



दिल्ली सरकार

आप की सरकार

ANNUAL REPORT 2021-2022

STATE COMMISSIONER FOR PERSONS
WITH DISABILITIES GOVT. OF NCT OF DELHI

25-D, Mata Sundri Road, Near Guru Nanak Eye Centre, New Delhi-110002
Phone: 011 23216002-04 | Email: comdis.delhi@delhi.gov.in | www.discomm.delhi.gov.in





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STATE COMMISSIONER FOR PERSONS WITH DISABILITIES, NCT OF DELHI

Air Commodore Ranjan Mukherjee, IAF, Vishisht Sewa Medal, joined as State Commissioner for Persons with Disabilities, GNCT of Delhi on 28.01.2021. He has been a commissioned officer of the Indian Air Force with 35 years of multifaceted experience in both civil and defence Administration & Management. Besides the Air Force, he worked as Additional Director General, Prasar Bharti from 2014 to 2017, Officer on Special Duty to the Hon'ble Lt. Governor, Delhi from 2007 to 2013, and other GOI assignments in Ministry of Agriculture and subsequently, he also worked in the Cabinet Secretariat till his joining as State Commissioner for Persons with Disabilities. During his stint as OSD to L.G. and simultaneously as Principal Commissioner, DDA, (Special Projects), he was instrumental in implementing much required "Accessibility" for persons with disabilities in all stadias, public conveniences, malls, markets, bus queue shelters and all modes of public transports.

- With sound professional ability to plan and execute task under strained circumstances he has always been able to achieve the desired goals by managing diverse teams and utilizing effective negotiation and communication skills.
- During his career in IAF, GNCTD, I&B Ministry GOI, Agriculture Ministry GOI, Cabinet Secretariat, GOI, he has always been caring and sympathetic to the special needs of the persons with disabilities.

EDUCATIONAL BACKGROUND:

- Masters in Business Administration with specialization in Human Resource Development from Symbiosis Institute of Management Studies, Pune in 2005.
- B.Sc. (Agricultural Sciences) 4 years integrated course from Institute of Agricultural Sciences, Banaras Hindu University in 1981. MSc Pt 1 Agri-Economics in 1982 from BHU.

INTRODUCTION

An independent Statutory in nature Office of the Commissioner for Persons with Disabilities was set up vide Notification No. F.81(87)/DSW/DO-III/2003/3199-3218 dated 27.05.2009 by Govt. of National Capital Territory of Delhi under Section 60(1) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. Rights of Persons with Disabilities Act, 2016 (RPwD Act) did come into force w.e.f. 19th April, 2017.

As per the mandate and requirement of the RPwD Act, 2016, the office of the State Commissioner for Persons with Disabilities, Delhi has been effectively operational since its inception and has been carrying out work of providing olive branch to the persons with disabilities in Delhi. Innumerable grievance cases of persons with disabilities have been satisfactorily disposed by the SCPD and it is a relentless process which continues with all sincerity, positive attitude, enthusiasm of all the staff of the office of SCPD. Following are the main regular work undertaken by the office of SCPD:-

1. Section 80 of the RPwD Act mandates the State Commissioner to perform various functions to secure rights and participations of Person with Disability.
2. State Commissioner has the same powers of a Civil Court as vested in a Court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters:-
 - (a) to hear appeal from any PwD in the court to redress any grievance
 - (b) summoning and enforcing the attendance of witnesses;
 - (c) requiring the discovery and production of any documents;
 - (d) requisitioning any public record or copy thereof from any court or office;
 - (e) receiving evidence on affidavits; and
 - (f) issuing commissions for the examination of witnesses or documents.
 - (g) issue of order with complete jurisprudence to give relief to the aggrieved persons with disabilities.

