

# Data Insights on Decisions of India's Chief Commissioner for Persons with Disabilities in 2022



## About Pacta

Pacta is a Bengaluru (India) based boutique law and policy think tank dedicated to supporting civil society organizations, universities, and non-profit initiatives. It has an unflinching commitment to provide legal and policy consulting support for public service delivery. Acknowledging the crucial role of research and scholarship for social development, Pacta engages in law and policy research through self-driven and collaborative projects. Focus areas are – Philanthropy, Disability, Education, Gender, and Information Technology.

## Acknowledgments

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## Introduction

The Chief Commissioner for Persons with Disabilities (CCPD) is a special advisory body for Persons with Disabilities (PWDs) established by the Ministry of Social Justice and Empowerment (MSJE). The Office of the Chief Commissioner of Persons with Disabilities was previously set up under Section 57 of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 as an agency to deliver orders in cases involving the rights of people with disabilities (PWD). It continues to perform the same functions under Section 74 of the Rights of Persons with Disabilities Act, 2016 (RPWD, 2016). The Chief Commissioner has been mandated to assume the following responsibilities:

- a. To coordinate the work of the State Commissioners for Persons with Disabilities
- b. To monitor the utilization of funds disbursed by the Central Government and,
- c. Take steps to safeguard the rights and facilities made available to persons with disabilities as per RPWD, 2016.

The design of Section 76 of the RPWD, 2016 is such that **CCPD orders are only recommendatory and not binding**. In other words, unlike civil courts, decisions of the CCPD cannot be enforced in a civil or other appellate court for non-compliance. Despite this, the office of the CCPD offers a critical alternative to formal courts to address the grievances of PWDs, as cases can be argued without the presence of a lawyer, and with relatively simpler procedures.

The cases registered before CCPD are mostly related to the issues of employment, promotion, or service. The redressal includes the direction to concerned establishments recommending compliance with disability rights and non-discrimination upholding provisions of the RPWD, 2016.

In this report we have analysed the CCPD orders delivered between 1<sup>st</sup> January 2022 and 31st December 2022, to generate insights into the overall resolution time, the geographic, gender, and disability profile of complainants and provide a view into the nature of disputes that are brought before the CCPD. This report is the first attempt at analysing the comprehensive database of orders issued by the CCPD in 2022 and paves the way for further research in the domain of *Access to Justice for Persons with Disabilities*, which remains relatively understudied in India.

## Methodology

The Office of the CCPD has taken the initiative to make all the decisions before the CCPD available digitally, on the CCPD website.<sup>1</sup> To conduct this analysis we identified orders issued by CCPD on cases starting from January 2022 to December 2022 (i.e., cases disposed of from January through December 2022; no case orders are available for December on the website). In all, orders for **365 Cases were delivered by the CCPD during this time period.**<sup>2</sup>

We then manually prepared a case-wise compilation of the following fields: case ID, date of filing, date of disposal, the case summary, and the provided orders by the CCPD. We also collected information on the complainant's gender, type of disability, disability status by benchmark, state of residence, and whether the complainant is a PWD or a caretaker. All 365 cases filed before the CCPD during this period were studied.

The cases were classified into 7 broad categories based on the summary of the issue:

1. Employment
2. Education
3. Health
4. Livelihood
5. Financial services
6. Social security
7. Denial of other rights/entitlements.

A similar approach was used to classify case orders as: in favor/partially in favor, against, and issue resolved. The data was compiled in Excel, manually coded, and analysed using R software.

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<sup>1</sup> *Office of chief commissioner for Persons with Disabilities*. Home | Office of Chief Commissioner for Persons with Disabilities. (n.d.). <http://www.ccdisabilities.nic.in/>

<sup>2</sup> *CCPD Hearing & Recommendations: Department of Empowerment of Persons with Disabilities: MSJE: Government of India*. CCPD Hearing & Recommendations | Department of Empowerment of Persons with Disabilities | MSJE | Government of India. (n.d.). <https://disabilityaffairs.gov.in/content/page/ccpd-hearing.php>

## Findings

### I. State-wise distribution of CCPD Cases (See Figure 1)

- **Complainants from Delhi contributed to the maximum number of complaints (66)** filed before the CCPD in 2022. Delhi is followed by Uttar Pradesh (53) and Maharashtra (34). The states in lighter shades registered less than 30 cases in 2022.<sup>3</sup>
- When tested for a correlation between the number of complaints filed before CCPD and the percentage of PWDs receiving government aid in a State/Union territory,<sup>4</sup> no such correlation was established.
- Reasons for higher complaints in some states than others need further investigation.

