

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

“Publicity is the very soul of justice”

- Jeremy Bentham

The Chief Commissioner for People With Disabilities - Legal Context

The [Office of Chief Commissioner for People with Disabilities \(CCPD\)](#) is an alternative grievance redressal mechanism for people with disabilities (PWDs) in India. It was originally established as an authority to safeguard and uphold the rights of people with disabilities under Section 57 of the [Persons with Disabilities \(Equal Opportunities, Protection of Rights and Full Participation\) Act, 1995](#). The CCPD continues to carry out the same duties under [Section 74 of the Rights of Persons with Disabilities \(RPwD\) Act, 2016](#).

The CCPD allows persons with disability (PWD) to access justice and enforce their rights, without the complexities associated with filing cases before civil courts and high court. But the powers of the CCPD are not equal to that of civil courts. [Section 76 of the RPWD Act, 2016](#) constrains the powers of the CCPD by providing that judgments of the CCPD are only recommendatory (and not binding) on the parties. In this respect, unlike civil courts, CCPD lacks enforcing authority over non-compliance.

The Office of the CCPD has taken the initiative to make all the decisions in cases filed before the CCPD available digitally, on the [CCPD website from 2019 onwards](#). At [Pacta](#), we undertook a research study of the cases that have been disposed of by the CCPD between 1st 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 analyzing the database of cases disposed of by the CCPD in 2022. It paves the way for further research in the domain of *Access to Justice for Persons with Disabilities*, which remains relatively understudied in India. In all, **365 Cases were disposed of by the CCPD in the calendar year 2022**. We summarize below the key findings of the analysis:

Data Insights From Analysis of Cases Disposed of by the CCPD in 2022

1. State-wise Distribution of CCPD Cases:

Maximum number of complainants whose complaints were disposed of by the CCPD in 2022 were residents of Delhi(66), followed by Uttar Pradesh (53) and Maharashtra (34). A large number of complaints before CCPD are based on issues of employment. Since a lot of Central government offices and PSUs are headquartered in Delhi, this could be possibly a reason for it to register maximum complaints. We tested for a correlation between the number of complaints filed before CCPD and the percentage of Persons with Disabilities (PWDs) receiving government aid in a State/Union territory (based on data from [NSS Survey of Persons with Disabilities Report](#), but no such association could be established. This points toward the need for further research as to what causes some states to outnumber others based on complaints filed before CCPD.

2. Profile of Complainants:

95% of the complaints before the CCPD in 2022 was filed by PWDs. Caretakers contributed to 5% of the total cases. Most cases catered to PWDs with benchmark disabilities(i.e more than 40% disability). Persons with locomotor disabilities accounted for 60% of complainants (for whom the type of disability was mentioned) before CCPD in 2022. Interestingly, persons with disabilities suffering from eight impairments/difficulties as provided in [RPWD, 2016](#), such as leprosy cured person, dwarfism, specific learning disabilities, haemophilia, sickle cell disease, acid attack, and Parkinson's disease, did not register a single complaint before CCPD in 2022.

In terms of gender, males accounted for 89% of the complainants, while females made up only 11% of the total complaints. The gender-based skew can be attributed to the low workforce participation of women (as 79% of the complaints are regarding employment-related issues) along with the barriers and challenges faced by women with disabilities.

A high number of complaints being filed by people with disabilities 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 reveals that more nuanced approaches are needed to enhance rights awareness and access to justice for PWD.

3. State-wise Average Redressal Time of Complaints before CCPD:

The average redressal time of cases by the CCPD (**Date of disposal minus Date of filing of Complaint**) is around six months. When disaggregated by the state of residence of the complainant, outliers were Goa and Chandigarh with an average redressal time of 2.5 and 3 months respectively and 9.7 months for Gujarat.

There is a moderately positive association between the number of complaints from a State (based on the complainants' state of residence) and the State's average redressal time for CCPD cases. The positive value of the correlation coefficient($r= 0.39$) is not statistically significant

suggests that implies the association is a chance occurrence. This opens up an opportunity to investigate reasons for such state-wise variations in case-redressal time.