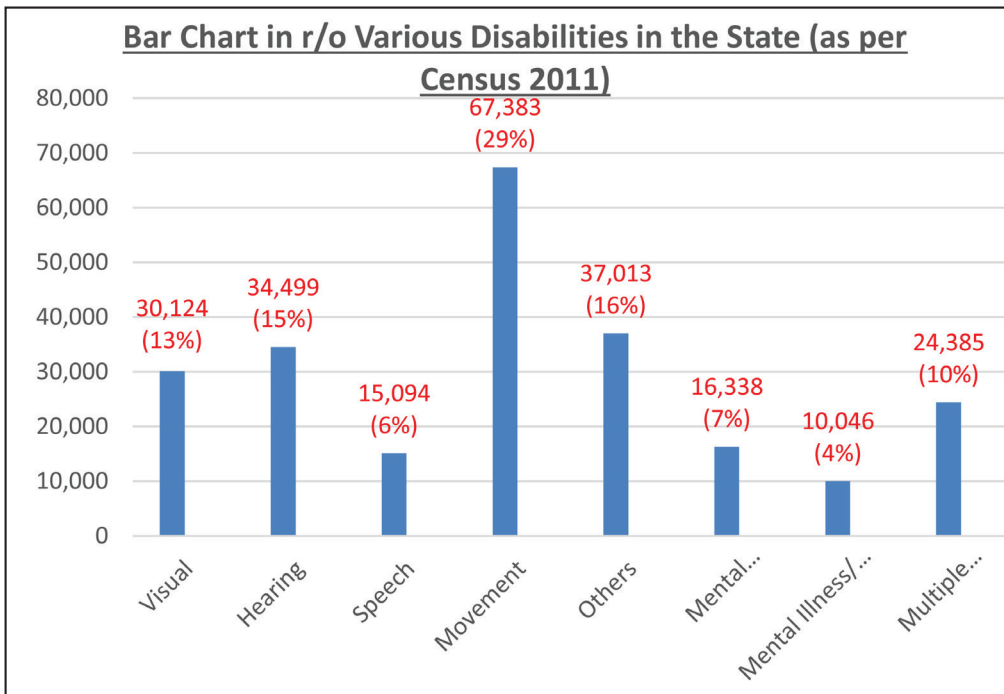
OVERVIEW

1. According to Census 2011, there were 2.68 crore persons with disabilities in the country which works out to 2.21% of the total population. The total population of the NCT of Delhi was 1,67,87,941. Out of that, 2,34,882 i.e. 1.4% of the total population of NCT of Delhi had one disability or the other. 2011 Census included persons with visual, hearing, speech, locomotor disability, mental illness, mental retardation, multiple disability and other disabilities. The details of persons with disabilities by type of disability in NCT of Delhi as per Census 2011 are as under:-

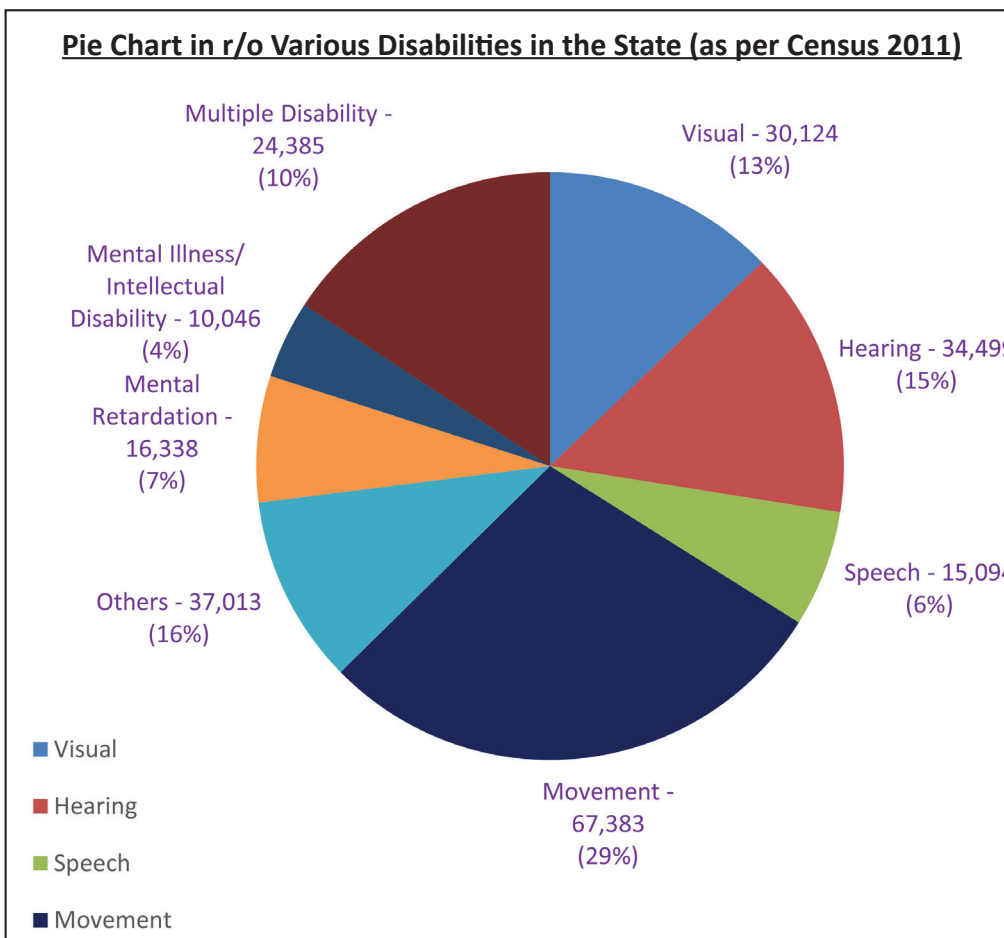
Disability	Census	%
Visual	30,124	12.8
Hearing	34,499	14.7
Speech	15,094	06.4
Movement	67,383	28.7
Mental Retardation	16,338	06.9
Mental Illness/ Intellectual Disability	10,046	04.3
Others	37,013	15.8
Multiple Disability	24,385	10.4
Total	2,34,882	100

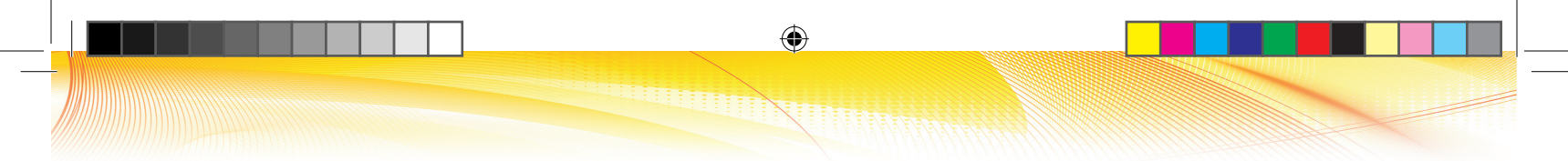
2. The number of persons with disabilities have been increased manifold as the categories of disabilities covered in the Act have increased from 5 to the 21 disabilities.
3. Presently, NCT of Delhi is distributing Disability Pension to more than one Lakh Persons with Disabilities @ Rs.2500/- per month, which is highest in the country.