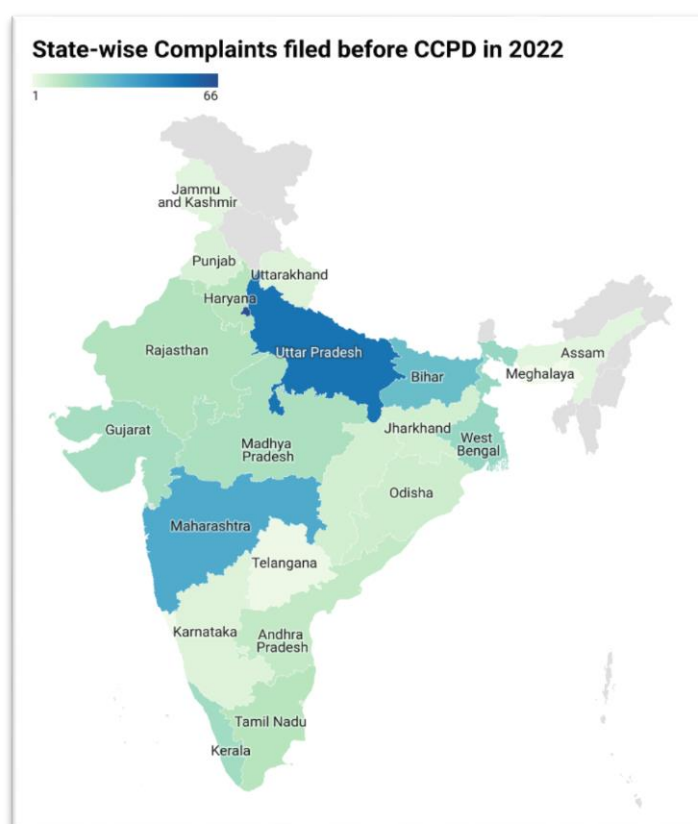


Figure 1: State-wise distribution of Cases before CCPD in 2022

<sup>3</sup> The State/Union Territory of the complainant has been identified from the residential address of the complainant as mentioned in the case orders.

<sup>4</sup> National Sample Survey Office, Ministry of Statistics and Programme Implementation, Government of India. (2018). (rep.). *Disabled persons in India: A statistical profile*. Retrieved from [https://www.thehinducentre.com/resources/article30980158.ece/binary/Report\\_583\\_Final\\_0\\_compressed.pdf](https://www.thehinducentre.com/resources/article30980158.ece/binary/Report_583_Final_0_compressed.pdf)

## II. Profile of Complainants (See Figure 2)

- **95% of the complainants before the CCPD in 2022 are PWDs.** Caretakers as complainants comprise 5% of total cases before CCPD in 2022.

