

149

In the Court of State Commissioner for Persons with Disabilities  
National Capital Territory of Delhi  
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2  
Phone-011-23216002-04, Telefax: 011-23216005, Email: [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)

[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]

Case No. 35/1141/2017/11/5904-09

Dated: 5/03/18

In the matter of:  
Mr. B.G. Sarkar  
F/o Ms. Neeta Sarkar  
D-370, Indra Park,  
Najafgarh, Delhi -110043

.....Complainant

Versus

The Medical Superintendent  
Institute of Human Behaviour and Allied Sciences  
(IHBAS), GNCT of Delhi  
Dilshad Garden,  
New Delhi -110095

.....Respondent

Case No. 62/1121/2017/12/

Dated:

In the matter of:  
Mr. B.G. Sarkar  
F/o Ms. Neeta Sarkar  
D-370, Indra Park,  
Najafgarh, Delhi -110043

F/o Ms. Neeta Sarkar  
D-370, Indra Park,  
Najafgarh, Delhi -110043

.....Complainant

Versus

The Medical Superintendent  
Janakpuri Super Speciality Hospital  
C-2/B, Janakpuri  
New Delhi -110058

.....Respondent

Date of Hearing: 22.02.2018

Present: Sh. B.G. Sarkar, Dr. Kirti Sharma Sr. Resident (Psychiatry), IHBAS, Mohd. Shoaib, MRT, IHBAS

Court of Commissioner for Persons with Disabilities  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

## ORDER

In the above mentioned cases the complainant vide his complaint dated 6.11.2017 and 27.11.2018 alleged that his daughter, Ms. Neeta Sarkar, a person with mental illness was not administered proper treatment by the Doctors of IHBAS.. He also requested for issuance of a disability certificate for her due to neurological disorders by Janakpuri Super Speciality Hospital (JSSH). The complaints were taken up with IHBAS vide notice dated 28.11.2017 and with JSSH vide notice dated 18.12.2017.

2. IHBAS in case no. 35/1121/2017/11/ vide letter dated 18.12.2017 submitted,

*"Ms. Neeta Sarkar was recently admitted in Department of Psychiatry as in-patient on 04.07.2017 for the management of her psychiatric illness, which exacerbated due to poor compliance/adherence to medications (As reported by Mr. B.G. Sarakar, father of patient, she was refusing to take medications at home). She was provided appropriate medications during hospitalization and the psychiatric symptoms improved significantly during hospital stay.*

*For the complaint of Headache associated with nausea she was managed as per the consultation taken from Department of Neurology, IHBAS on 31.07.2017, 01.08.2017 and 09.08.2017. The diagnosis of Migraine with aura was made after due assessments and evaluations and the appropriate treatment was started. She was discharged on 22.08.2017 subsequent to significant clinical improvement in her psychiatric as well as Neurological condition, with an advice to follow up in Neurology and Psychiatry OPD. The relevant investigations like CT and MRI were done which were normal".*

*The Janakpuri Super Speciality Hospital in case No. 62/1121/2017/12 vide their letter dated 30.12.2017 submitted Janakpuri Super Speciality Hospital is dedicated to issue Disability Certificate for*

**Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02**



enclosed herewith. If any resident belongs to West Delhi, Janakpuri Super Speciality Hospital welcomes for disability certification. As complainant is a resident of South West Delhi (copy of address enclosed) and it was advised to refer Notification No. F. No. 82(265)/AD-III/Amendment/PwD Act/DSW/09/18340-358 dated 12.02.2014 for allocation of her district of Delhi and respective hospital for issuing of Disability Certificate."

3. As the complainant was not satisfied with the replies in both the cases, a hearing was scheduled on 22.02.2018

4. During the hearing, the complainant reiterated his written submissions and added that it is practically impossible for him to take his daughter for psychiatric treatment to IHBAS which takes him about 4 hours to reach the hospital. Similarly, VMMC and Safdarjung Hospital which has been notified for issuing disability certificate for mental retardation/mental illness and other neurological disorders and cerebral palsy etc. in respect of residents of South –West District vide Department of Social Welfare Notification No. 82 (265)/AD-III/AmendmentPwD Act/DSW/09/18340-358 dated 12.02.2014 is also very inconvenient. The disability certificate should be issued by the hospital where the patient is being treated. In this case, his daughter should be issued disability certificate on account of neurological disorders by JSSH.