Bar Chart in r/o Various Disabilities in the State (as per Census 2011)



Pie Chart in r/o Various Disabilities in the State (as per Census 2011)





HIGHLIGHTS OF SOME IMPORTANT INITIATIVES OF THE STATE COMMISSIONER, DELHI FOR SYSTEMATIC CHANGES AND BETTER IMPLEMENTATION OF THE RPWD ACT 2016

01. In order to ensure that Rights of Persons with Disabilities Act (RPwD Act) is implemented in the National Capital in best of its letter & spirit and to take stock about the formation of the District Level Committee (DLC), its operational functioning and to ascertain implementation of RPwD Act 2016, in each district of NCT of Delhi, the State Commissioner for Persons with Disabilities, held detailed discussions with all District Magistrates in each district and interacted with all the Members of the District Level Committee. Sole intention of this drive of SCPD was to make all the concerned Govt. officials aware and be empathetic towards PwDs in the National Capital & proper implementation of RPwD Act. Most of the districts though constituted the DLC but held its maiden meeting during or post the visit of SCPD to the district. At the outset, the SCPD recommended that protection and safety of persons with disabilities were to be ensured on priority and as mandated under section 8(3) of the RPwD Act, 2016 by maintaining data/records and ‘Vulnerability Mapping’ of all PwDs in each District was necessary. Secondly, adequate emphasis was laid on ‘Accessibility’ of the PwDs. ‘Equal Opportunity’ policy guidelines in each and every organisation was another important factor recommended & closely followed by the office of SCPD during interaction with DMs & DLC members. SCPD also advised to carry out periodical Audit on “Accessibility” through SDMs in their respective areas in order to identify and plug the shortfall that would go a long way in mitigating this important factor of Accessibility for PwDs in the National Capital. Every District should have a Nodal Officer and a Monitoring Committee for implementation of the Action Plan in the District. For quick disposal of PwD’s problems, a

Grievance Redressal Mechanism needs to be put in place in the District under direct supervision and control of the DM. Some Glimpse of visits are appended below:-



Glimpse of meeting held at O/o District Magistrate(Central), GNCTD



Glimpse of meeting held at O/o District Magistrate (East), GNCTD



Glimpse of meeting held at O/o District Magistrate (New Delhi), GNCTD



Glimpse of meeting held at O/o District Magistrate (North), GNCTD





Glimpse of meeting held at O/o District Magistrate (North East), GNCTD



Glimpse of meeting held at O/o District Magistrate (North West), GNCTD



Glimpse of meeting held at O/o District Magistrate (Shahdara), GNCTD



Glimpse of meeting held at O/o District Magistrate (South), GNCTD



Glimpse of meeting held at O/o District Magistrate (South East),GNCTD



Glimpse of meeting held at O/o District Magistrate (South West)GNCTD



Glimpse of meeting held at O/o District Magistrate (West), GNCTD

02. Suo-Motu Cognizance was taken by SCPD Regarding “Accessibility & barrier free movement for PwDs in the National Capital Territory of Delhi”. Hearing held with all the Concerned Authorities viz., Engineer-in-Chief, PWD, 11 District Magistrates of NCT of Delhi, Deputy Commissioners of MCD, DCPs of Delhi Police, Members of the Advisory Committee and other stakeholders. The officials of Office of SCPD conducted survey of different areas/localities (Govt. offices and surroundings) of NCT of Delhi to find out about the ground reality of ‘Accessibility’ and captured approximately a thousand of pictures showing shortfall/barrier in accessibility. Out of these hundreds of pictures were shown to the concerned Authorities/Stakeholders responsible for providing & maintenance of accessibility for PwDs in Delhi. Accordingly, some important and valid recommendations were given by the SCPD to make barrier free movement for PwDs in the NCT of Delhi. Some glimpses of that hearing are here under:-



03. A meeting was held for all Authorities/Stakeholders dealing with UDID/swavlamban Portal and the problems being faced by PwDs as well as issuing Authorities were discussed in detail and the SCPD recommended that Special Camps be organised by Department of Social Welfare in coordination with District Magistrates of all Districts of GNCT of Delhi and hospital authorities for issuance of UDID Cards and all concerned officials were advised to attend training workshops/ sensitisation programmes mainly for all hospital authorities for this purpose. There has been considerable improvement in issuance of UDID Cards thereafter, though room for improvement exists. Some of the glimpses of the meeting follow:



04. Another Suo-Motu Cognizance was taken up with Department of Health & Family Welfare, Department of Revenue and Department of Social Welfare, GNCTD by the SCPD to make separate Vaccination centres at least one in each District for vaccination of PwDs on priority basis being prone & more vulnerable to the disease and the PwDs were facing problems in getting vaccinated. Subsequently, Special Vaccination Centres have been made operational in each District of NCT of Delhi and the first one was inaugurated by the SCPD on 28/05/2021 in North East District. Special transportation facilities were created for PwDs to commute from their residence to the vaccination centre with help of a NGO, they provided six vehicles for this purpose. Some of the Glimpses of the event are as under:



05. On the World Disability Day, which is celebrated every year across the globe on 3rd December two noteworthy initiatives were taken. Firstly, a Street Play (Nukkad Natak) was jointly designed by Office of the SCPD and the National School of Drama and secondly a program in various channels of All India Radio including the most popular FM Gold wherein SCPD, Delhi himself explained to crores of radio listeners about the persons with disabilities and spread awareness about the Rights of Persons with Disabilities Act, 2016.