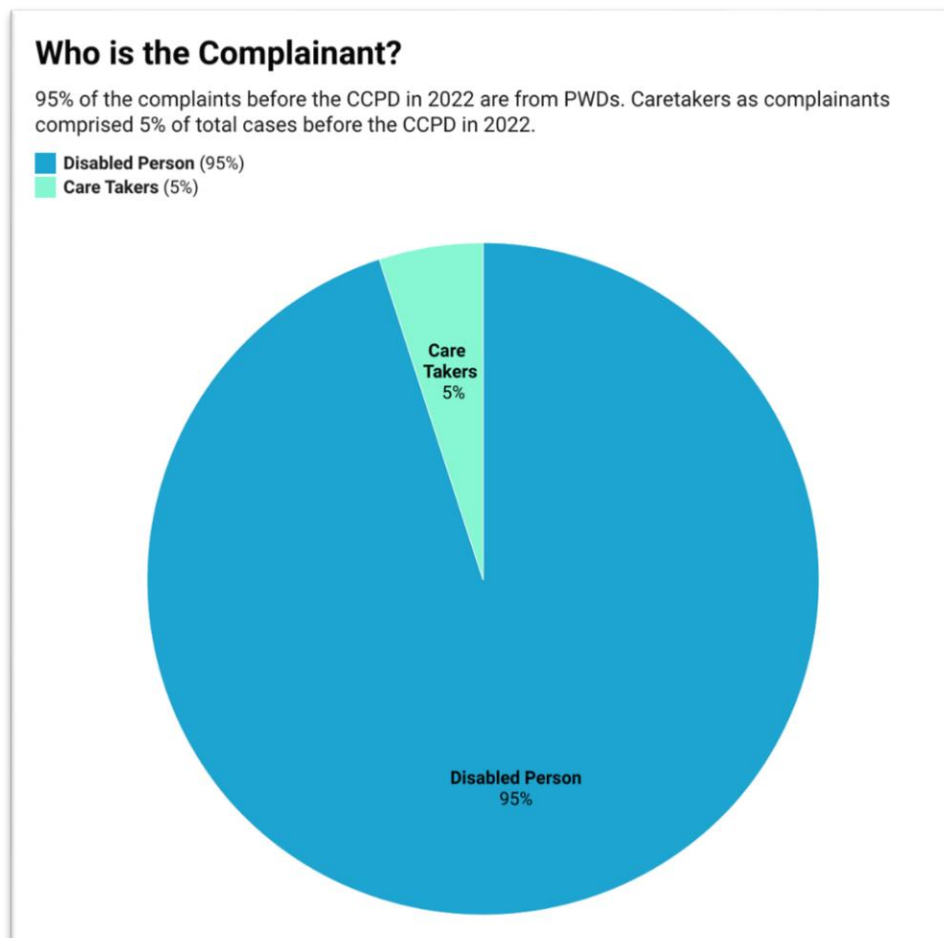


Figure 2: Profile of Complainants

A high number of complaints being filed by PWDs themselves indicates that the CCPD offers an accessible forum for the resolution of grievances and disputes associated with PWD. Still, the relatively lower representation of complainants from certain states and skewed representation of gender and types of disabilities (refer to Finding III below) reveals that more nuanced approaches are needed to enhance access to justice for PWD.

### III. Disability Profile of Complainants

#### A. Complainant Profile by Extent of Disability (See Figure 3)

- **98% of the CCPD orders we studied, caters to Persons with more than Benchmark Disabilities.** Benchmark disability refers to having at least 40% disability of any type recognized under the RPWD Act 2016.

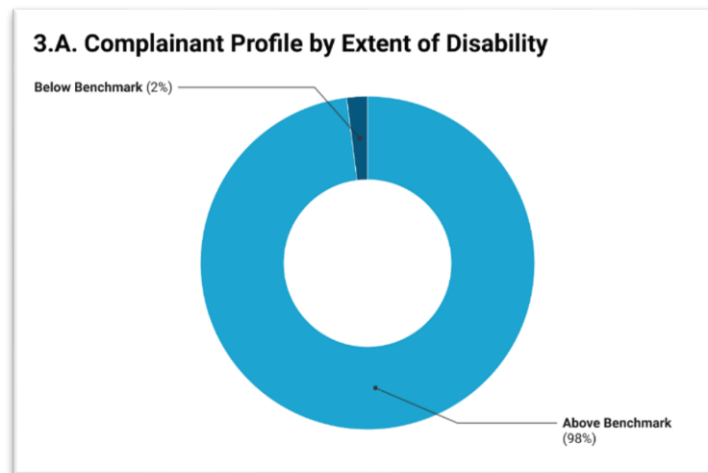


Figure 3: Complainant Profile by Extent of Disability

#### B. Complainant Profile by Type of Disabilities (See Figure 4)

- Based on the type of disabilities, **persons with locomotor disabilities have the highest representation accounting for 60% of 340 complainants (for which type of disability was mentioned in orders) before CCPD in 2022.**
- **Complaints are from PWDs suffering from 13 out of 21 types of disabilities listed under RPWD, 2016.** Persons with 8 types of disabilities (including leprosy cured person, dwarfism, specific learning disabilities, haemophilia, sickle cell disease, acid attack, and Parkinson's disease) have not registered complaints before CCPD in 2022.
- For a detailed disability disaggregated complainant profile, See table 1 of Annexure.

