

Consultation Report

on the proposed amendments to

The Right of Persons with Disabilities (RPwD) Rules, 2017

Civis





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Introduction

The Ministry of Social Justice and Empowerment's proposed amendments to the Right of Persons with Disabilities (RPwD) Rules, 2017, marking a significant step forward in enhancing the identification, certification, and support systems for individuals with disabilities across India. Central to these changes is the process of application, including the shift to online submission and introduction of new forms for the Unique Disability Identification (UDID) card.

The rules also introduce new procedures for issuance, verification, and renewal of Disability Certificates and the procedure to appeal the decisions in case of denial. The proposed changes, including the colour-coded UDID cards based on the severity of disability, reflect a comprehensive approach to better support the needs of persons with disabilities in India.

To gather feedback on these proposed amendments, Civis facilitated a public consultation, providing a platform for stakeholders to share their thoughts and recommendations.

The consultation engaged a diverse range of participants through multiple channels, including an open focus group discussion, a WhatsApp chatbot, and Civis' online consultation platform. Civis partnered with the Politics and Disability Forum to ensure that there was a well-rounded representation from experts and stakeholders with lived experience.

These efforts ensured that the voices of those most affected by the amendments were heard, allowing for a data-driven and inclusive approach to gathering recommendations on the draft rules.

This report presents a compilation of the key concerns and suggestions gathered during the consultation, reflecting the perspectives of individuals with disabilities, experts, and civic organisations. The findings offer valuable insights into what stakeholders appreciate in the proposed amendments and where they see opportunities for improvement.



Executive Summary

This report summarises the consultation efforts conducted by Civis to gather feedback on the proposed amendments to the Right of Persons with Disabilities (RPwD) Rules, 2017.

The primary focus of these amendments is the regulation of the Unique Disability Identification (UDID) cards, including changes to the process of application, implementation and timeline of its issuance.

The consultation was conducted through multiple channels to ensure broad participation and diverse input. Civis hosted the consultation on its platform, engaged participants through a WhatsApp chatbot, as well as facilitated a focus group discussion in collaboration with Politics and Disability Forum, that included a panel of experts and stakeholders.

In total, Civis facilitated and engaged the following:

- **Number of responses received on Civis' platform:** 13
- **Number of responses received via WhatsApp chatbot:** 26
- **Number of participants in the consultation meeting:** 60+

The responses and discussions provided crucial insights into the experiences, concerns, and suggestions of individuals directly impacted by the proposed changes. Key topics included the accessibility and practicality of the new online-only application process, the implications of the colour-coded UDID cards, and the potential challenges in implementing these changes, particularly in rural areas.

Through this consultation, stakeholders highlighted both the strengths of the proposed amendments and areas where further refinement is needed. Their feedback underscores the importance of ensuring that the UDID card system is inclusive, accessible, and sensitive to the diverse needs of persons with disabilities across the country.



Key Recommendations



Addressing the Digital Divide

Introduce alternative application methods for individuals facing digital barriers. Address the digital divide by ensuring robust internet connectivity in rural areas to facilitate the online-only application process for the UDID card. Also introduce provisions for the certification process through existing last-mile healthcare systems such as ASHA and ANM workers and Panchayat offices to ensure access at the grassroots level.

Reevaluate the Color-Coding System

Conduct further analysis on the effectiveness of the proposed colour-coding system (white, yellow, blue) for the UDID cards to ensure it accurately represents the severity of disabilities and does not oversimplify the categorization process.



Improvements to the Certification and Issuance Process

Reduce the certificate issuance timeline from three months to one month to ensure timely access to benefits. Another suggestion was to decentralise the certification process by allowing individuals to obtain disability certificates from any district or certified centre, regardless of their domicile.



Improve Training for Medical Authorities

Provide comprehensive training for medical officers, particularly in district hospitals, on disability assessment criteria, including specific training for assessing invisible disabilities, multiple disabilities, and specific conditions like neurological problems and blood disorders.