06. Besides above initiatives, during COVID-19 pandemic Special wards were designated for persons with disabilities in eleven designated hospitals of NCT of Delhi (one in each District) and the SCPD and his team visited these hospitals to ensure proper arrangements and facilities for PwDs and proper treatment while admitted in hospitals. The matter of door to door vaccination for persons with severe disabilities was also been taken up with Department of Health & Family Welfare, GNCT of Delhi and G.O.I. and after due time the same was achieved.



07. In a Suo-Motu case N.2345/1101/2021/09 regarding Accessibility & barrier free movement for PwDs in the NCT of Delhi, DTC was directed to make Bus Queue Shelters Audio Video friendly for PwDs. In this regard, it is submitted by DTIDC that they are going to construct 1397 new Bus Queue Shelters with provision of Audio Video facility for PwDs. Pilot project for the same is under progress in the vicinity of Delhi Secretariat.

HIGHLIGHTS OF EVENTS ATTENDED BY THE SCPD IN WHICH HE SHARED HIS VALUABLE INPUTS WITH ORGANISORS/ STAKEHOLDERS/PWDS

01. Alternate Dispute Resolution (ADR) Awareness Webinar for the Persons of Disabilities held on 26.10.2021– was conducted by Delhi Dispute Resolution Society (DDRS), Department of Law, Justice and L.A. GNCTD wherein State Commissioner for Persons with Disabilities highlighted about difficulties being faced by persons with hearing impairment for resolution of their disputes and gave suggestion under the Pilot Project 'Meri Awaz Suno' that Sign Language Interpreters, having good educational qualifications to work as mediators in the matters of hearing impaired persons in various court cases, offices, etc. for interpreting and translating their point of views.

**DELHI DISPUTE RESOLUTION SOCIETY(DDRS)
PRESENTS
ADR AWARENESS PROGRAMME FOR
DIFFERENTLY ABLED PERSONS
(DIVYANGJAN)**

**CHIEF GUEST
Commissioner,
Disabilities, Delhi**

**GUEST OF HONOUR
Chairman, DDRS**

**FORMER STATE
COMMISSIONER DISABILITIES,
U.P & Ex MS, RCI**

**Air Commodore Ranjan
Mukherjee , VSM, IAF**

**Hon'ble Mr. Justice
M.L. Mehta**

Mr. S.K. Srivastava

**ADVISOR, TRAINING & EVENTS, DDRS
& LEGAL ADVISOR. RCI**

**ASSISTANT DIRECTOR, ALI YAVAR JUNG
NATIONAL INSTT. OF S&HD**

**Ms. Anuja Saxena
Introducing Project 'Meri Awaaz Suno'**

Mr. Suman Kumar

Sign Language Interpretation by Sai Swayam Society

**मुँह की बात सुने हर कोई, दिल के दर्द को जाने कौन!
आवाज़ों के बाजारों में, खामोशी पहचाने कौन!**

26 th OCTOBER, 2021 FROM 04:00 PM TO 05:30 Pm

**JOIN US ON CISCO WEBEX APP . MEETING No. 2641 000 6648
PASSWORD : 1234**

02. Meeting of the Committee to review National Policy for Persons with Disabilities, 2006 was held on 25.10.2021 at 3.00 PM under the Chairmanship of Secretary, Deptt. of Empowerment for Persons with Disabilities. Only two State Commissioner for Persons with Disabilities one from Tamil Nadu and other from Delhi were taken part to review National Education Policy for Persons with Disabilities. SCPD, Delhi had given his inputs about **High Support Need Persons with Disabilities** as they are very vulnerable and in case of any disaster, they need to be moved / shifted by the concerned Civil Defence volunteer, whose name, number (area wise) with responsibility to shift particular high support need persons with disability is required to be monitored by each District Magistrate and the same should be displayed in the **Ops Room** of the Disaster Management in each District. This aspect was highlighted by the SCPD, Delhi was duly incorporated in the National Policy. There were several other inputs from SCPD Delhi, which were incorporated in the National Policy.
03. SCPD, Delhi attended as one of the revered panellists for **Technical Session 3 on "Need for Periodic Assessment for Inclusion, Access and Safety in Cities"** a National Workshop on **"Mainstreaming Disability Inclusion to Transform Urban Futures"** organised by National Institution of Urban Affairs (NIUA) and Ministry of Urban Development, Govt. of India held on **2nd December, 2021 at India Habitat Centre, Delhi**. During above workshop **'Inclusive city framework'** developed by Building Accessible Safe Inclusive Indian Cities (BASIIIC) programme team under Strategic partnership with IIT Kharagpur was presented by Prof. Haimanti Banrji and Prof. Subrata Chattopadhyay. **"Harmonized Guidelines and Standard of Universal Accessibility in India, 2021"** were also launched in presence of SCPD, Delhi.



SCPD Speaking at the MoUD, GOI Seminar



SCPD Speaking at the MoUD, GOI Seminar



SCPD attended the Annual Day event UDDAN : Honson ki, as Chief Guest, organised by Rashtriya Virjanand Andh Kanya Vidyalaya Society, Vikas Puri Delhi and encouraged the visually impaired girl students of RVAK Vidyalaya.