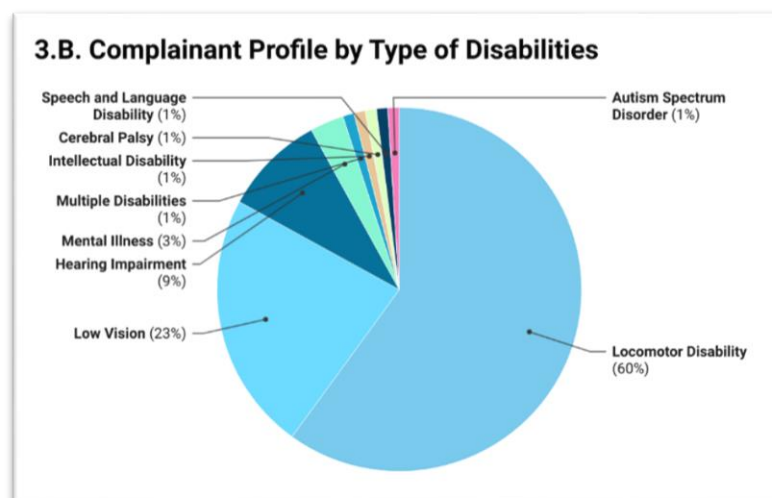


Figure 4: Complainant Profile by Type of Disabilities



Data disaggregated by type of disability classified under the RPWD Act 2016 is generally limited in India. But since the type of disability was mentioned in the judgment, this analysis was possible. The data reveals that persons with locomotor disabilities are likely to have better access to justice, while those with sensory and visual impairments are likely to face barriers. This challenges points towards the need to frame policies that enable people with all types of disabilities to access justice. No participation of persons with autism, dwarfism, and acid attack victims, reveals a further marginalization of people with certain types of disabilities, compared to those with other disabilities. It is likely that since most of the complaints before the CCPD pertain to employment (See Finding V), people with certain disabilities (who find it difficult to seek employment) are under-represented in cases before the CCPD. However, this hypothesis remains to be tested.

### C. Complainant Profile by Gender (See Figure 5)

- In 2022, 89% of the complaints disposed of by CCPD were filed by males whereas female PWDs accounted for only 11% of the total complainants disposed of by CCPD.<sup>5</sup>

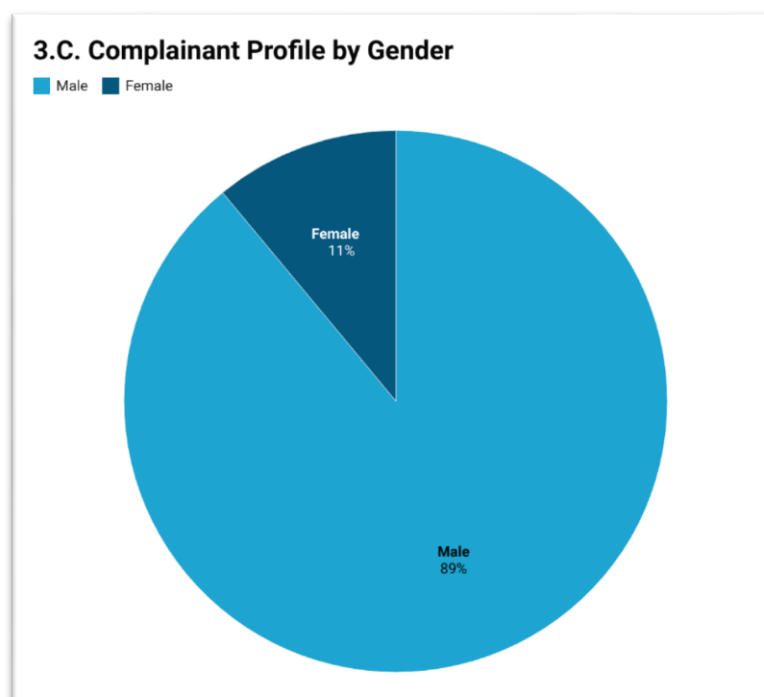


Figure 5: Complainant Profile by Gender

Findings reveal that there is a gender-based skew of PWD who access justice. This finding is in tandem with research that identifies a gendered impact of disability, weighing heavily on

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<sup>5</sup> The Gender of the Complainant is not provided in the case orders. The researchers have used the name to decipher the gender of the complainant. Due to this, the analysis is limited as it adopts a gender binary approach.



women and other minority genders.<sup>6</sup> More research is needed to identify gender-specific barriers to access to justice for PWDs, to enable the framing of policies and initiatives that can help gender-minority PWDs overcome these barriers.

