



ANNUAL REPORT

2020-2021

GOVERNMENT OF NAGALAND
OFFICE OF THE STATE COMMISSIONER
FOR PERSONS WITH DISABILITIES



RIGHTS OF PERSONS WITH DISABILITIES ACT 2016

The **Rights of Persons with Disabilities Act, 2016** was enacted in December 2016 and came into force in April 2017. The Act was passed to give effect to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) which India ratified in 2007.

The salient features of the Act are:

- Responsibility has been cast upon the appropriate governments to take effective measures to ensure that the persons with disabilities enjoy their rights equally with others.
- Disability has been defined based on an evolving and dynamic concept.
- The Act covers the following specified disabilities:

1. PHYSICAL DISABILITY

- a. Locomotor Disability
 - i. Leprosy Cured Person
 - ii. Cerebral Palsy
 - iii. Dwarfism
 - iv. Muscular Dystrophy
 - v. Acid Attack Victims
- b. Visual Impairment
 - i. Blindness
 - ii. Low Vision
- c. Hearing Impairment
 - i. Deaf
 - ii. Hard of Hearing
- d. Speech and Language Disability

2. INTELLECTUAL DISABILITY

- a. Specific Learning Disabilities
- b. Autism Spectrum Disorder

3. MENTAL BEHAVIOUR (MENTAL ILLNESS)

4. DISABILITY CAUSED DUE TO:

- a. Chronic Neurological Conditions such as-
 - i. Multiple Sclerosis
 - ii. Parkinson's Disease
- b. Blood Disorder
 - i. Haemophilia
 - ii. Thalassemia
 - iii. Sickle Cell Disease

5. MULTIPLE DISABILITIES

- Additional benefits have been provided for persons with benchmark disabilities and those with high support needs.
- Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.
- 5% reservation in seats in Government and Government aided higher educational institutions for persons with benchmark disabilities.
- Stress has been given to ensure accessibility in public buildings (both Government and private) in a prescribed time-frame.

- 4% reservation in Government jobs for certain persons or class of persons with benchmark disability.
- The Act provides for grant of guardianship by District Court or any authority designated by the State Government under which there will be joint decision – making between the guardian and the persons with disabilities.
- Broad based Central & State Advisory Boards on Disability to be set up as policy making bodies.
- The Act provides for strengthening of the Office of Chief Commissioner of Persons with Disabilities and State Commissioners of Disabilities which will act as regulatory bodies and Grievance Redressal agencies and also monitor implementation of the Act. These Offices will be assisted by an Advisory Committee comprising of experts in various disabilities.
- Creation of National and State Fund to provide financial support to the persons with disabilities.
- The Act provides for penalties for offences committed against persons with disabilities.
- Designated special Courts to handle cases concerning violation of rights of PwDs.

NAGALAND RIGHTS OF PERSONS WITH DISABILITIES RULES 2019

The Nagaland Rights of Persons with Disabilities Rules 2019 was notified on 21st February 2020 as per Section 101(1) of the Rights of Persons with Disabilities Act 2016: *The State Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.*

DISABILITY STATISTICS - CENSUS 2011

Total no. of persons with disabilities: 29631
Percentage of disabled persons to total population: 1.5%

DISABLED PEOPLE BY TYPE OF DISABILITY AND SEX (CENSUS 2011):

Type of Disability	Persons	Male	Female
Total	29631	16148	13483
Seeing	4150	2130	2020
Hearing	8940	5007	3933
Speech	2294	1261	1033
Movement	3828	2235	1593
Intellectual Disability (MR)	1250	666	584
Mental illness	995	547	488
Multiple disability	3336	1773	1563
Any other	4838	2529	3336

EDUCATIONAL LEVEL OF DISABLED PERSONS (CENSUS 2011):

Educational level	Total	Male	Female
Total	29631	16148	13483
Illiterate	16727	8164	8563
Literate	12904	7984	4920
Literate but below primary	2965	1708	1257
Primary but below middle	3288	1996	1292
Middle but below matric/secondary	2471	1586	885
Matric/secondary but below graduate	2105	1328	777
Graduate and above	596	411	185

DISABLED PERSONS BY AGE GROUP (CENSUS 2011):