IMPORTANT RECOMMENDATIONS MADE BY SCPD, DELHI SO FAR IN ITS ENDEAVOUR TO IMPLEMENT THE ACT

- (1) ‘Sensitisation’ and ‘Awareness’ programmes on the provisions of RPwD Act, 2016 and capacity building of all the Government functionaries at all levels have been the goal which has been meticulously spearheaded by SCPD in Delhi. This is a continuous and ongoing process. All concerned department have been asked to ensure that recommendations made in this regard in the Annual Report should be implemented as per the provision under Section 39 and Section 47 (a) of the RPwD Act, 2016. **(Action : All Pr. Secretaries, Secretaries, HODs, Autonomous Bodies, UTCS).**
- (2) Awareness about the provisions of RPwD Act, 2016 is an essential step to be initiated by all the Govt. functionaries. For this purpose, it would be beneficial if the key features depicting the provisions of RPwD Act, 2016 is prepared and circulated among all the Govt. Departments. Such key features so prepared, can be displayed at the prominent sites as well as at public dealing Departments of the GNCT of Delhi. Promotional activities such as Street Plays, Audio–visuals & Posters/banners need to be put up in prominent places such as Bus/Rail/Metro Station, Markets/ Malls etc. with high post-fall need to be taken for Awareness generation adequate implementation of the RPwD Act 2016. **(Action : Department of Social Welfare)**
- (3) It is the duty and responsibility of all the road/footpath owning agencies to maintain all roads and footpaths under its jurisdiction in proper manner specially catering to the needs of persons with disabilities. Awareness about Rights of Persons with Disabilities (RPwD) Act, 2016, Universal Design of walkways/footpaths/signages should be spread upto the level of Junior Engineer and get the Engineering staff of PWD, Municipal Corporation trained & aware about the need of

implementing correct Accessibility design on the roads & footpaths. The executing officials of all the road owning agencies should be imparted regular training on 'Accessibility', preferably through Access Auditors. Continuous monitoring is to be done by the agencies so as to ensure that no one violates the conditions of roads and footpaths. Provision of Pelican signals should be considered on the roads for larger public interest. Retrofitting work should be done to create barrier free environment for PwDs. **(Action : PWD, MCD, NDMC, Delhi Cantonment Board, Delhi Police/Delhi Traffic Police).**

- (4) It is often seen that footpaths are illegally encroached by illegal squatters, hawkers, rehriis, vendors, illegal parking, illegal sign boards, illegal construction of porta cabins for guards, Juice Centre, Sale counters etc. which obstructs easy movement of PwDs and other pedestrians .It is the duty and responsibility of the road owning agencies including Delhi Police in the localities of Delhi to ensure Nil encroachment of the pavement/footpaths. It is also the responsibility of the Delhi Police to ensure that adequate action is taken for immediate removal of such illegal encroachers from the footpaths. Special time bound drives are required to remove all such encroachments. **(Action :Commissioner Delhi Police, Spl. Commissioner Traffic Delhi Police, PWD, MCD, NDMC, Delhi Cantonment Board, DMs Revenue Distt.).**
- (5) It is the duty and responsibility of concerned Dy. Commissioner of the MCD to ensure that no illegal hawker or tehbazari is allowed to sit on the road and pavement restricting movement of PwDs/Pedestrians. There has to be a Joint Action and Enforcement Team in this regard consisting of licensing inspectors of MCD alongwith Delhi Police. **(Action : Deputy Commissioners of MCD & DMs Revenue Distt., Delhi Police)**
- (6) There is an urgent need to look into the cases of atrocities against persons with disabilities in the light of Section 89 & 92 of the RPwD Act, 2016. It would be mandatory if such cases be taken up with due seriousness by the Delhi Police. Delhi Police should initiate action against the defaulters indulging in such cases by filing FIRs and imposing strict sections keeping in view of the due sections of RPwD Act. **(Action : Delhi Police)**
- (7) DJB to take strict action/impose penalty against the persons/Vendors/ organisations which carry out digging work without any permission. Also other service providers like IT, Power companies etc. who do not repairs the road/footpaths properly after carrying out digging work. A certificate be given by the concerned agencies that the roads and pavements are brought to its original condition after completion of the work. **(Action : Delhi Jal Board).**
- (8) DTC should make Bus Queue Shelters Audio Video friendly for PwDs. **(Action : Transport Department, DTC)**
- (9) Each District Magistrate is the overall incharge of the district to ensure that there is not a single obstruction with respect of accessibility issue for PwDs and others such as Elderly, Women and

Children. Each DM is the Nodal Officer in the respective district to ensure that all concerned agencies such as PWD, MCD, Delhi Police etc. do carry out their duty in effective and efficient manner to create barrier free, Accessible Pwd friendly roads and footpaths in the District. **(Action: District Magistrates)**