Introduce Flexible Documentation Requirements

Reassess the necessity of additional identity proofs like Aadhaar for certain groups, such as people with leprosy or psychosocial disabilities, and provide alternative documentation options for those facing challenges in obtaining these documents



Adopt a More Inclusive Approach for Invisible Disabilities

Revise the UDID portal to accommodate the specific needs of individuals with invisible disabilities, preventing misclassification and ensuring accurate data collection.

Streamline the UDID Card Distribution System

Implement a system for home delivery of UDID cards, particularly for individuals with severe disabilities who face mobility challenges, similar to the Aadhaar card distribution model. A recommendation here was also ensuring the UDID can be made a document in the DigiLocker.



Address Coordination Gaps Between Government Agencies

Improve the coordination between the Ministry of Health and Family Welfare and the disability department, ensuring that frontline workers like ASHA workers and CMOs are well-informed about new rules and assessment guidelines.



Increase Transparency in the Certification Process

Introduce a clear paper trail and accountability mechanisms to enhance the transparency of the disability certification process, including the implementation of penalty clauses for delays and the involvement of NGOs to facilitate the process.

Integrate Lived Experiences in Policy Design

Involve persons with disabilities and health professionals with lived experiences in the development of assessment guidelines to ensure a more inclusive and realistic approach to certification.



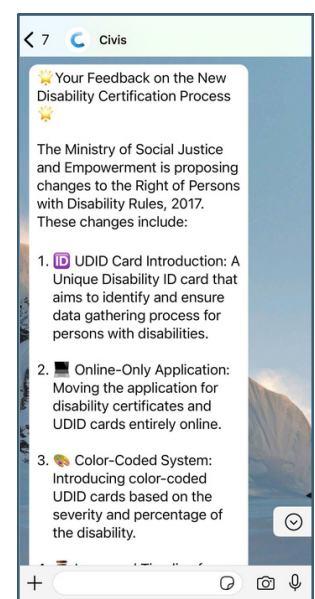
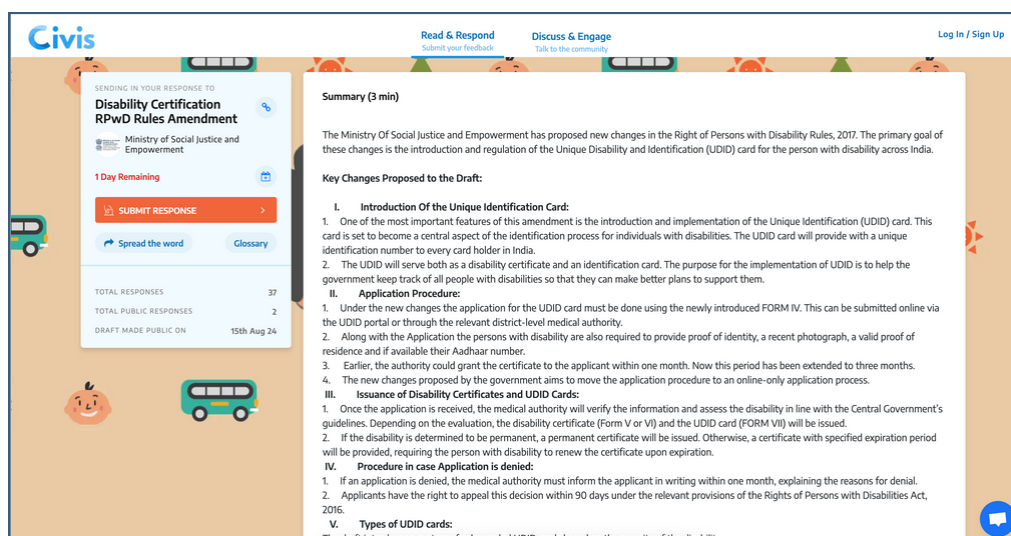


Consultation Methodology

The consultation on the proposed amendments to the Right of Persons with Disabilities (RPwD) Rules, 2017, was designed to engage a wide range of stakeholders, ensuring that diverse voices were heard and considered in the feedback process. Civis employed a multi-channel approach to gather input, utilising digital platforms, social media outreach, and direct engagement with stakeholders.

