

# STILL STANDING TALL



## **NCPEDP - JAVED ABIDI FELLOWSHIP**

Prepared by  
**CHAITANYA MUKUND**

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# BACKGROUND

“He can't even read properly! How do you expect him to sit with normal students?’ exclaimed the then Principal of Sacred Heart School, Dharamshala, when Chaitanya had gone with his parents to get admission to the school at the tender age of 8 years. An age which imprints memories for life, left him with the hard hitting memory of his mother crying and he considered himself to be the reason for it. Later on, when his application was accepted by the school and he had to go through the debilitating years of bullying meted out by his peers in the form of mimicking the way he walks, the way he lives his life etc., Chaitanya realised that it was not him who was to be blamed for his non acceptance. Instead, it was the deeply entrenched discrimination that led to his inhumane exclusion.

The past decades of colonization in India have deprived us of a society that used to pray to Lord Jagannath, used to read the mythological literatures of Manthra (a character from Ramayana), and consisted of warriors like Dhritarashtra (a character from Mahabharat) and revered poets like Surdas, and Ashtavakra. Irrespective of the negative or positive portrayals that exist of these bygone characters, all of them hold one crucial similarity: their active participation and belief in the continuous betterment of all peoples of the society. The ignorance of this very participation has led to a mindset where we consider it a curse to live with disability or to attain charity from the world. If this was not true, Chaitanya’s mom wouldn’t have received the cruel, inconsiderate remark “Aisa baccha hone se to acha hai na hona” (it's better to not have a child at all than to have one like him) post his birth.

Despite how grueling the years were, Chaitanya still persevered and completed his undergraduate degree in Journalism and Mass communication from Sikkim Manipal University in 2015. He completed his masters in the same domain from Kurukshetra University in the year 2018. Post that, he started to explore work opportunities as he was under pressure from society to start earning a livelihood. He had developed an interest in writing since 2014 and started writing blogs “Memoirs of a special Child” that helped him gain employment as a freelance content writer for MNC Ideacell Infotech that continued till the Covid 19 pandemic. In 2017, he co-authored an article on Business Management. Then, he did an internship with Indian express which could not continue further because of Covid. He found out about the fellowship program through Whatsapp. As the name of the fellowship cropped up, he got reminded of Mr. Javed Abidi, and his episode on Satyamev Jayate.

He got a call from Accenture as well early in 2021 during the fellowship application process, which he denied because he was required to work for 6 months from home and then shift to Bangalore afterwards. At the beginning, as part of his research objective under the fellowship, he wanted to make public places in Chandigarh accessible but realised that there were people working on this particular issue already. At the time of his first workshop, his nanaji became severely ill and it was a highly stressful environment for him back home, leaving him on the verge of quitting. He reached out to Narendra Sir, CORD whom he knew since childhood, for guidance, and has been mentored by him since then. He continued ideating with his parents as well. His mom suggested he work in the areas of discrimination, humiliation, exploitation, and the like. He found these issues to be worth exploring and then used keywords to hunt for reading materials related to them.

Then, seemingly out of nowhere, a word appeared in the periphery of his mind and struck his thoughts: ‘Disability Abuse’. He arrived at working for resolving abuse on persons with disabilities as the topic of his intervention. Since then, he hasn’t looked back and has been steadfastly pioneering the resolution of this obstacle in his research.

# PROGRESS OVERVIEW

## ***NOVEMBER 2021 TO APRIL 2022***

- Started exploring the thematic areas through secondary research and understanding the requirements of the fellowship.
- It aligned further to look at the very terminology of Disability Abuse from the perspective of Indian context, laws with respect to global status and frameworks. Although it was quite challenging as there are hardly any research reports in the public domain which distinctively explores the terminology of abuse against persons with disability from an Indian perspective, yet there were 2 Indian reports that gave him faith about the feasibility of the theme.
- To gain a basic perspective of abuse on PwDs in rural area; he began conducting FGDs with them to know the kind of challenges and discrimination they face in their day to day life. Please refer to the link for FGD [https://drive.google.com/drive/folders/10GixcianqAJX-ZggC1w4DNTrcCwPOayT?usp=drive\\_link](https://drive.google.com/drive/folders/10GixcianqAJX-ZggC1w4DNTrcCwPOayT?usp=drive_link)
- Case studies were also documented by conducting structured interviews using a set of pointers initially. However, the set parameters don't always support one in getting right information as context will vary from person to person thus he shifted to unstructured interviews after the first case study.