- (10) DSW to issue notification with respect to the District Magistrates being Addl. Commissioner to SCPD as per minutes & recommendations of the 16th Review Meeting of SCPDs held on 28th & 29th May, 2018 at Vigyan Bhawan. **(Action : Department of Social Welfare, Law Department GNCTD where it is currently pending)**
- (11) **Recruitment:** - it is very important that 4% reservations are made for recruitments as per the Act and all recruiting departments/agencies should make the provision of reservation for persons with disabilities in accordance with the posts identified for them. 100 Point reservation roster with respect to all categories of posts of persons with disabilities be maintained by all the departments. Besides numerous of complaints have been received in this office regarding identification of Post, in this regard it is to recommend/ advice that all user department & recruiting agencies should strictly adhere with the notification dated 04.01.2021 issued by Ministry of SJ&E, GOI **(Action : All Pr. Secretaries, Secretaries, HODs, MCD, Autonomous Bodies)**
- (12) It is observed that persons with disabilities are facing some difficulty with reference to availing Disability Certificates / UDID Cards at times due to non-availability of particular specialists in hospitals. In such a scenario, it would be appropriate that the Department of Health & Family Welfare, GNCT of Delhi should permit co-opting specialists for other Hospitals or hiring such specialists from reputed Civil/ Private Hospitals to reduce the difficulties faced by hospitals and persons with disabilities so that the UDID Cards are issued to all legitimate PwDs without difficulties. Health & Family Welfare Department should also ensure implementation of its Circular No.24/Misc. Policy/Disability/DHS/NHC/1039-45 dated 02/05/2019 in letter and spirit. Hospitals should be given strict instructions to not to refer any persons with disabilities to other hospitals, instead, it is their duty to arrange such services at their own. **(Action : H&FW Department & Social Welfare Department)**
- (13) For protection and safety of persons with disabilities as mandated under Section 8(3) of the RPwD Act, 2016, data/record relating to details of persons with disabilities in each district is to be maintained by concerned DMs alongwith vulnerability mapping of all PwDs in order to take suitable measures to help such persons in any situations of disaster risk. It is recommended that apart from data of persons with disabilities receiving disability pension from Social Welfare Department, additional data be collected from Voter Register Centre, Directorate of Education and Women & Child Development Department (WCD). Asha/Aganwadi/Civil Defence workers may also be involved for this purpose. A proper ratio be fixed for engaging Civil Defence Volunteers

for a particular number of High Support Need PwDs in the district for evacuation in case of any natural calamity. **(Action : All District Magistrates/ Revenue Department, DG Civil Defence).**

- (14) Number of parking lots should be earmarked in accordance with the Harmonised Guidelines and Standards for Universal Design Accessibility in Delhi. Parking lots should be fully accessible for PwDs. International Symbol of Accessibility should be clearly marked at the accessible parking lots. Proper sign boards should be displayed at relevant places and these should not be obstructed by a vehicle parked in the designated lot. It should be ensured that parking management staff is sensitised and trained towards the needs of persons with disabilities, elderly and others. **(Action: PWD, MCD, NDMC, Delhi Metro, Delhi Cantonment Board).**
- (15) To make sure that all encroachments are removed from the approach roads, entrance and exit of all the Hospitals in NCT of Delhi for barrier free Accessibility to PwDs in each hospital of Delhi, a Suo-Motu case was registered by SCPD Delhi. Actions have begun in this issue. All entry and exit points of hospitals have to be declared “No Hawking and No Vending zones with Zero Tolerance towards any type of blockage to accessibility. Joint inspection at appropriate places be carried out by the concerned authorities. **(Action : Health & Family Welfare Department, GNCT of Delhi, MCD, PWD, NDMC, Delhi Cantonment Board, DUSIB, All Hospital Authorities, Delhi Police)**
- (16) Lots of NGOs like Samarthanam, America India Foundation, Youth 4 Jobs Foundation etc. working in the field of providing skill development and employment to the persons with disabilities. It would be enviable if the District Social Welfare Officers, Deptt. of Social Welfare, who are working at the ground level should keep in touch with such NGOs and share their details at their Office Sites so that needy persons with disabilities can have access to such NGOs in need. **(Action: Department of Social Welfare)**
- (17) Several instances have come to the notice of SCPD wherein ongoing Disability Pension is discontinued and new Disability Pension is not sanctioned or delayed without assigning any reason to the beneficiary. It is recommended to update/create such a mechanism where the applicant/beneficiary be informed about any discrepancy/shortfall on the registered mobile number/email with remedial measures to minimise these grievances. An advisory has already been issued in this regard. **(Action : Department of Social Welfare)**

A FEW SUCCESS STORIES

Case No. 3020/1062/2021/08

Sh. M.L. Tiwari, a person with 100% visual impairment vide his e-mail dated 30.07.2021 & 06.08.2021 alleged that Sh. Jang Bahadur Singh, Director of Emarret Resources Private Ltd. had taken a sum of Rs. 8,00,000/- on the pretext of providing a 100 Gauge flat but after payment, the dealer was making different excuses and not completing the deal or returning the said amount. He also approached Economic Offence Wing, Delhi Police in this regard but no action was taken.

The matter was taken up with the respondents and after a hearing on 16.12.2021, the company was directed to settle the dispute with the complainant and return the due amount with applicable interest @ 6% per annum. Delhi Police was also directed to ensure that the complainant was not harassed, abused, or discriminated in any manner and due amount be credited within the stipulated time frame by the company.

The complainant vide email dated 07.02.2022 informed this Court that he received the full amount due with interest amounting of Rs. 12,44,872/- and profusely thanked this Court for the order & strict follow up due to which he could get his money back .

Case No. 1975/1111/2020/10

Ms Sunita, a person with 70% locomotor disability vide her complaint dated 17.12.2019 alleged that one Sh. Ashish Gupta had taken a loan of Rs. 80,000/- from her but returned only Rs. 15,000/-. She had made several requests to him but to no avail. She also made several requests to local police for recovery of the remaining amount but nothing was done by the local police either.

The matter was taken up by this court with the Dy. Commissioner of Police (North District). During the hearing on 07.04.2021, Sh. Ashish Gupta confirmed that he would pay Rs. 30000/- right away to Ms.Sunita and the remaining amount of Rs. 35000/- by 22.04.2021. It was confirmed by the complainant that she received Rs. 30,000/- on the day of issue of order i.e. 07.04.2021 and the remaining amount of Rs. 35,000/- on 22.07.2021.

