

# **Research Note on**

## **Making Parliamentary Work accessible to Disabled people: Best Practice**

**Research and Information Division  
Lok Sabha Secretariat**

---

The Note is only for the use of Members of Parliament. It is largely based on published sources and is intended to serve as a background aid. It is not for publication or reproduction in any form.

### At a Glance

- According to the Article 1 of the *Convention on the Rights of Persons with Disabilities*: Persons with Disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
- India is a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and ratified the same on 1 October 2007. Accordingly, the Rights of Persons with Disabilities Act, 2016 was enacted in line with the spirit of UNCRPD.
- One of the laudable features that the Founding Fathers of the Nation embedded in the Constitution is Part XV dealing with Elections, providing for an Independent Election Commission, the system of Universal Adult Suffrage, maintenance of electoral rolls and all the other fundamentals for conduct of free, fair and inclusive elections.
- *The Representation of the People Act, 1951* was enacted to provide for the conduct of elections of the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.
- *The Rights of Persons with Disabilities Act, 2016, inter-alia*, envisages non-discrimination on the ground of disability, equal recognition before law, access to justice, creating barrier free environment to enable easy access to persons with disabilities, promoting health, social security, recreation, sporting activities, etc. The Act mandates the Government to take steps to ensure that the persons with disabilities enjoy their rights equally with others.
- Parliament of India has taken some initiatives to ensure the inclusiveness of differently-abled persons and their participation in every activity on an equal basis with others.

The United Nations General Assembly adopted the **Convention on the Rights of Persons with Disabilities** and the Optional Protocol to the Convention on 13 December 2006 (*A/RES/61/106*) [(Sixty-first session Agenda item 67 (b)]. **Article 1 of the Convention** on the Rights of Persons with Disabilities lays down the purpose of the Convention as to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

A larger recognition to the rights of 'Persons with Disability' came from the *Universal Declaration of Human Rights and the United Nations Convention of Rights of*

*Persons with Disabilities (CRPD)* that stress upon respect for inherent dignity, individual autonomy and independence of voter, freedom to make one's own choice, full and effective participation and inclusion in society, respect for difference and acceptance of persons with disabilities as part of human diversity and humanity, accessibility, etc.

**India is a signatory to the *United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)* and ratified the same on 1 October 2007.**

**The Commonwealth Parliamentary Association (CPA)** in partnership with the **Nova Scotia House of Assembly** had held the first conference of this kind, bringing together over 30 Commonwealth Parliamentarians with disabilities, carers and parliamentary officials from **eight of the nine regions of the CPA from 31 August to 1 September 2017**. The Conference :

- Enabled Members of Parliament to network and share experiences, good practice and innovations from Commonwealth jurisdictions that are designed to support their full participation in political and public life.
- Recognised that to ensure a disability perspective in all aspects of policy and legislation formulation, **effective implementation and enforcement of existing accessibility and disability laws and policies**, as well as providing for **equal employment opportunities and training**, are among the measures that contribute to the greater inclusion of people with disabilities.
- Pledged to continue to advocate for **more people with disabilities to stand for public office and improved access for all to legislatures across the Commonwealth**.
- Recognizing their individual responsibilities as role models, the Conference discussed how they could use their positions to promote and **work towards more representative and inclusive legislatures across the Commonwealth**.
- Recognized that the **role of political parties** in candidate selection is critical to **increasing the numbers of people with disabilities in Parliaments**.

It is well recognised, the role of Parliaments as well as governments in ensuring that persons with disabilities are able to participate in decision-making processes of all kinds is important and **extends not only to election management bodies, but to all decision-making entities**.

## **National Strategies to deal with the issue**

### **(a) Constitutional Provisions**

One of the laudable features that the Founding Fathers of the Nation embedded in the Constitution is *Part XV dealing with Elections, providing for an*

*Independent Election Commission, the system of Universal Adult Suffrage, maintenance of one general electoral roll for every territorial constituency with no person ineligible for inclusion and all other fundamentals for conduct of free, fair and inclusive elections.* Guiding Principles are enshrined in articles 324, 325, 326 327 328 of the Constitution.

## **(b) Relevant Laws/ Acts**

***The Representation of the People Act, 1951*** was enacted to provide for the conduct of elections of the Houses of Parliament and to the House or Houses of the Legislature of each State, the qualifications and disqualifications for membership of those Houses, the corrupt practices and other offences at or in connection with such elections and the decision of doubts and disputes arising out of or in connection with such elections.

**The Rights of Persons with Disabilities Act, 2016** has been enacted in line with the spirit of *United Nations Convention on the Rights of Persons with Disabilities*.