- Wrote to the Chairperson, Haryana State Women Commission to find data on abuse against women with disabilities and received information that no case is registered for women with disabilities in the state of Haryana. Surprising!

Please refer to the link for more details  
[https://drive.google.com/drive/folders/1QoLVQs93wSGS-WtkC8zXECmxwTDkx9qE?usp=drive\\_link](https://drive.google.com/drive/folders/1QoLVQs93wSGS-WtkC8zXECmxwTDkx9qE?usp=drive_link)

- This could have been because of lack of data or because of data management by various departments and affiliated bodies. So to check the same; he began reaching out to police stations starting with police station for women in Panchkula
- Reached out to Red Dot Foundation for a series of 2 tweet chat sessions on abuse on PwDs and public street harassment on PwDs that was curated by him for the sake of wider outreach of the issue through collaborative partnership.

## **MAY 2022 TO OCTOBER 2022**

- The absence of cases was surprising to note and thus he started visiting police stations. Starting with police station for women in Sector 5 Panchkula, where he met SHO and got to know that there is neither an IPC section for reporting cases of crimes against persons with disability, nor a column exists for mentioning the victim's disability in the FIR proforma, either in the physical or in the online FIR format, unlike other identifiers. This will lead to no segregation of data even if an official may record disability while inquiring details of the crime/victim.
- However, a further visit to the Police station at Industrial area, phase-1, Chandigarh helped him realize that information about the accused does record disability. There, the Head Constable informed him that generally it's not at all mandatory for the police to mention victim's disability in the FIR, however when an incident becomes a court case, only then it becomes compulsory to mention about the victim's disability

- The visit to Police station in sector 26, Chandigarh on 21.05.2022 made him realize the gravitas of the stigma around reporting instances of crimes against persons with disabilities when the Head Constable of the station made the shocking revelation about not even a single case of crime against pwds been registered at the station for the past 10 years.
- Almost every police officials as well as other government entities suggested to go straightaway in for an RTI based mode of obtaining the information, instead of soliciting direct information first, as they were unsure about the ready availability of first hand information
- Chandigarh commission for protection of child rights was reached on 06.07.2022 through email to find data on crimes against children with disability. No response was received and when a visit was made then it was shared that no cases are registered against children with disability. According to them they haven't come across any cases of crimes against children with disabilities till date, however even in cases of general category , they tend to refer them to police, after providing the required initial legal aid, This made it more evident that lack of recording disability in FIR form was leading to such discrepancy, as police doesn't maintain any such record. Later on, he also got the expected reply to the email
- He reached out to a home for the destitute in Pingalwara on 21.05.2022 through email and he received a call back to facilitate his visit at the place. A visit helped him meet people who have multiple disabilities who have lost memory of the kind of trauma they underwent and thus access to justice become even more difficult for,
- He also started to explore street harassment through case studies.

- He reached out to further government bodies to access data on abuse with PwDs: A. A.State Legal services authority, Chandigarh: No response received initially; Visited them personally and they did not have data on abuse. Although they did facilitate legal aid to PwDs on civil cases. After the visit, they did reply to the email sent earlier, providing the total number of pwds beneficiaries of civil cases, along with acknowledging the absence of information regarding cases of abuse
- B. State legal services authority, Punjab : no data was made available and they asked him to reach DGP, Punjab.date: 01.06.2022
- RTI was filed with Chandigarh Police on 3.08.2022. No data was found on crimes against pwds
- C. Reached out to Punjab police through RTI on16. 09.2022 and it was transferred to BOI-cum-Public officer, Punjab Chandigarh and the response was never furnished.
- D. Department of Social Security And Women & Child Development, Punjab, made a visit on 22.06.22 to meet the officials. Initially they said that although the department looks into the matters of pwds but they do not maintain such records on abuse against persons with disability. He later filed an RTI and received a response that the information can't be provided as per Office Memorandum No. 1/4/2008- IR New Delhi, Dated the 25th April, 2008 Reg. Guidelines for the Public Authorities under the Right to Information Act, 2005, para 9 issued by Government of India, Ministry of Personnel, P.G. and Pensions, Department of Personnel & Training. However they did provide data on 21 acid attack victims because of the scheme existing for such cases.
- E. RTI was filed to Department of Social Welfare, Women and Child Development, Chandigarh on 1.09.2022 which was transferred to police department where no data on abuse against PWDs was found again.
- Filed RTI with Government Rehabilitation Institute for Intellectual Disabilities (GRIID) regarding cases of discrimination, exploitation and humiliation against persons with intellectual disabilities