Design, Summarization & Collateral

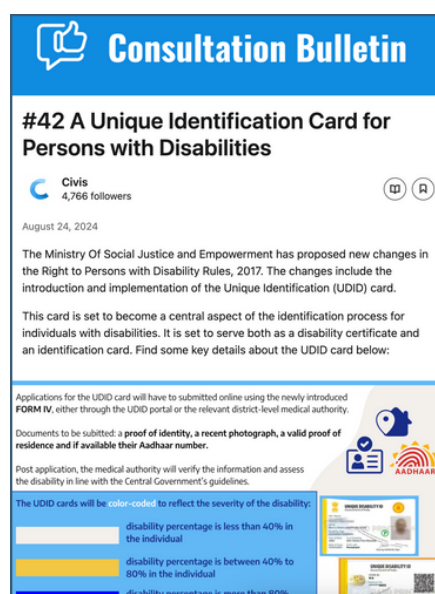
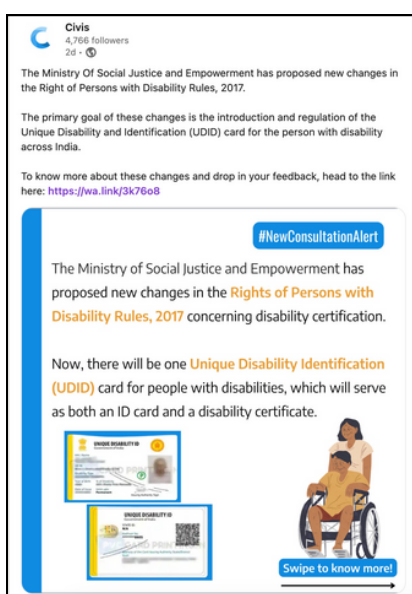
Civis initiated the consultation process by summarising the draft amendments and creating outreach collateral to inform stakeholders about the proposed changes. These materials were disseminated across multiple platforms, allowing for comprehensive engagement.



Social Media & Community Outreach

The outreach strategy was strengthened by leveraging social media and community networks. Civis published a consultation bulletin over LinkedIn and email, which provided detailed information about the draft amendments and invited stakeholders to participate in the consultation.

To broaden engagement, an informative post was shared on both Instagram and LinkedIn, summarising key aspects of the proposed changes. Moreover, an invitation to the focus group discussion was circulated via LinkedIn and Instagram, encouraging broader participation from the community.



Feedback Gathering Mechanisms

To capture a wide range of feedback, Civis hosted the consultation on its platform, enabling participants to easily access and respond to the draft amendments. A WhatsApp chatbot was also deployed, providing an interactive and accessible means for stakeholders to share their input.

This multi-faceted approach ensured that the consultation reached a diverse audience, allowing Civis to gather comprehensive feedback that reflects the varied perspectives of those impacted by the proposed amendments.

Additionally, a **focus group discussion** was **organised in partnership with the Politics and Disability Forum**, bringing together over 60 participants, including experts, persons with disabilities, and representatives from civic organisations, to discuss the proposed changes in detail.





Key Findings:

Stakeholder Meeting

A Stakeholder meet or focus group discussion (FGD) was organised by Civis in partnership with the Politics and Disability Forum on the proposed amendments to the Right of Persons with Disabilities (RPwD) Rules, 2017. This forum provided a platform for diverse stakeholders to voice their concerns, share experiences, and offer recommendations. The discussion was highly participative, with inputs from medical professionals, legal experts, individuals with disabilities, and representatives from civic organisations.

The FGD was convened to discuss the implications of the amendments to the RPwD Rules, particularly focusing on the changes to the application process for the Unique Disability Identification (UDID) card, the disability certification process, and the challenges associated with these changes.

Panelist Profiles:

- A medical doctor and a person with a disability provided insights based on his professional experience and personal challenges. He highlighted the complexities of the certification process and the need for a more inclusive approach to disability assessment.