5. The representatives of IHBAS explained the procedure for admission and treatment of a patient who is brought to the emergency. In case of Neeta Sarkar, it was observed that as per the record maintained in her patient record file which was produced by them for perusal, on 4.07.2017, she was examined by Dr. Anita Sharma, Sr. Resident (Psychiatry) at 12.00 and was advised some medicines at 12.30 p.m. They also produced the original initial assessment recorded by Dr. Anita Sharma. It is however, difficult to ascertain at this stage whether the examination or the treatment that was administered to Ms Neeta Sarkar was appropriate or not.

6. The complainant also submitted that it took lot of time to get the MRI report from IHBAS. Director, IHBAS may look into this aspect and see if there is a need to modify the existing procedure.

7. The issue of treatment of persons with mental illness or with other disabilities requiring specialised treatment and care and issuance of disability certificate in

Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Neta Sundar Road, New Delhi-02

general and to Ms. Neeta Sarkar in particular, needs a proper examination and an in depth examination. There is a need to reconsider allocation of the areas to various hospitals for assessment and certification of disabilities to make it most convenient to persons with disabilities and their families.

8. While examining the request of the complaint to issue a disability certificate due to neurological disorder to Ms. Neeta Sarkar, it was observed during the course of hearing that disability certificate for mental illness was issued by IHBAS on 3.11.2016 with the recommendation for reassessment of her disability after two years and the said certificate is valid upto 21.02.2018. Thereafter, she was issued one more disability certificate on 29.01.2018 for 50% intellectual impairment which is valid upto 28.01.2020 as the condition is likely to improve. Disability due to neurological disorder is yet to be assessed.

9. As Ms. Neeta Sarkar is suffering from more than one disability, she should be assessed by a medical authority for multiple disability and should be issued a single certificate of disability in Form -VI prescribed for the purpose in the Rights for Persons with Disabilities Rules, 2017 notified by Ministry of Social Justice Empowerment, Department of Empowerment for Persons with Disabilities.

10. In light of the issues arising out of the cases at hand and the observation of this court during the course of handling other complaints, the following recommendations are made for implementation:

(i) *Department of Health and Family Welfare is advised to convene a medical authority at JSS to assess and issue a certificate of multiple disability in respect of Ms. Neeta Sarkar in Form-VI within 30 days from the date of receipt of this order.*

(ii) *Residents of many localities are not able to identify their district and the nominated hospital. It is often very confusing even for this court to guide them properly. Some areas/districts have more than two nominated hospitals. Therefore, a person should have the choice to get the assessment and disability certificate from the nearest notified hospital from his /her residence (not necessarily from the place of permanent address),*

*[Signature]*  
Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02



(iii) A map demarcating the areas falling under the jurisdiction of a nominated hospital should be uploaded in the websites of Department of Health and Family Welfare, Department of Social Welfare and every nominated hospital. Necessary instructions in this regard to the concerned hospitals may be issued.

(iv) In case of shortage of specialists, medical authorities for multiple disability may comprise doctors/experts from other hospital(s) who may assemble at one hospital on given dates for assessment of certification.

(v) Provision for link specialist from the same or other hospital in case of unavailability of a specialist should be made.

(vi) Camps in each district should be organised regularly till all the persons with Disabilities have been issued the disability certificates.

(vii) Clear instructions should be issued /mentioned in the notification that the treating hospital shall issue the disability certificate if the person is under treatment for the condition.

11. A copy of this order is being marked to Pr. Secretary (Health and Family Welfare), Government of NCT of Delhi to consider the above recommendations and submit an action taken report to this court within three months from the date of receipt of this order as required under Section 81 of the Act.

12. The complaints are disposed off.

13. Given under my hand and the seal of the Court this 05 day of March, 2018.



Copy to:

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1, Principal Secretary, Department of Health and Family Welfare, GNCT of Delhi for action on the recommendations in para 10 of the order.

2. Secretary, Department of Social Welfare, GNCT of Delhi for information and necessary action.