities. All stakeholders and general public are requested to go through the Concept note and the proposed organisational structure of the proposed Department of empowerment of persons with disabilities and give their valuable inputs/ suggestions/ comments on the same , within a period of 15 days .

**DRAFT CONCEPT NOTE FOR SETTING UP A SEPARATE DEPARTMENT FOR
THE EMPOWERMENT OF PERSONS WITH DISABILITIES UNDER THE
GOVT. OF NCT OF DELHI**

-Prof. Anil K. Aneja

Background, Justifications & Objectives

Background:

Since its independence, India has declared itself as a 'welfare state' aiming to ensure equality and development for all its citizens through various constitutional and legislative policies as well as executive measures. On the one hand, certain fundamental rights have been ensured for all citizens under the Indian constitution, but further positive and enabling measures have also been taken to address the concerns of more vulnerable segments of the society.

However, a more focussed attention came to be paid by the State towards the empowerment of persons with disabilities (constituting a significant population of the country) from 1970s and 80s with a number of national and international initiatives. The United Nations General Assembly adopted two important declarations in the 1970s:

- A) *The Declaration on the Rights of Mentally Retarded Persons* on 20th December 1971; and
- B) *The Declaration on the Rights of Disabled Persons* on 9th December 1975.

A significant initiative on the part of the Government of India appears to be in 1977 when on 4th November that year, the Government of India issued executive instructions for 3% reservation for persons with disabilities in Group(C) and Group(D) services. These initiatives were further followed during the 1980s and the 90s, bringing to the fore, not just the need for urgent action for this critical segment, but also the voices of the affected persons. After coming into force of the Persons with Disabilities Act 1996 and the National Trust Act of 1999, the rights-based approach concerning persons with disabilities got an impetuous with stronger legislative commitment on the part of the State.

As the scope and range of the activities to implement the commitments of the above acts increased, some State Governments set up separate departments focussing specifically on

persons with disabilities, while some others tried to incorporate such work within their existing departments of Social Welfare and equivalent.

Justification:

With India ratifying the United Nations Convention on the Rights of Persons with Disabilities in 2007 and the coming into force of the Rights of Persons with Disabilities Act 2016, the numbers of Persons with Disabilities to be addressed as well as the quantum of responsibilities on the part of the State have increased manifold, leading to an urgent need for setting up a separate Department for the Empowerment of Persons with Disabilities in the administrative structures of the State. In this respect it is noted that not only have the number of disabilities increased from 7 to 21 in the RPD Act 2016, but also the definition of Disability has become wider as stated in Article 1 of UNCRPD and recognized in Sections 2(r) and 2(s) of the RPD Act 2016. Further, as per Section 38 of the RPD Act, read with Section 2(t) of the said Act, "high support" needs to be provided to a large number of persons with benchmark disabilities.

One of the recommendations in the 7th and 15th National Review Meeting of the State Commissioners for persons with Disabilities held on 15th and 16th February, 2008 and on 17th and 18th May 2017 respectively was for the States/UTs to consider creation of separate department of disability affairs for focused attention to the disability issues and for effective implementation of RPWD Act, 2016. An official letter in this relation was also issued in this regard, intimating about the enactment of the new Rights of Persons with Disabilities Act, 2016 and mandating its effective implementation in the formation of a separate department for empowerment of persons with disabilities at the State/UT level.

Ensuring the implementation of the RPD Act 2016, the Chief Commissioner for Persons with Disabilities (CCPD) visited the NCT of Delhi on 5th and 6th February, 2018 and held a meeting with the Chief Secretary, GNCTD. In the meeting, he stressed on the need for creating a separate department for disability affairs so that the grievances and complaints of the persons with disabilities could be redressed more efficiently and their rights could be safeguarded. He also suggested a separate Secretary, Director, Spl. Director, Dy. Directors and Rehabilitation Officers at the District level in the Department of Welfare of Persons with Disabilities in the State. It may also be kept in mind that the Hon'ble Supreme Court of India and Hon'ble High Court of Delhi have already issued directions to implement the provisions of the Act within given time frames in several cases to the States/UTs.

It may be considered that the scope of the new RPD Act, 2016 has expanded the horizons of the rights and entitlements of persons with disabilities and enhanced responsibilities have been enjoined on the States/UTs Government in the areas of education, early intervention and prevention of disabilities, social security, health, accessibility, skill development, employment, rehabilitation, sports and recreation etc.

To ensure a focussed commitment towards the empowerment of such persons, the Central Government as well as some State Governments have already set up separate departments. Delhi being the capital of India and a global metro city, invites high expectations both from the target sector, i.e. persons with disabilities and society at large. Further, the diversity of activities and tasks to be performed and the services to be delivered to persons with disabilities have increased multi-fold as well as have become mandatory actions on the part of the State Government. Also, there is a need to bridge the gap between policies/schemes and their implementation by ensuring that the schemes of the Government reach the grassroots level. For this, the district administrative channels for empowerment and delivery need to be expanded, strengthened and given more powers. There is also an urgent obligation to network with the mainstream organizations, ensure inclusion as well as accessibility in the State for persons with disabilities.