- An advocate for disability rights, he shared his experiences from a rural perspective, emphasising the challenges faced by individuals in obtaining disability certificates in areas with limited resources.
- An expert in disability law and policy discussed the legal implications of the amendments and the practical difficulties that arise due to bureaucratic hurdles, such as the mismatch between Aadhaar and other identity documents.
- A disability rights activist focused on the broader systemic issues, including the inadequacies of the current certification process and the need for a more transparent and accountable system.



Key Concerns Raised

- **Digital Divide:** Participants expressed concerns about the reliance on digital platforms for the UDID card application process, particularly in rural areas where internet connectivity is poor and digital literacy is low.
- **Bureaucratic Hurdles:** The requirement for additional identity proofs, such as Aadhaar, was criticised for creating unnecessary barriers, especially for those with conditions like leprosy or psychosocial disabilities, who may face difficulties in obtaining these documents in the first place.
- **Inconsistent Certification Standards:** The FGD highlighted significant inconsistencies in the disability certification process, with different medical authorities issuing varying assessments for the same individual. This lack of standardisation undermines the credibility of the certification process.
- **Need for better coordination:** Several participants pointed out the importance of NGOs in facilitating the process of certification. Some medical NGOs also help ease the load on government hospitals with quality medical certification. The proposed amendments were criticised for increased centralisation and potential alienation of these players, which could create increased hurdles for persons with disabilities
- **Challenges for Rural Populations:** The discussion emphasised the unique challenges faced by individuals in rural areas, including long travel distances to medical centres, lack of specialised medical personnel, and inadequate infrastructure for supporting persons with disabilities.
- **Stigmatisation through Colour-Coding:** The proposed colour-coding of UDID cards was a major point of concern, with participants arguing that it could lead to stigmatisation and discrimination against individuals with disabilities, particularly those with less than 40% disability.
- **Delayed Issuance of Certificates:** The extension of the certificate issuance timeline from one month to three months was seen as a regressive step, likely to exacerbate delays rather than alleviate them.
- **Lack of Support for Progressive Disabilities:** The current system's inability to accommodate progressive disabilities was identified as a critical issue, with participants calling for more flexible and responsive certification processes.



Key Suggestions from Participants

- **Digital Accessibility and Alternatives:**
Address the digital divide by ensuring robust internet connectivity in rural areas to facilitate the online-only application process for the UDID card. Introduce alternative methods for those unable to access digital platforms. One such recommendation was having Panchayat officers facilitate the application through the digital portal.
- **Decentralisation of the Certification Process:**
Decentralise the disability certification process to allow individuals to obtain certificates from any district or certified centre, irrespective of their domicile, thereby reducing delays and logistical challenges.
- **Enhanced Training for Medical Professionals:**
Implement specialised training programs for medical officers in district hospitals to improve the accuracy and consistency of disability assessments, particularly for invisible and complex disabilities like neurological, intellectual and learning disabilities.
- **Simplification of Assessment Guidelines:**
Simplify the assessment guidelines for certifying disabilities to make them more user-friendly for medical officers, especially at the district level, and ensure that these guidelines are widely disseminated and understood.
- **Streamlined Process for Issuing UDID Cards:**
Develop a streamlined process for the issuance and renewal of UDID cards, including provisions for home delivery of cards, particularly for individuals with severe disabilities. Participants suggested leveraging systems similar to the existing process of having voter ID applications made accessible at home for senior citizens.
- **Review of the Colour-Coding System:**
Reevaluate the necessity and effectiveness of the proposed colour-coded UDID cards, considering the potential for stigmatisation and the complexity of accurately categorising disabilities.
- **Inclusion of Progressive Disabilities in Certification:**
Establish clear guidelines for the reassessment and certification of progressive disabilities, ensuring that individuals can easily update their disability status as their condition evolves with age, which was echoed as several participants' experience.
- **Improvement in Coordination Between Agencies:**
Strengthen coordination between the Ministry of Health and Family Welfare and the disability department to ensure that frontline workers, such as ASHA workers, are well-informed and adequately trained on the new rules.
- **Introduction of Accountability Measures:**
Introduce clear accountability mechanisms for medical authorities involved in the certification process, including penalties for significant discrepancies in disability assessments.
- **Expansion of Support for Invisible Disabilities:**
Enhance support for individuals with invisible disabilities by improving the understanding and categorisation of these conditions within the UDID system, and ensuring that they are not marginalised in the certification process.