Case No. 2369/1024/2021/09

Shri Lala Rajak, a person with 90% locomotor disability, working in SDMC School, J.J. Colony, Mandanpur Khadar Phase-III, New Delhi vide his complaint dated 22.09.2021 alleged that an amount of Rs.5,05,301/- was due to him as arrear but was not paid by the SDMC School.

The matter was taken up with the concerned school effectively to settle his due failing which punitive action would be initiated against the concerned authority. Complainant vide his email dated 23.04.2022 informed that he had received the amount of arrear with the intervention of this Office of SCPD and thanked this Court.

Case No. 2475/1121(UDID)/2022/01

Sh. Arjun Singh on behalf of his brother Shri Alok Kumar Singh who is suffering from “Neurological Degenerative Disease” vide his emails dated 20.12.2021 and 03.01.2022 submitted that he was facing great difficulty in getting disability certificate for his brother as he had to take the patient to the hospital for assessment of his disability. He actually could not take his brother physically to the hospital as his frail condition did not allow for the same.

The matter was taken up with the Safdarjung Hospital with the request to arrange Medical Board at the residence of the PwD patient to assess the disability. The Hospital Authority vide letter dated 02.03.2022 informed this Court that a Medical Board was duly constituted who assessed the patient at his residence and a Disability Certificate dated 19.02.2022 was issued to him.

Ms.Rahela Bano approached this court with the problem of not able to get UDID Card in respect of her 5 year old child Arsh Khan. The matter was taken up with the concerned hospital authorities. Subsequently, the complainant informed that after the intervention of this Court, she was able to get the UDID Card for her son. She thanked this Court for effective intervention and resolving the problem.

Case No. 2175/1141/2021/03

Dr. Shanti Auluck, Chairperson & Founder, Muskaan, a Parents Association for the empowerment of Persons with Intellectual Disability requested for safe custody (Guardianship) of an intellectually challenged adult, Mr.Vivek Kapoor who duly became orphan after the death of his mother during Covid pandemic.

The matter was taken up by SCPD with the concerned District Magistrate, South District & Local Police Authority. After constant follow up by the O/o SCPD, custody of Mr. Vivek Kapoor was duly handed over to Muskan. Dr. Shanti Auluck vide her email dated 02.06.2021 thanked SCPD for providing safe custody of Mr. Vivek Kapoor to 'Muskaan' after completion of due process of Guardianship as per National Policy.

Case No: 2171/1024/2021/03

Mr Qamar Alam, a person with 40% locomotor disability vide his complaint dated 08.03.2021 inter-alia submitted that he was working as Primary Teacher at North Delhi Municipal Corporation School (NDMCS), Jharoda, Majra-II, W-8 New Delhi-110084 and his transport allowance from the month of October 2020 to December 2020 was deducted by the Principal of the school. He was being harassed and discriminated by the school authorities. Thus, he requested for grant of his TA as deducted by NDMCS from his salary for the month of October 2020 to December 2020.

The matter was taken up with the Respondents and a hearing in this matter was scheduled. During the hearing Sh. Purnamal, representative of the school filed duly verified copies of attendance register and confirmed that complainant had attended the school during the month of October and November'2020 and there was no proof of his attendance in the month of December'2020, thus, he was eligible for TA from the month of October & November'2020 only.

After due deliberations and discussion, the Court recommended that as per attendance register report submitted by the S.I. Sh. Purnamal in this Court and existing norms / rules, complainant is entitled for Transport Allowance for the month of October & November'2020, thus the Director, Education (HQ) NDMC and Principal NDMCS, Jharoda Kalan were directed to release the TA to complainant for the two above months.

Principal, NDMCS, Jharoda Kalan vide letter dated 28.10.2021 informed that the payment of Transport Allowance of complainant for the month of October 2020 & November 2020 for Rs. 16,848/- had been credited to his account.

Case No.: 1865/1141/2020/07

Ms. Shobhna Sarbhai, M/o Ms. Aradhya Saxena, a person with 75% mental retardation vide her complaint dated 23.01.2020 alleged that she enrolled her daughter in the Horizon Learning Centre, M-6, Malviya Nagar, New Delhi for her rehabilitation and therapies like occupational therapy, speech therapy, special

education etc. on the assurance that a “complete programme” was being run for rehabilitation of such PwDs. However, within a period of three days she came to know about the irregularities and illegal operation of the Centre as well as the questionable qualification of the caregiver Ms. Neelam Verma to provide therapy to disabled children. It was also alleged that the centre was running without valid certificate of RCI.

The matter was taken up with the concerned centre, the respondents, vide Notice dated 15.02.2021. Ms. Neelam Verma, respondent No. 2 appeared during the hearing & informed that her RCI certificate expired in 2016 and upon completion of various workshops, trainings (comprises of 100 CRE points needed for renewal) she had applied for its renewal before the concerned authorities and the same was under process.

After due deliberations and discussion, the Court recommended / directed Ms. Neelam Verma, respondent No. 2 to close her Centre till her RCI Certificate was renewed. Subsequently, respondent vide email dated 15.04.21 informed that she got her certificate renewed on 05.03.2021 and the Court allowed the centre to be re-opened with strict instructions to be careful & diligent towards children with special needs.

Case No.: 2215/1141/2021/05

Mrs. Kamaljeet Kaur, a person with disability vide her complaint dated 19.05.21 alleged that she had applied for Ration Card which was approved by F& S Deptt. but when she approached for ration to her allotted Ration Shop, she was told to wait for at least two months. She was aggrieved with the response of F&S Deptt. as due to pandemic situation she was facing great difficulty because of non-receipt of ration supply. She requested this court to help her in getting due ration at the earliest.