#### IV. State-wise Average Redressal Time of Complaints by CCPD (See Figure 4)

- **The average redressal time (Date of disposal to Date of filing of Complaint) of cases across all States<sup>7</sup> under analysis is around 6 months.<sup>8</sup>** Outliers in this regard include the state/ union territory of **Goa and Chandigarh with an average redressal time of 2.5 and 3 months respectively**, whereas for Gujarat it is around 9.7 months.
- When tested for a correlation between the average redressal time for cases and the percentage of PWDs receiving government aid in State/Union Territory<sup>9</sup> no such correlation was established. Explanations for variation in redressal time among states remain to be further investigated.
- When tested for correlation between the number of complaints from a State (based on complainants' state of residence) and the State's average redressal time for CCPD cases, a moderately positive association was established at 0.39, not being statistically significant. The lack of statistical significance implies that the observed correlation can be a chance occurrence.

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<sup>6</sup> UN Women. (2018). (rep.). *The Empowerment of Women and Girls with Disabilities*. New York. <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2018/Empowerment-of-women-and-girls-with-disabilities-en.pdf>

<sup>7</sup> The State/Union Territory of the complainant has been identified for the analysis based on the residential address of the complainant as mentioned in the judgement.

<sup>8</sup> The redressal time pertaining to cases under analysis is calculated as the difference between the date of filing and the date of disposal of the cases. The analysis reports an average redressal time for the same.

<sup>9</sup> National Sample Survey Office, Ministry of Statistics and Programme Implementation, Government of India. (2018). (rep.). *Disabled persons in India: A statistical profile*. Retrieved from [https://www.thehinducentre.com/resources/article30980158.ece/binary/Report\\_583\\_Final\\_0\\_compressed.pdf](https://www.thehinducentre.com/resources/article30980158.ece/binary/Report_583_Final_0_compressed.pdf)