Summary of Responses

Civis in partnership with the Politics and Disability Forum conducted a quantitative survey on the provisions of the amendment. A total of 26 responses were gathered from the following sources:

1. Civis' Consultation Platform
2. Civis' WhatsApp chatbot
3. Focus Group Discussion

The respondents were asked a variety of questions to gather their perspectives on the proposed amendments in the context of their lived experiences.

These questions focused on key aspects of the amendments, including the time taken to obtain a disability certificate, the accessibility of the online-only application process, the effectiveness of the UDID card system, and the potential improvements in enforcement mechanisms.

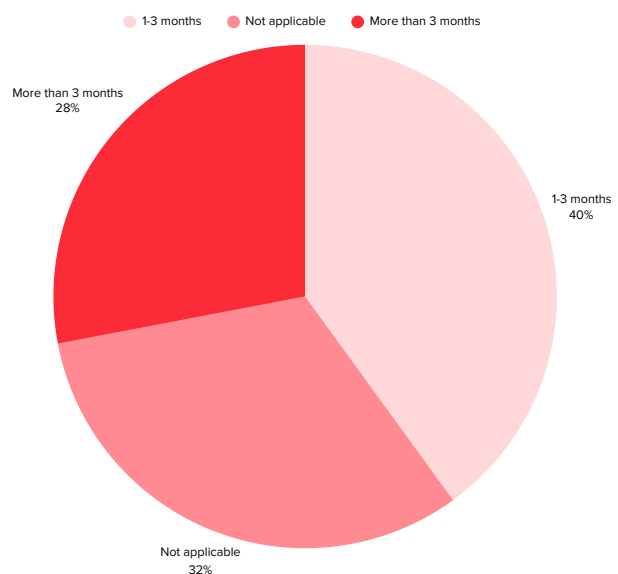
Apart from quantitative questions, the respondents also provided additional insights and suggestions based on their personal experiences and expertise in the field of disability rights and policy.

Quantitative Analysis

How much time have you spent in the availment of the disability certificate in your district?

Respondents were asked about the time they had spent obtaining a disability certificate in their district. The majority of respondents (10) reported that the process took between 1 to 3 months, while 7 respondents indicated it took more than 3 months. 8 respondents selected "Not applicable," indicating that they had not undergone the process.

These findings highlight the need for improvements in the efficiency of the certification process and enforcing a stricter timeframe, as the current timelines are considered lengthy by many.

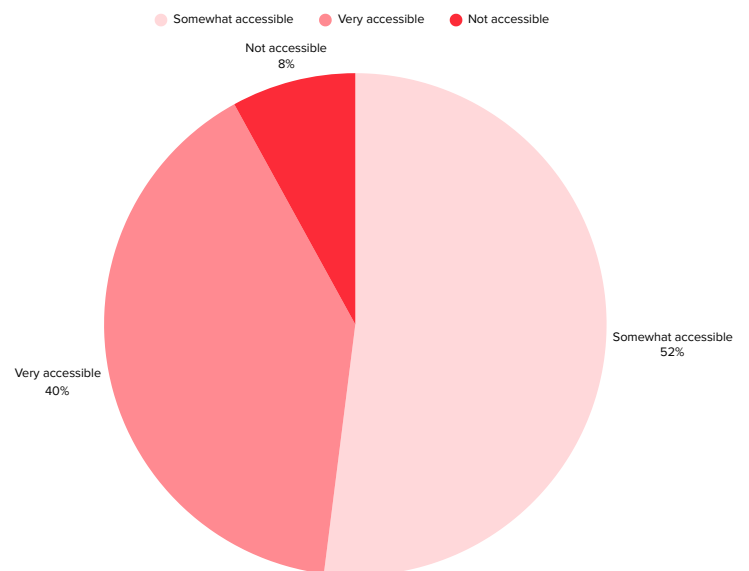




How accessible do you find the proposed online-only application process for the Disability Certificate/UDID card?