Age group	Total	Male	Female
0-4	1172	622	550
5-9	1937	1053	884
10-19	4631	2529	2102
20-29	4291	2319	1972
30-39	3575	1980	1595
40-49	3719	2125	1594
50-59	3113	1763	1350
60-69	2862	1503	1359
70-79	2387	1195	1192
80-89	1367	726	647
90+	529	297	232
Age not stated	48	36	12

OFFICE OF THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

The State Commissioner for Persons with Disabilities is appointed by the State Government in compliance with Sub-Section (1) of Section 79 of the Rights of Persons with Disabilities Act 2016 and Section 79 of the Nagaland Rights of Persons with Disabilities Rules 2019. The State Commissioner is mandated to discharge duties according to Section 80 of the Act. The authority and powers of the State Commissioner are as prescribed under Sections 81 and 82 of the Act.

PRESENT COMMISSIONER: Ms Diethono Nakhro
Appointed on 21st January, 2019, for a period of 3 years

ADMINISTRATIVE SETUP: The Office of the State Commissioner for Persons with Disabilities functions with the following staff on attached and contractual basis:

1. Programme Officer	1 (One)	-	Contractual
2. Programme Coordinator	1 (One)	-	Contractual
3. UDA	1 (One)	-	Attached from H&FW Dept
4. LDA	1 (One)	-	Attached from SW Directorate
5. Peon	1 (One)	-	Attached from SW Directorate
6. Driver	1 (One)	-	Contractual
7. Sweeper	1 (One)	-	Contractual
8. Legal Consultant	1 (One)	-	On retainer

STEPS TAKEN TO IMPLEMENT THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016

1. The Rights of Persons with Disabilities Act 2016 was adopted by the Nagaland State Government on 27th September, 2018
2. The State Advisory Board on Disability was constituted by the State Government 26th October, 2018 to exercise the powers conferred on and to perform the function assigned to it under the provisions of Section 66 of the Rights of Persons with Disabilities Act, 2016
3. 4 % reservation of posts for Persons with Disabilities in government jobs was notified on 13th August 2019 and Expert Committee was constituted for the task of identification of posts for disability reservation.
4. Notification issued on 28th October 2019 designating the Sessions Court in each district of the State of Nagaland as Special Court for the purpose of providing speedy trial for offences committed against Persons with Disabilities. Public Prosecutors, Additional Public Prosecutors and Assistant Public Prosecutors in Nagaland designated as Special Prosecutor for the purpose of conducting cases in these Special Courts on 11th October 2019
5. Re-constitution of District-Level Committees under Section 72 of the Rights of Persons with Disabilities Act 2016 notified on 20th February, 2020
6. The Nagaland Rights of Persons with Disabilities Rules 2019 was notified on 21st February 2020
7. Sections 16 & 31 of RPwD Act was notified by Department of School Education on 30th March, 2020
8. The provisions for Reservation of Identified Posts for Persons with Benchmark Disability was notified by Department of Personnel and Administrative Reforms on 13th August 2020
9. Identified posts for disability categories A, B and C were published on 13th August 2020
10. Advisory Committee to assist State Commissioner constituted on 19th March, 2021

CASES TAKEN UP BY THE COURT OF THE STATE COMMISSIONER

NO OF COMPLAINTS	-	3
SUO MOTU CASES	-	1
TOTAL	-	4
CASES DISPOSED	-	2
CASES ONGOING	-	2

FINANCIAL ASSISTANCE SCHEMES

Sl No.	Scheme	No of Beneficiaries	Amount
1.	NSAP	1276	Rs 300/- pm
2.	State Disability Pension Scheme	3166	Rs 300/- pm
3.	State Pension To Blind	1706	Rs 300/- pm
4.	Scholarship to Disabled Students	208	Rs 300/- pm