- RTI was filed with NHRC on 4.08.2022. Received response that it has gender, age and disability wise disaggregated data on human right violation against persons with disabilities in India from 2018 onwards .It was also revealed that no code on disability was in existence in the year 2017-18.
- RTI was filed with Haryana Police on 5.09.2022. No data was found on crimes against pwds
- Conducted cross disability awareness session for NAB
- RTI was filled with NCRB and response was received- They only had data on rape cases against women with disabilities since 2017.
- Faced burnout by the time October came for the response received were not motivating and deliverables of fellowship required serious efforts which were getting quite challenging to pull off now due to lack of mentorship from the past 6 months. This was also the time when he would be required to work alone without a support system of parents; given their trip to Canada. But, taking a break would mean losing the rhythm of work for almost a month and thus moved to Dharamshala CORD
- Began campaign #AbusingTheDisabiilty in collaboration with Enabl.care on 12.10.2022 till 15.01.2023. The campaign helped him extend his outreach beyond his network.

## **NOVEMBER 2022 TO APRIL 2023**

- Receive response from GRID that they don't have a record of such data. Abusing the Disability campaign continued in November. A narrative from the campaign got featured as a Part of Rising Flame's Disabled N Visible campaign.
- Presented about abuse on PwDs and his findings in AIIMS Mohali on 01.12.2023

- RTI was filed with NCW to know about the cases crimes against women with disabilities under various heads mentioned on their website. Information was also sought for record of any such suo moto cases after going through their Annual reports of 2018-19 and 2020-21 which did mention a couple of instances where they either took suo moto cognizance of the issue or was informed about the appropriate action being taken. The response was received that they do not maintain such disaggregated records on women with disability but only keep in general record of crimes against women.
- He reached District Services legal authority for it was suggested by SLSA to reach them out for such records of PwD beneficiaries under victim compensation scheme RTI was filed to know about the total number. As per the reply, out of 10 heads listed in the RTI query related directly or indirectly to disability, only one head had 16 beneficiaries. However, that very head relates to victims of cross border firing which doesn't really correspond with the theme.
- He got an invitation from Trelanda (Tree) Lowe, California based activist for a podcast called "Phenomenal Disabilities" where he got interviewed on the work he was doing.
- He met Shri Gyanchand Gupta, Speaker, Haryana Assembly, on 17.02.2023 to request him to raise the issue of abuse of PwDs in the assembly session. The speaker transferred the same to the home minister; it was then transferred to the CM office. They reached back to ask for specific crisp suggestions which was around adding a column in FIR and it ended up in the police station through DGP; who are not the concerned authority to resolve the same as per the police representative who reached out to him. The representative of police requested him to instead write to the Chief Secretary, Haryana state.
- He met the Lok Sabha MP Shri Rattan Lal Kataria on 5.12.2022 for requesting him to raise the issue regarding abuse on persons with disabilities and also question why FIR doesn't record disability in parliament
- He became part of IVLP to undergo experiential learning on disability affairs in the United States of America.

## **MAY 2023 TO OCTOBER 2023**

- Co-authored update on status of Implementation of RpWd Act in Haryana for consultation organized by NCPEDP in Dehradun.
- RTI was again filed with NHRC for, the response firstly received was encoded for disaggregation and it required further clarification on the codes used.
- Reached DGP through email on 22.09.23, for an appointment to meet and request to issue enforceable guidelines for the Chandigarh Police Department, making it mandatory to mention victim's disability in the FIR given that last effort with ministers landed him up with executives who were not the right to make the amendments.
- Did a sensitization session with parents and their children with disability on 05.10.2023 at Government school, Mohali
- Raised it as a suggestion on "Mann ki baat"
- Met Ms. Kanwardeep Kaur, SSP Chandigarh on 05.10.2023 and 20.10.2023 to request her to issue guidelines for mentioning the disability of the aggrieved in the FIR. She was also the first ever official to mention that inclusion of disability column in the FIR on a national level is only possible through appropriate changes in Crime and Criminal Tracking Network & Systems(CCTNS)