The respondents were asked to evaluate the accessibility of the proposed online-only application process for the UDID card. The feedback was mixed, with 13 respondents finding the process "Somewhat accessible," 10 respondents considering it "Very accessible," and 2 respondents stating it was "Not accessible."

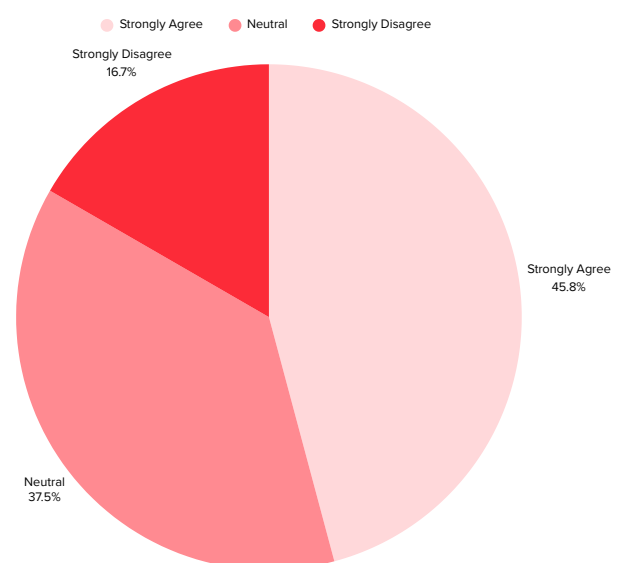
This suggests that while the majority find the online process to be potentially useful, there are still significant concerns regarding its accessibility, particularly for those with limited digital access or skills.



Do you believe the introduction of the UDID card has simplified the identification and data gathering process for persons with disabilities?

The introduction of the UDID card, which aims to simplify the identification and data gathering process for persons with disabilities, received generally positive feedback. Of the respondents, 11 "Strongly agreed" that the UDID card has simplified these processes, while 9 remained neutral and 4 "Strongly disagreed."

This indicates that while the UDID card is viewed as a positive innovation by many, some stakeholders believe that it has not fully achieved its intended goals.





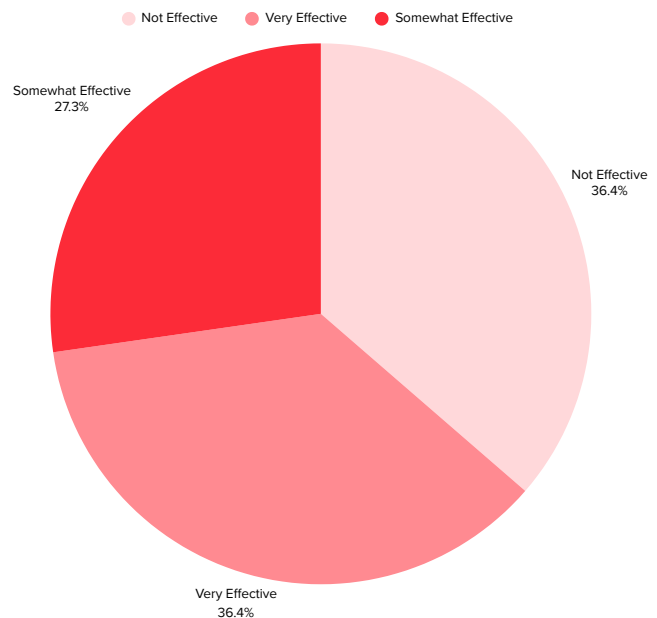
A new colour coded system is being introduced:

- **White:** less than 40% disability
- **Yellow:** 40%-80% disability
- **Blue:** 80% and above disability

Do you think this system effectively represents different levels of disability?