GRANT-IN-AID TO NGOs IN THE DISABILITY SECTOR

No of NGOs	7 (Seven)
Total amount disbursed	Rs 8.50 lakhs

AIDS/APPLIANCES DISTRIBUTED TO PWDS UNDER ADIP SCHEME/ALIMCO THROUGH DDRC DIMAPUR – 2016 TO 2020-21

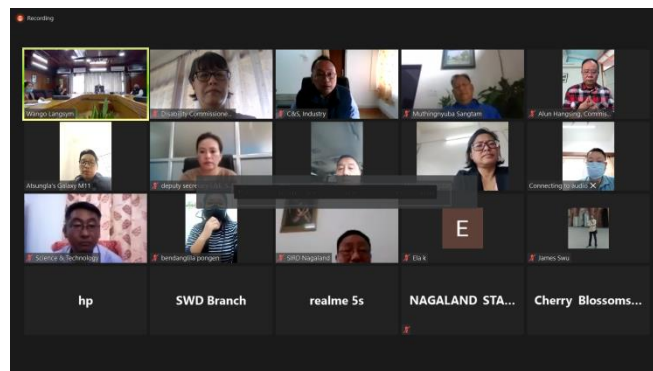
Sl.no	AIDS AND APPLIANCES	TOTAL
1	TRICYCLE	28
2	WHEELCHAIR	145
3	CP CHAIR	39
4	ROLLATER	28
5	AXILLARY CRUTCH	139
6	ELBOW CRUTCH	191
7	WALKING STICK	55
8	SMARTCANE	33
9	BRAILLE KIT	10
10	HEARING AID	275
11	MSIED KIT	50
12	SMARTPHONE	6
13	PROSTHESIS/ARTIFICIAL LIMB	12
14	ORTHOSIS/LIMB SUPPORT	24
	TOTAL	1035

ACTIVITIES/PROGRAMMES

There was major disruption to the activities/programmes of the year 2020-2021 due to the COVID-19 Pandemic situation. The pressing and primary concern of the Office during this disaster/emergency situation was to coordinate with the State Government and ensure that persons with disabilities were taken care of and their rights ensured.

YOUNG PERSONS WITH DISABILITIES MEET: A virtual meeting with young disabled people was held on July 25th 2020

FIRST STATE ADVISORY BOARD MEETING: The first meeting of the State Advisory Board on Disability was held on 28th October, 2020, under the chairpersonship of the Chief Secretary, Government of Nagaland, Mr J Alam.



DISTRIBUTION OF AIDS & APPLIANCES: An Aids & Appliances Distribution Camp was held in Dimapur on 7th November, 2020, under CSR initiative of Indian Oil Cooperation Limited and organised by ALIMCO, Kanpur, in collaboration with DDRC Dimapur.



INTERNATIONAL DAY OF PERSONS WITH DISABILITIES: A virtual programme was organised to mark the International Day of Persons with Disabilities on 3rd December, 2020. The theme for the day was “Building Back Better: toward a disability-inclusive, accessible and sustainable post COVID-19 World.”

OCCUPATIONAL THERAPY CENTRE: The first Occupational Therapy Centre in the state was opened at the Christian Institute of Health Sciences and Research (CIHSR) Dimapur. The centre was inaugurated on 25th March, 2021.