It is submitted that the scope, depth, diversity at extent of the above obligations and commitments of the State, cannot be realised within the existing administrative structures and therefore, to effectively fulfil the obligations of the GNCT of Delhi, there needs to be a separate department for the empowerment of persons with disabilities, headed by a Secretary, and having appropriate officers, staff, infrastructure and required financial resources. Such a department, among others, will have the objectives as stated below.

Objectives:

The proposed department for the empowerment of persons with disabilities, among others, shall have the following objectives:

- 1) To implement various provisions, commitments and obligations as stated in the Rights of Persons with Disabilities Act 2016, the National Trust Act, the RCI Act, and the National Policy for Persons with Disabilities (2006), the United Nations Convention on the Rights of Persons with Disabilities, and any other applicable act, policy, convention, provision, executive order, etc.

Without prejudice to the generalities of the foregoing, the proposed department shall have the specific objectives as under:

- 2) To prepare and notify rules for the implementation of the RPD Act 2016, and any other applicable act.
- 3) To set up, notify and make operational all statutory committees such as the State Advisory Board on Disability and the District-level committees on Disability as mandated under the RPD Act 2016 and any other applicable acts.
- 4) To ensure the creation of an authentic database of persons with disabilities.
- 5) To set up, recognize, certify and provide support to various institutions concerning persons with benchmark disabilities as per applicable provisions.
- 6) To prepare schemes for the empowerment of persons with disabilities such as scholarships, pensions, support in terms of equipment, loans, 'high support', etc.
- 7) To ensure appropriate training and skill-development towards employment/self-employment.
- 8) To ensure the implementation of reservation for persons with benchmark disabilities in education, employment, poverty alleviation and other applicable schemes of the State Government.
- 9) To work towards the prevention of disability at various levels.
- 10) To ensure early intervention, rehabilitation and grievance redressal as far as district level itself.
- 11) To ensure education, inclusion and vocational training of persons with benchmark disabilities, at all levels.
- 12) To prepare specific schemes for women and children with benchmark disabilities.
- 13) To ensure accessibility in all forms and for all types of persons with benchmark disabilities in organizations controlled by the State Government in transportation, in information & communication, in built-up and other environment, and in all public places.
- 14) To ensure an inclusive community life for persons with benchmark disabilities with appropriate adaptations.
- 15) To prepare and implement schemes for the recreation, cultural inclusion and sports for persons with benchmark disabilities.
- 16) To ensure the personal and independent mobility and privacy for persons with benchmark disabilities.

- 17) To set up a committee for certifying and providing high support for persons with benchmark disabilities.
- 18) To prepare and implement special skills for senior citizens with disabilities.
- 19) To ensure legal capacity and access to justice for persons with benchmark disabilities.
- 20) To ensure the setting up of special courts for persons with benchmark disabilities as mandated in RPD Act 2016.
- 21) To support voluntary action in all possible ways.
- 22) To conduct social audits of all NGOs and other organizations.
- 23) To prepare schemes and ensure the undertaking of research and development for persons with benchmark disabilities.
- 24) To liaison with various ministries and departments and other entities of the Government as well as any other applicable entities.
- 25) To prepare and implement various insurance schemes in favour of persons with benchmark disabilities.
- 26) To ensure that the provisions of the applicable acts and policies related to persons with benchmark disabilities are followed in letter and spirit by all ministries, departments, organizations and other entities under the control of the State Government.
- 27) Undertaking awareness and sensitization campaigns.
- 28) Networking with the media and corporate sector to ensure appropriate focus of persons with benchmark disabilities.
- 29) To undertake any other and all such acts which the department may consider necessary for the empowerment and inclusion of persons with disabilities.

Proposed Organizational Structure

Department Of Disability Affairs

Govt. NCT of Delhi

Minister (In – charge)

Secretary (IAS)

Director (IAS / DANICS)

Add. Director (DANICS)

Add. Director (Tech.)

- Dy. Director (Admin.)
- Dy. Director (CTB / Estate)
- Dy. Director (Vigilance)
- DCA
- System Analyst

- Dy. Director (GRO, RTI, PGMS, Assembly matters and official language)
- Dy. Director (Institutions)
- Dy. Director (Planning & Implementation of Schemes & Services under RPwD Acts/Awareness)
- Dy. Director (Skill Development/Employment/Rehab Centres/CBR)
- Dy. Director (HRD, Social Audit, R & D, Monitoring, IEC activities)
- Dy. Director (VAC, NGO Registration, NOC Certification & Grants)
- Dy. Director (Schools)
- Dy. Director (Litigation, Courts, Commissions)

Proposed Organizational Structure

Department Of Disability Affairs

Govt. NCT of Delhi

AT DISTRICT LEVEL

District Empowerment Officer for PWDs) / Dy. Director

