

Dear Sir,

I am writing this letter to you as a member of Central Executive Committee (CEC) of Persons with Disabilities (PwD) Act'95.

I attended the 21<sup>st</sup> meeting of CEC on 27<sup>th</sup> Jan, 2010 that was chaired by the Secretary, MSJE, Mr. K.M. Acharya and facilitated by Dr. Arbind Prasad, Jt. Secretary, MSJE. In the meeting as part of the main agenda items, the 'Proposed Amendments to the PwD Act' were presented by Mr. Prasad. I would like to bring to your notice the following facts pertaining to the proposed amendments as I feel these require your urgent attention:

- Regarding the proposed amendments, it was shared in the meeting that the country has to send a status report to UNCRPD in the Year 2010 and thus would like to show something having done towards implementation of UNCRPD. For this reason the proposed amendments to the PwD Act'95 would have to be finalized before the forthcoming meeting of Central Coordination Committee (CCC) scheduled on 9<sup>th</sup> Feb'2010. It was shared that the plan is to then convert these amendments into the New Amendment Bill, which would be placed in the parliament in the budget session.
- As a CEC member it is my duty to inform you that I am greatly concerned and disappointed in the way MSJE is treating the issue of aligning the disability laws with UNCRPD. In spite of several representations to you and to the Ministry informing about the unanimous decision by the disability sector regarding the need of a new law rather than amendments to the existing PwD Act'95, it appears that the Ministry has decided to go ahead with the amendments only. The sector had very clearly illustrated the reasons for demanding a new disability law and explained why UNCRPD cannot be incorporated within the current PwD Act. Yet the Ministry is choosing to completely ignore the cry of the sector. This is a violation of Article 4 (3) of the UNCRPD.
- I was appalled to see the amendments that were presented in the meeting. The amendments were an absolute eye-wash and will bring shame to the country if passed in the present form. These had hardly any traces of UNCRPD either in spirit or in depth
- I was greatly disturbed to notice that the rights of persons with mental disabilities found absolutely no mention during the whole discussion on amendments. When pointed out by me about this lacuna, I was told that "these people came under National Trust and Mental Health Acts". It shows how poorly your Ministry understands not only the UNCRPD but even the PWD Act'95 itself.
- The UNCRPD for the first time acknowledges and ensures rights such as – Right to life, Access to Justice, Equality before the Law, Independent living, Respect for dignity and many others, which the proposed amendments have ignored completely. Without the incorporation of the Articles 10, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 28, 29, the proposed amendments have no value for persons with disabilities and are not in alignment to the UNCRPD.

In Aug.'2009 I met you along with a delegation from the disability sector and had shared with you the need for the new Act and nationwide consultations regarding the same. We were encouraged by your statement confirming that since the number of amendments are over a hundred, a new disability act is probably required. This had increased the sector's trust and hope in you and your Ministry. In spite of the CEC meeting I retain my trust in your office and appeal to you to take immediate and appropriate action. The disability sector has been holding nationwide consultations with various stakeholders and has been working very hard towards drafting the new disability law. The sector is doing so without any support from the Govt., although we had wanted to collaborate with your Ministry and work on the new law.

In spite of the disability sector proactively informing the Govt. and taking the responsibility of all that needs to be done to align the disability laws with UNCRPD at its own cost, it is sad to see your Ministry deciding to be indifferent to all these happenings.

Time and again the Ministry has ignored the voices of people with disabilities and has failed to work in collaboration with the sector. In spite of proactive steps by the sector, this time too the Ministry has not taken cognizance of the rights of people with disabilities, driving the sector to take drastic measures. It is extremely painful and frustrating, and wastage of precious resources.

I once again call upon your good self to take notice of the situation and support the disability sector in bringing out the new disability Act based on the UNCRPD.

In good faith and best regards,

Yours sincerely,

Vandana Bedi

Member, CEC

**Mr. Mukul Wasnik**

**Hon'ble Minister for Social Justice and Empowerment**

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