MEASURES UNDERTAKEN DURING COVID 19 PANDEMIC -1st WAVE 2020-21

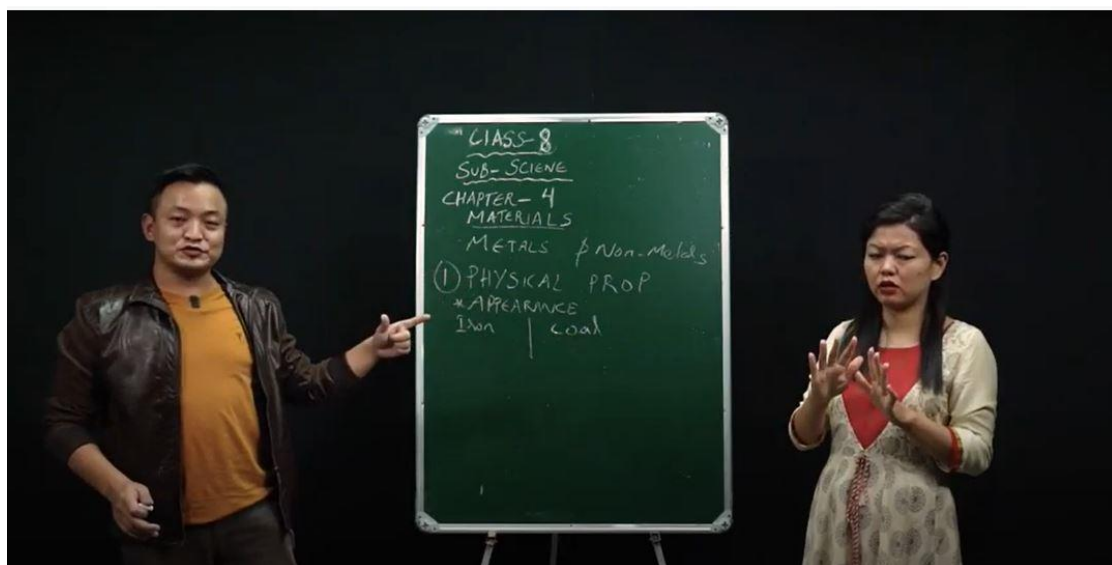
1. A COVID-19 support helpline was set up for persons with disabilities by the Office of the State Commissioner. A separate WhatsApp number was also made available for persons who are deaf/hard of hearing for Sign Language support. Email ID was also provided for people to write in with their queries or problems.
2. The Office of the State Commissioner coordinated directly with all the District Disaster Management Authorities/District Administrations to ensure that persons with disabilities in need are provided essential food supplies. They were delivered to the doorsteps to the extent possible in collaboration with local partner organisations.
3. The same was done for persons with disabilities in need of medicines and other medical and assistive needs
4. In addition to providing assistance through all available government programmes, an appeal was made to all the churches of Nagaland to make sure that no disability family falls through the cracks and is left behind. There was extraordinary cooperation as churches across the state reached out to disability families during the lockdown period. It is an example of the many things that can be achieved through building successful partnerships between the government and the civil society.
5. IEC materials on COVID-19 were brought out in audio as well as video in local language (Nagamese) and sign language to ensure that persons who are deaf/blind are kept informed
6. At the urging of the Office of the State Commissioner, the Nagaland State COVID-19 Dashboard was made compliant to the Web Accessibility Guidelines and the website and all contents were made accessible to people with a diverse range of hearing, movement, sight, and cognitive ability.
7. The daily COVID-19 briefings by the State Government were interpreted into sign language for the benefit of the deaf community
8. The video lessons brought out by the Nagaland School Education Department were also interpreted into Indian Sign Language
9. Further, in the area of education, the Inclusive Education programme under Samagra Shiksha, has rallied together to ensure that children with disabilities are kept in touch with their learning even during these difficult times, particularly in the rural areas. Special Educators are using technology where possible to keep in touch with the children and their parents. Where technological support is not available, printed lessons and assignments are being provided.
10. Dry rations are being distributed in place of Mid-Day meals to all students of primary and upper primary schools covering students with disabilities as well

11. The Home Department, Government of Nagaland, issued guidelines on COVID-19 measures in respect of persons with disabilities dated 26th April, 2020
12. In pursuance of the Office Memorandum of the Ministry of Personnel, Public Grievances and Pensions dated 27th March and 1st April 2020, employees with disabilities, in public/private sectors, PSUs, financial institutions, etc, have been exempted from essential services work during the COVID-19 situation.

Daily COVID-19 briefings of the State Government being interpreted into Indian Sign Language



Video lessons brought out by the Department of School Education, Government of Nagaland, being interpreted into Indian Sign Language



Medicine being delivered for a person with psychosocial disability in a remote village in Zunheboto District through a Good Samaritan



Food supplies delivered to the doorsteps of persons with disabilities in all the districts of the State through collaboration with partner organisations





Recommendations

ACCESSIBILITY

1. Some steps have been taken to construct ramps/lifts and accessible toilets in existing public/government buildings and other public spaces. However, accessibility in the built environment continues to be very poor. Department of PWD (Housing) should strictly monitor compliance of its Notification NO.CE(H)/TB/AIC/2019-20 dated 05-02-2019 by the various departments and agencies.

For new constructions, the PWD Department should strictly implement Section 44 of the Rights of Persons with Disabilities Act 2016 - (1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40. (2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.

Accessibility standards should be as per the 'Harmonised Guidelines and Space Standards for Barrier-Free Built Environment for persons with Disability and Elderly Persons 2016' published by the Ministry of Urban Development, Government of India.

2. Department of Transport should proactively comply with its Notification NO.TPT/MV/17/2017 dated 05-02-2019 and ensure that the requirements are fulfilled within a period of three years from the date of publication of the notification.
3. Departments yet to comply with Notification NO. IT&C/13-19/08 dated 05-02-2019 on Web Content Accessibility notified by the Department of Information Technology & Communication should do so at the earliest.