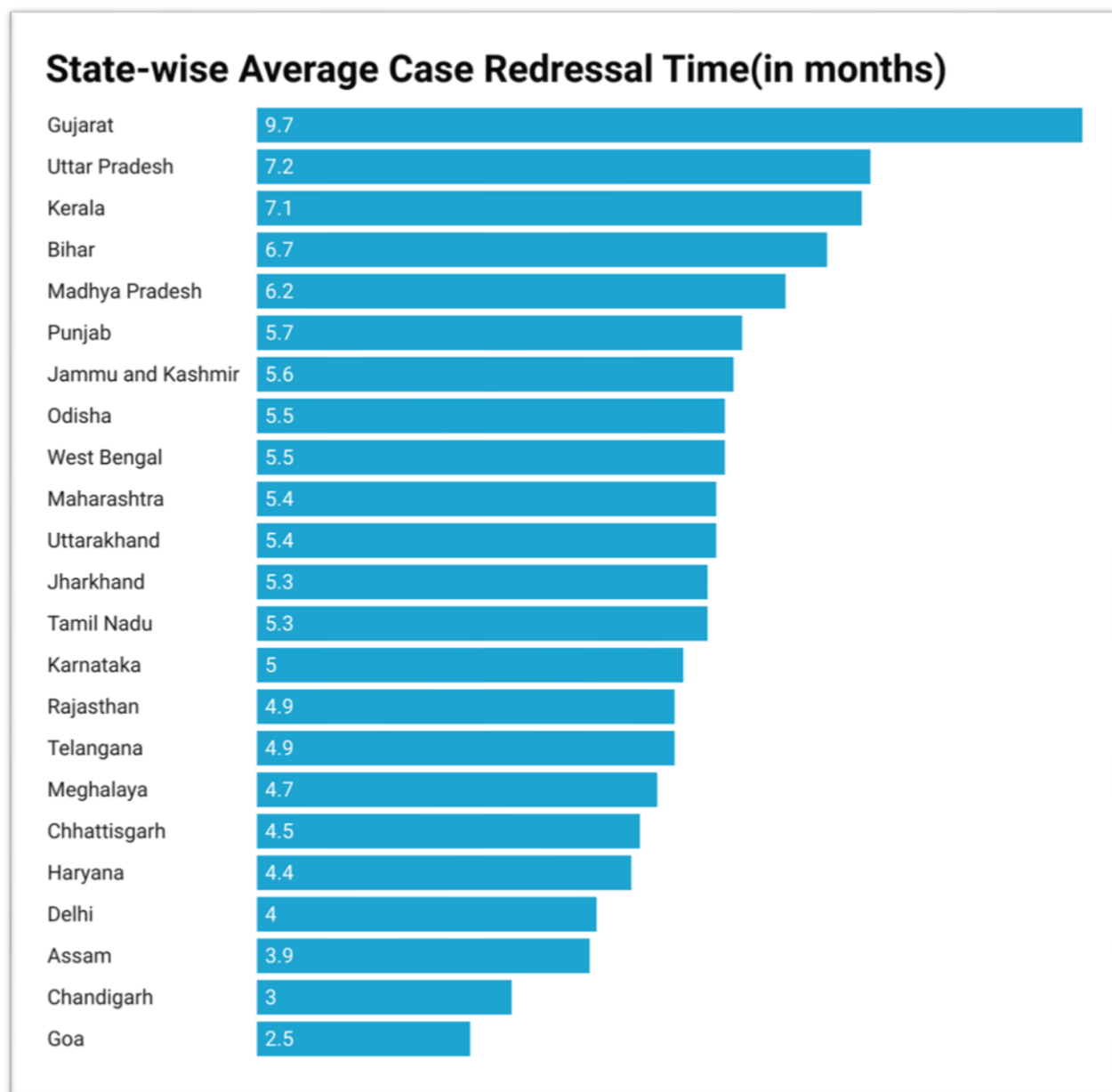


Figure 6: State-wise average case redressal time (in months)

#### V. Subject Matter of Complaints under CCPD (See Figure 5)

- **79% of the 358 complaints (for which subject matter could be classified) pertain to the employment of Persons with Disabilities.** Within employment dominant issues of concern are transfer, accessibility (physical and digital), denied/unprovided reservation for PWDs in appointment and promotion, and other employment provisions.
- **Education and provision of rights and entitlements account for 15% of the complaints.** Around 7% of the 358 CCPD cases (26) were on issues related to the education of Persons with Disabilities.

- **6% complaints related to health, livelihood, social security, and financial services.**  
(For a detailed percentage distribution of issue themes, See table 2, of Annexure)