## **NOVEMBER 2023 TO APRIL 2024**

- He was announced as the Purple Ambassador of Cerebral Palsy at the International Purple Fest 2024
- Met State Disability Commissioner Haryana on 21.12. 2023 and requested him to send recommendations to Haryana Police Department for issuance of enforceable guidelines in order to record cases of crimes against persons with disabilities in the State Of Haryana.
- The very next day, i.e on 22.12. 2023 Haryana state commissioner of disability [released orders for Haryana Police Department](#), recommending it to issue enforceable guidelines for recording the crimes against persons with disabilities in the state based on his findings.
- As part of his responsibilities as a Purple Ambassador at the International Purple Fest 2024, he raised the issue of the nationwide scarcity of data on crimes against persons with disabilities during the All State Disability Commissioners Meet. He presented this issue before all the State Commissioners of Persons with Disabilities, as well as the Deputy Chief Commissioner of Persons with Disabilities. Consequently, the Court of the Chief Commissioner for Persons with Disabilities took due cognizance of the matter and issued a notice to the MHA and NCRB for a response on this pertinent issue.

# ACHIEVEMENTS

As the research topic itself was first of its kind in India, many of its findings can be considered as achievements:

- Prior to this research, many media reports in recent times had claimed that NCRB has zero data on crime against persons with disabilities. But in reply to an RTI, filed on September 2022, for this research, NCRB has said; “State and UT wise cases, registered under Rape (including on women with Mental and Physical disabilities) is available in **Chapter- “Crimes against Women”** of NCRB’s annual publication **“Crime in India”** available on our website <https://ncrb.gov.in>. NCRB started collecting such information since 2017.”
- NHRC provided age, gender and category wise data on reported cases of human right violation against persons with disabilities in India during from 2018-19 to 2022, which is neither visible on their website nor available in their Annual Report
- It got confirmed that NCW does not maintain any data on crimes against women with disabilities
- It also came to light that there is absolutely no column for mentioning the disability of the aggrieved in the FIR proforma in the police stations, either in the physical form or in the online FIR format.
- Consequently, it’s not at all mandatory for the police to mention victim’s disability in the FIR, however when an incident becomes a court case, only then it becomes compulsory to mention about the victim’s disability
- As a result, cases of crimes and abuse against people with disabilities and cases of general category are clubbed together at the police stations, making it difficult even for the police department to differentiate between the two

- Shockingly and ironically enough, the document known as the “Personal Dossier of the Criminal”, which contains the details of the accused, has a specific column pertaining to His/her disability in it.
- Even when the reported case is in public domain, it doesn’t get reflected in the RTI
- Apart from NCPEDP, I got recognition from some of the renowned originations of the Indian disability sector like Much Much Spectrum, Nayi Disha, V-shesh, MSSSI, Rising Flame etc
- I got the opportunity to represent Haryana at the national level consultation on the implementation of the RPWD Act
- I got the opportunity to be the part of IVLP
- I got chosen as the purple ambassador for CP at international purple fest 2024
- I got an invitation from a California based activist to her award winning a podcast to talk about my life’s journey and work in the disability sector
- My life’s journey got featured on prominent platforms like The Better India, Humans of Bombay, Storiyaan etc.
- The Haryana State Commissioner of Disability recently released orders for the Haryana Police Department, recommending it to issue enforceable guidelines for recording the crimes against persons with disabilities in the state based on my findings.



# EXPERIENCE IN THE FELLOWSHIP

If I have to sum up my fellowship experience in a sentence, then it would be; 'Challenging yet Rewarding'. Challenging because, apart from my passion and basic understanding of the disability issues, everything was new to me. Not being from research background was a big disadvantage, as it involved lots of documentation, evidence based research and advocacy. But my experience and proficiency as content writer came in handy. It got rewarding, once I started turning my only disadvantage into my biggest advantage. The fellowship helped me in strengthen my presence in the disability sector. It helped me in realizing my potential as a disability activist. It also provided me a platform to highlight an issue, which no one is talking about; Abuse against persons with disabilities. I will highly recommend this fellowship to whosoever wants to bring a difference in the lives of PWDs in india.

# RESOURCES

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