SCHOOL EDUCATION

1. Department of School Education has notified Section 16 (to be read with Section 17) and Section 31 of the Rights of Persons with Disabilities Act 2016 NO.DSE/SAMAGRA/PwD/18-46/2019 dated 30th March, 2020. As notified, the department should take all necessary measures to ensure that the right to education of children with different types of disabilities is not violated.
2. Suitable modifications should be made in the examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses.
3. In compliance with Section 11 of the Nagaland Rights of Persons with Disabilities Rules 2019, Nodal Education Officer should be appointed in every District Education Office to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in schools in accordance with the provisions of sections 16 and 31 of the Act.

IDENTIFICATION OF POSTS FOR 4% RESERVATION IN GOVERNMENT ESTABLISHMENTS

1. Posts have been identified for categories A, B and C. The Department of Personnel and Administrative Reforms should expedite the identification of posts for categories D and E.
2. The Department of Personnel and Administrative Reforms should ensure that all government departments strictly comply with Point 19 of its notification No. AR-3/Gen-9/97 dated 13th Aug, 2020: “Submission of Annual Compliance Report: All the Departments shall prepare Annual Compliance Report stating the number of Persons with Benchmark Disabilities who were appointed in each Category of posts/services under their respective department as on 1st January of every year. The figures in respect of Persons with Benchmark Disabilities shall include persons appointed by reservation as well as appointed otherwise. The attached/subordinate offices shall send data to their administrative Department. All Departments shall consolidate information in respect of all attached and subordinate offices under its administrative control and submit by 1st April of every year, 1) the Annual Compliance Report along with a copy of 2) the Roster Register for Reservation of Persons with Disabilities given at Annexure-B of this Notification, addressed to: (i) The State Commissioner for Persons with Disabilities, Nagaland, Kohima and copy endorsed to; (ii) The Commissioner & Secretary, P&AR Department and; (iii) upload the same on the respective Departmental Website.”

AWARENESS, SENSITISATION AND TRAINING

1. Nodal-cum-Grievance Redressal Officers for Persons with Disabilities of the various departments should be sensitised on disability rights and provisions of the Act
2. Seminars/workshops/training programmes should be held for government officials at the State and District levels at regular intervals
3. Sensitisation programmes should be organised for Village Councils and Village Development Boards and other bodies at the village level to raise awareness on disability rights and issues, provisions of the Act and various schemes and benefits available for persons with disabilities.

SPORTS

The Department of Youth Resources and Sports and other sport authorities should take measures to ensure effective participation in sporting activities of the persons with disabilities. It should accord due recognition to the right of persons with disabilities to participate in sports and make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

DISASTER MANAGEMENT

The COVID pandemic situation has underlined the need to ensure disability-inclusion in disaster management plans. The State Disaster Management Authority should take urgent measures to ensure inclusion of persons with disabilities in its disaster management activities.

THE RIGHTS OF PERSONS WITH DISABILITIES 2016 LAYS DOWN SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK DISABILITIES

Section 31

- (1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009, every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.
- (2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

Section 32

- (1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent seats for persons with benchmark disabilities.
- (2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

Section 33: The appropriate Government shall:

- (i) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;
- (ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and
- (iii) undertake periodic review of the identified posts at an interval not exceeding three years.

Section 34

(1) Every appropriate Government shall appoint in every Government establishment, not less than four percent of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one percent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one percent for persons with benchmark disabilities under clauses (d) and (e), namely:

- (a) blindness and low vision;
- (b) deaf and hard of hearing;
- (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
- (d) autism, intellectual disability, specific learning disability and mental illness;
- (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

Section 36: The appropriate Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that

establishment to such special employment exchange as may be notified by the Central Government and the establishment shall thereupon comply with such requisition.

Section 37: The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide:

- (a) five percent reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;
- (b) five percent reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;
- (c) five percent reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

**GOVERNMENT OF NAGALAND
OFFICE OF THE STATE COMMISSIONER FOR
PERSONS WITH DISABILITIES**



“When everyone is included, everyone wins”

***- Jesse Jackson
Civil Rights Activist***