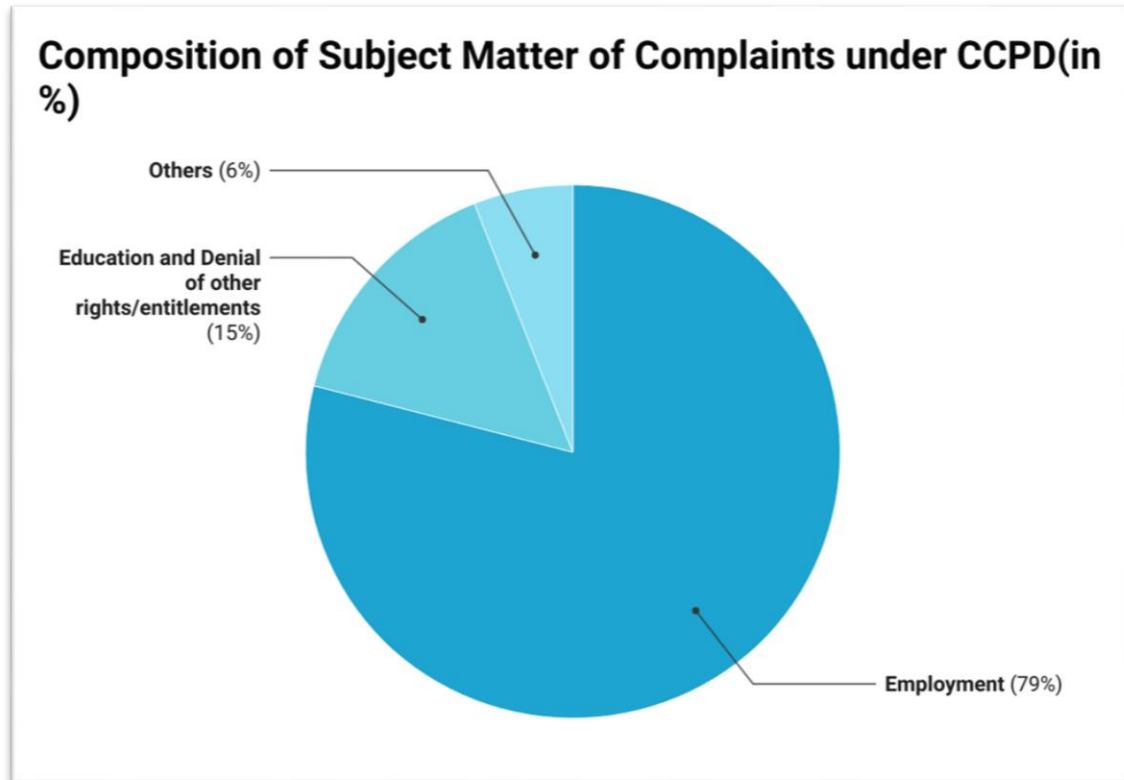


Figure 7:Composition of issue of complaints before CCPD in 2022

As per data from the Census, in 2011 26% of persons with disabilities constitute the working population, relative to 40% of the overall population. Census data further indicates that the illiteracy rate for PWD stands at 45% relative to 26% for the overall population. Access to inclusive education for children with disability remains a well-documented challenge in India.<sup>10</sup> Access to public spaces for people with disability is also a well-acknowledged limitation.<sup>11</sup> Still, the complaints pertaining to employment exceed those pertaining to education and other rights and entitlements to people with disabilities. This indicates a need for better rights-based awareness to sensitize people with disabilities about their rights.

#### VI. Type of Decisions by the CCPD (See Figure 6)

- **54% of orders of the CCPD are resolved at least partially in favor of the complainant.**

<sup>10</sup> UNICEF. (n.d.). (rep.). *Disability Inclusive Education Practices in India*. <https://www.unicef.org/rosa/media/16996/file/Country%20Profile%20-%20India.pdf>

<sup>11</sup> United Nations. (n.d.). (rep.). *Good Practices of Accessible Urban Environment*. [https://www.un.org/disabilities/documents/desa/good\\_practices\\_in\\_accessible\\_urban\\_development\\_october\\_2016.pdf](https://www.un.org/disabilities/documents/desa/good_practices_in_accessible_urban_development_october_2016.pdf)

- **14% of the cases filed are resolved, without the necessity for a final resolution by the CCPD**, showing that filing a complaint before the CCPD offers a counter-incentive to the respondents, and an effective dispute resolution system for PWD. (For details on the absolute number of cases corresponding to each judgement type, See table 3, of Annexure)