Opinions on the effectiveness of the proposed colour-coded UDID system were divided. An equal number of respondents (8 each) believed that the system was either "Not effective" or "Very effective," with 6 respondents finding it "Somewhat effective" and 2 remaining "Unsure."

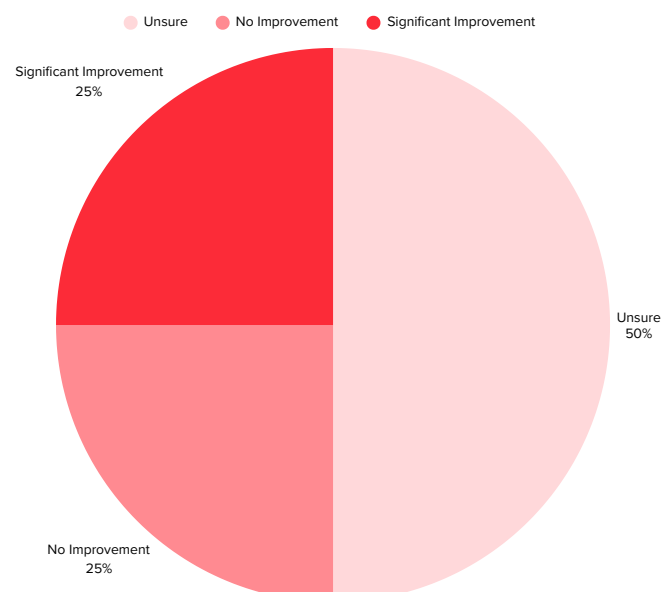
These mixed reactions reflect the differing views among stakeholders on whether the colour-coding system accurately represents the severity of disabilities and whether it might lead to unintended consequences such as stigmatisation.



To what extent do you think the draft amendments will improve enforcement mechanisms for the disability certification process compared to the existing procedure?

The respondents were also asked whether they believed the draft amendments would improve the enforcement mechanisms for the disability certification process. The majority of respondents (12) were "Unsure," indicating uncertainty about the potential impact of the amendments.

Equal numbers of respondents (6 each) believed that the amendments would either lead to "No improvement" or result in "Significant improvement." This suggests a divided perception among stakeholders, with many remaining uncertain about the effectiveness of the proposed changes.





Conclusion

The consultation on the proposed amendments to the Right of Persons with Disabilities (RPwD) Rules, 2017, has highlighted both the opportunities and challenges associated with the introduction of the Unique Disability Identification (UDID) card and the revised certification process.

The feedback gathered through Civis' consultation platform, WhatsApp chatbot, and focus group discussions reflects a broad spectrum of perspectives, underscoring the complexity of implementing changes that affect such a diverse population.

The introduction of the UDID card has been generally well-received, with many respondents acknowledging its potential to streamline the identification and data-gathering processes for persons with disabilities.

However, **concerns about the accessibility of the newly proposed online-only application process, the effectiveness of the colour-coded UDID system, and the overall efficiency of the certification process remain prevalent.** The mixed responses on the proposed enforcement mechanisms further suggest that stakeholders are uncertain about the practical impact of these amendments.

It is clear from the consultation that while the proposed changes offer significant advancements, **there exists a strong need for continued dialogue and refinement to ensure that the amendments are both effective and inclusive.**

The recommendations put forward by the stakeholders, including **improving digital accessibility, decentralising the certification process, and enhancing training for medical professionals**, are crucial steps toward achieving these goals.

As the Ministry of Social Justice and Empowerment moves forward with finalising the amendments, we would like to mark our gratitude for the commendable work done through the extensive and open consultation process on this and other draft regulations put out by the Department of Empowerment of Persons with Disabilities.

By continually addressing the concerns raised and incorporating the valuable suggestions provided, the ministry can enhance the RPwD Rules, ensuring that they better serve the needs of all persons with disabilities across India.



Thank you!

This report is produced and presented by Civic Innovation Foundation (registered as a Section 8, non-profit company under the Indian Companies Act), through its platform 'Civis', provides targeted stakeholder engagement services to governments.



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