***The Rights of Persons with Disabilities Act, 2016*** *inter-alia* envisages:

- non-discrimination on the ground of disability,
  - equal recognition before law; access to justice,
  - creating barrier free environment to enable easy access to persons with disabilities,
  - promoting health, social security, recreation, sporting activities, etc.
  - promoting the use of appropriate augmentative and alternative modes including means and formats of communication,
- The Act mandates the Government to take steps to ensure that the persons with disabilities enjoy their rights equally with others.
- For strengthening the **Prime Minister's Accessible India Campaign**, stress has been given to ensure accessibility in public buildings (both Government and private) in a prescribed time-frame.

## **(c) Institutional Arrangements**

The Election Commission of India works on the premise of '**No voter to be left behind**' and is committed to inclusion of all categories of voters in the electoral process to achieve the desired objective of universal adult suffrage as per its constitutional mandate. The Commission is committed to building an equal access framework for Persons with Disabilities (PwDs). The **Strategic Framework on**

**Accessible Elections** is built around sensitization through education and training, community involvement of different sections of society, effective partnership with institutions and organisations and creation of facilities to cater to the specific needs of Persons with Disabilities (PwDs) with a view to increasing their participation. ECI has implemented several measures to ensure basic facilities at the polling stations making them conducive for PwDs to cast their vote.

#### **(d) Governmental Interventions**

**Pradhan Mantri Kaushal Vikas Yojana (PMKVY) 2016-20** is a flagship scheme of the Ministry of Skill Development and Entrepreneurship being implemented with an objective **to provide skilling to one crore prospective youth including persons with disability (PwD).**

**Accessible India Campaign (Sugamya Bharat Abhiyan)** as conceptualised by the Department of Empowerment of Persons with Disabilities (DEPwD), Ministry of Social Justice & Empowerment is a nation-wide flagship campaign for achieving universal accessibility. The campaign targets at enhancing the accessibility of built environment, transport system and Information & communication eco-System.

**Systematic Voters' Education and Electoral Participation (SVEEP):** As the nomenclature denotes voters' education and outreach for PwDs is an integral part of the SVEEP strategy. All the communication materials are distributed in accessible formats along with the guidelines to make all Chief Election Officers (CEO) & District Election Officer (DEO) websites accessible.

#### **Making Parliamentary work accessible to disabled people: best practice**

*Parliament of India has taken some initiatives to ensure the inclusiveness of differently-abled persons and their participation in every activity on an equal basis with others.*

- In<sup>7</sup> the case of a member who is ill and is unable to move from his place, the oath or affirmation may be made by him at the place he is occupying in the House, if he so desires. In such a case, the officer at the Table takes the relevant oath or affirmation card to the member.

---

<sup>7</sup> *Practice and Procedure of Parliament* by M.N. Kaul and S.L. Shakdher, Seventh English Edition, 2016, Page 416

After the oath or affirmation has been made by the member, the *Roll of Members* is given to him at his seat where he signs it. (There is such instance recorded as early as that of Legislative Assembly days (Shri Hari Saran Prasad Shrivastava, dated 6 March 1940).

- There has been an instance when a member could not read the oath form due to blindness, another member read out the oath which was repeated by the former (25 March 1977).
- As per parliamentary etiquettes, the members are required to stand while addressing the House. However, a member disabled by sickness or infirmity is permitted to speak while sitting.
- Further, members are forbidden to carry walking sticks into the Chamber unless permitted by the Speaker under such circumstances as old age or physical infirmity.
- The Parliament Estate is disable-friendly. Provisions of wheel chair for members who cannot move, separate toilets for physically disabled, ramps along with the stairs for accessibility, etc. have been provided for.
- Recently the Parliament library has made facilities of Braille system for visually challenged members/visitors.

#### **Audio facility for visually challenged people in the Parliament Library**

In one of the rooms of Parliament Library, facility of Digital Access Information System has been provided for visually challenged/print disabled users. One system with printer, one high speed scanner with Fine Reader Optical Character Recognition Software (OCR) and Indo Non Visual Desktop Access (NVDA) Software have been installed to make the library accessible for visually and print disabled persons.

Two printed publications of Lok Sabha Secretariat i.e. 'Practice and Procedure of Parliament' by Kaul and Shakhder and 'Direction by the Speaker Lok Sabha' have been converted into audio-books.

#### **Conclusion**

Persons with disabilities have the right to full electoral participation, including accessibility to the parliamentary work. Needless to say, our Parliament has enacted laws to ensure the empowerment of the differently-abled people and to make parliamentary work accessible for them, in tune with the need of the hour.