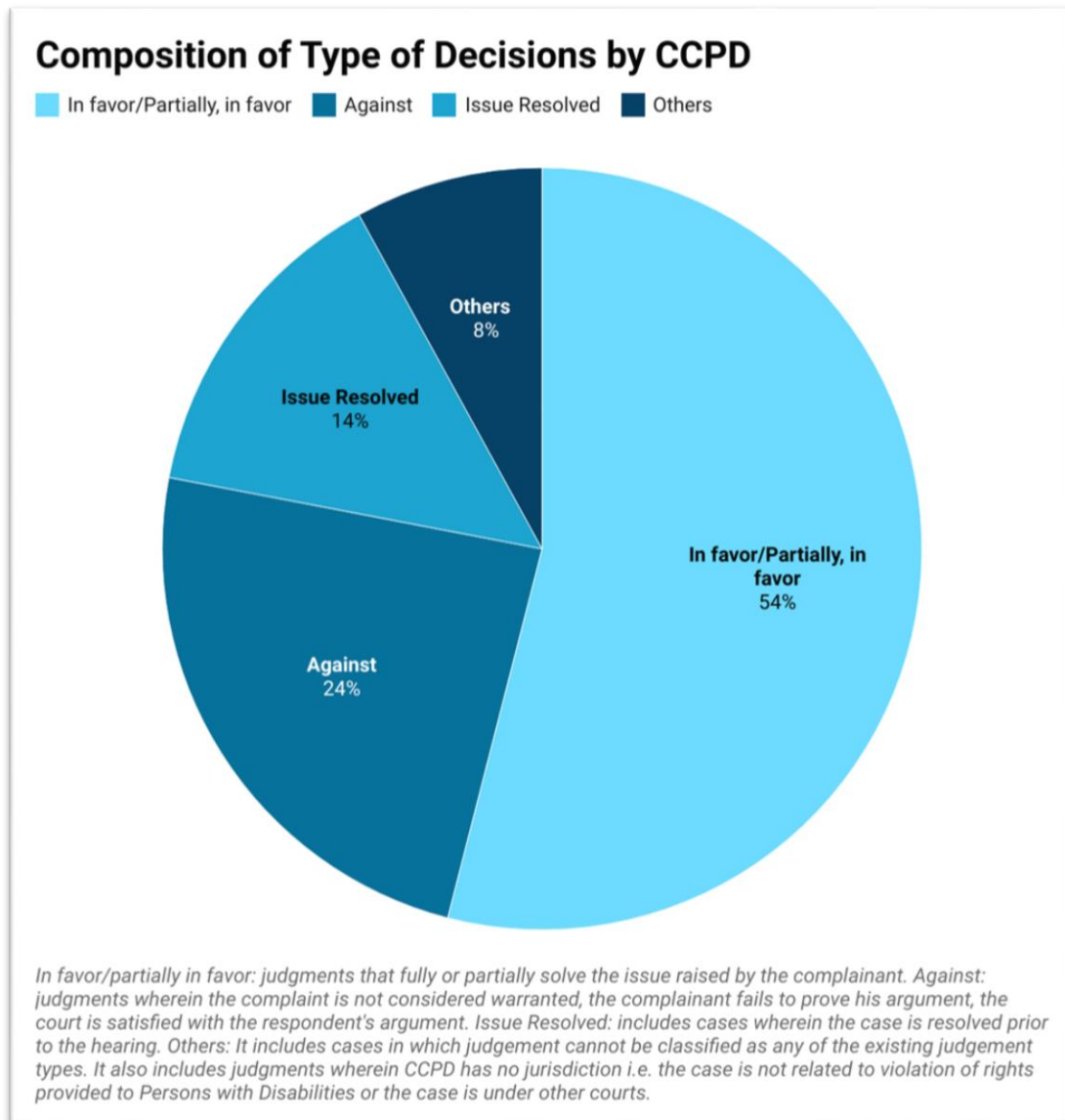


Figure 8: Composition of Type of Decisions by CCPD

## Conclusion

J. Woolf wrote that an open justice means ‘A principle of the common law that proceedings ought to be open to the public, including the contents of court files and public viewing of trials’. The Supreme Court of India has implemented [National Judicial Data Grid\(NJDG\)](#) to monitor the pendency and disposal of cases in the High Courts and the Subordinate Courts and there is a push for Supreme Court to join the NJDG and provide case decisions in an

accessible format for PWDs. Furthermore, [eSCR Judgements and Orders Portal](#) also allows for a search of orders before Supreme Court and High Courts. Hence, making it easier for PWDs to access cases before justice institutions. providing easy access to cases before justice institutions.

The analysis of “legal data” such as case laws before the Chief Commissioner of Persons with Disabilities (CCPD) can provide valuable insights into the legal and societal landscape for persons with disabilities including the i.e., issues and challenges they face and their legal rights. It provides the scope to identify the patterns and trends in issues through complaints, and the role of policymakers and justice institutions to cater to their needs.

However, the analysis also highlights the need for further research and engagement regarding access to justice for persons with disabilities, particularly for certain groups such as women with disabilities who may face additional barriers in accessing justice. This will help to formulate policies and programmes to ensure justice and equality for all.

## Annexure

**Table 1: Disability disaggregated Complainant Profile. (To be read with Finding 3.B)**

Type of Disability	No. of Cases	Percentage of Cases
Locomotor Disability	201	60
Low Vision	78	23
Hearing Impairment	30	9
Mental Illness	11	3
Multiple Disabilities	4	1
Intellectual Disability	5	1
Cerebral Palsy	3	1
Speech and Language Disability	2	1
Autism Spectrum Disorder	2	1
Muscular Dystrophy	1	0
Chronic Neurological Conditions	1	0
Multiple Sclerosis	1	0
Thalassemia	1	0

**Table 2: Issue themes of complaints before CCPD in 2022. (To be read with Finding 5)**

Subject	No. of Cases	Percentage of Cases
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Employment	283	79
Education	26	7
Health	2	0
Livelihood	1	0
Denial of other rights/entitlements	28	8
Social Security	12	3
Financial Services	6	3

**Table 3: Composition of CCPD Case Orders. (To be read with Finding 6)**

Type of Judgement	No. of Cases	Percentage of Cases
In favor/Partially, in favor	195	54
Against	86	24
Issue Resolved	52	14
Others	31	8