79% of the complaints (for which subject matter was identified) are related to the employment of PWDs, including transfer, accessibility (physical and digital), denied/unprovided reservation for PWDs in appointment and promotion (The RPWD Act introduced a 4% reservation in government jobs for people with disabilities), and other employment provisions. Education and provision of rights and entitlements account for 15% of the complaints before CCPD, with the remaining 6% including complaints related to health, livelihood, social security, and financial services.

As per data from the Census 2011, [36%](#) 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 students with disability remains a well-documented challenge in India.](#) [Access to public spaces for people with disability](#) is also a well-acknowledged limitation. Still, the complaints pertaining to employment exceed those pertaining to education and other rights and entitlements to people with disabilities. This indicates the need to improve rights-based awareness to sensitize people with disabilities about their rights, so as to enable them to enforce these rights before the right forum.

4. Type of Decisions Provided in CCPD Cases:

54% of orders of the CCPD are resolved at least partially in favor of the complainant. 14% of cases are resolved amongst the parties before they are taken for a formal hearing by the CCPD. This indicates that filing a complaint before the CCPD offers a counter-incentive to the respondents, persuading the respondent to amicably resolve the matter instead of a protracted proceeding before the CCPD. Thus the CCPD offers an effective dispute resolution system for PWD.

Access to Justice for PWDs in India

In India, access to justice for people with disabilities remains elusive, though it is a right guaranteed under the statute. The Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act was enacted in 1995 in India and was later replaced by the Rights of Persons With Disabilities Act (RPWD), 2016. [Section 12 of the Act](#) provides for access to justice, as it enables persons with disabilities to access courts, tribunals, authorities, commissions, and other bodies with judicial or quasi-judicial, or investigative powers. Additionally, the [Legal Services Authorities \(LSA\) Act, of 1987](#) envisages free and competent legal services without discriminating on economic reasons or disabilities.

[Eilionóir Flynn et al.](#) (2019) described several barriers that persons with disabilities face in the legal system. These are a) the mental capacity of the person with a disability to understand their

legal duties, b) lack of awareness about their fundamental rights, c) lack of recognition of their agency and legal capacity by the community, d) insufficient legal remedies for persons with disabilities and e) inadequate knowledge of disability rights by the court. To ensure that justice systems succeed for persons with disabilities, the 4A framework namely - awareness, accessibility, adaptability, and availability (4 A Framework) (adopted for inclusive [education](#) of children with disabilities) can similarly be applied to justice systems as well.

Robust data and adequate research on the barriers are required to understand the on-ground challenges, plan impactful policies, and develop meaningful solutions that will help enhance access to justice for persons with disabilities. The 4% reservation for PWD in government jobs also means that 4% of judges in the judicial system must be specially abled. To inform the status of the representation of PWDs in the judiciary, [data on the number of judges in India \(in the subordinate courts\) have been recently made available](#). However, the [India Justice Report, 2022](#) suggests that this data is flawed and likely to be wrong. Other initiatives to improve access to judicial systems include the [National Judicial DataGrid\(NJDG\)](#) to monitor the pendency and disposal of cases in the High Courts and the Subordinate Courts. There is a push for the 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. These steps provide easy access to cases before justice institutions.

However, even today, data on the participation of persons with disabilities in the judicial system is inadequate. We lack sufficient literature on the barriers faced by persons with disabilities in accessing justice in India. Disability research continues to be underfunded in India.

Pacta's analysis of case laws before the Chief Commissioner of Persons with Disabilities (CCPD) provides valuable insights on the subject of access to justice for persons with disabilities. It presents indicators for further directions of research such as - a) the role of gender in access to justice for persons with disability, b) rights awareness as a prerequisite for better access to justice, and c) state-wise discrepancies in enforcing provisions of the RPWD Act 2016. Ultimately more research will create better and evidence-based law and policy responses to meet the challenges of people with disabilities.