The matter was taken up with Food and Supplies Department and finally, Ration supply was started to the complainant w.e.f. 13.09.2021.

Case No. 2219/1143/2021/06

Ms. Divya Sharma on behalf of Sh. Shivam Sharma, a person with mental illness vide her complaint dated 31.05.2021 alleged that her brother Sh. Shivam was receiving disability pension from the Deptt. of Social Welfare but the same was stopped in February, 2021. She approached this court for resuming the pension of her brother.

The matter was taken up with the Deptt. of Social Welfare. Complainant was advised to forward copies of relevant documents like Aadhar Card, Bank Passbook and Disability Certificate to the Social Welfare

Deptt. The same was resolved at the level of Deptt. of Social Welfare and complainant informed this court on 23.07.21 that the disability pension has been started. Thus, by intervention of this Court the grievance of complainant regarding disability pension was redressed.

Case No. 2254/1143/2021/076

Sh. Abrar Ahmad, Father of Amir, a person with mental illness, vide his complaint dated 24.06.2021 alleged that his son applied for Disability Pension Scheme through e-District, Delhi in the Deptt. of Social Welfare continuously vide Application No.26040000048842 on 12.11.2020, which was approved by the Deptt. of Social Welfare but did not receive. He approached this court for getting Disability Pension of his son released at the earliest.

The matter was taken up with the Deptt. of Social Welfare. District Social Welfare Officer (South) informed that the grievance of Sh. Amir had been resolved under Disability Pension Scheme. Further Dy. Director (FAS), Deptt. of Social Welfare also informed the complainant that Amir's Disability Pension till June 2021 was remitted into his bank account and arrears of the same was also released soon. Complainant also informed & thanked this court. Thus, by intervention of this Court the grievance of complainant regarding disability pension was redressed.

Case No. 2297/1141/2021/07

Sh. Hareti Lal Meena & Sh. Ashok Kumar Sharma, persons with hearing impairment R/o West Sagarpur vide complaint dated 12.07.2021 complained regarding sewer line connection. It was alleged that a neighbour Sh. Ramesh Vats and his associates did not have sewer connection. He approached this Court & requested for getting the sewer line connection with the newly constructed sewer line of his Gali at the earliest.

The matter was taken up with the Delhi Jal Board. Subsequently DJB informed that the sewer connection of the complainant was connected with the newly constructed sewer line. Complainant also confirmed the same to this Court & thanked for intervention & redressal of the grievance.

Case No. 2189/1111/2021/04

Sh. Rajiv Kumar Ahlawat, a person with 40% visual impairment vide letter dated 07.04.2021 complained about the public nuisance and noise pollution caused by Cross Fit Land Gym and Banquet Hall at Kanak Residency / SahuDharmshala at D-251-254, 40 Futa, Ganga Vihar, Delhi situated in his

vicinity. He further alleged that he was being threatened by the operators of above Gym and Banquet Hall on making complaints against them. Thus, he requested this Court for taking strict action against the harassment / mental torture caused by noise pollution due to such prohibited activities in the vicinity.

The matter was taken up with the respondents and a hearing was scheduled on 02.09.2021. Representatives of the MCD informed that the above Cross Fit Land Gym/ Banquet Hall was being running without license. A show Cause Notice was served to the operators.

As the gym was being run by the operators without valid licence, this Court directed to seal the premises and it was also recommended that MCD authority should take proper action as per law in case of any mishandling and harassment to the complainant. MCD informed that the above order of Court had been complied with. Thus, by the intervention of this Court relief was given to the complainant.

Recruitment of Ms Tabassum Sehar in DPSRU

DPSRU had advertised for recruitment to the various posts of teaching staff including Professor/ Associate Professor/ Assistant Professor but did not give appropriate reservation for PwDs. The matter brought to notice of SCPD by Dr. Tabassum Saher, who was one of the aspirants to the Post. The same had been immediately taken up with the Registrar, DPSRU by the SCPD. Accordingly, DPSRU authorities took needful action as per intervention of SCPD, Dr. Saher was considered for the post. She was finally selected for the post she expressed her gratitude & thanked this Court for rightful direction to the DPSRU & for resolving her long standing grievance.



STATUARY FRAME WORK & HIGHLIGHTS OF RPWD ACT 2016

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, WAS ENACTED & IN VOGUE SINCE 2016:-

(i) It has the twin objectives of harmonising the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 with the United Nations Convention on the Rights of Persons with Disabilities and to ensure better implementation. Rights of Persons with Disabilities Act, 2016 has since been enacted and brought forward into force in Delhi w.e.f 19.04.2017.

(ii) Three levels of Persons with Disabilities have been defined as under:

“person with disability” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

“person with benchmark disability” means a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

“person with disability having high support needs” means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;

(iii) The Act provides for various rights and entitlements for persons with disabilities such as equality and non-discrimination, community life, protection against cruelty and inhuman treatment, access to justice, legal capacity etc. It also mandates the appropriate Governments to frame schemes and programmes on social security, health, rehabilitation, recreation, skill development, etc. and action plans for making built environment accessible within 5 years and services within 2 years from the date of notification.

- (iv) The Act also provides for penal provisions for contravention of the provisions of the Act, offences of atrocities, failure to furnish information to ensure effective implementation of the Act.
- (v) Rights of Persons with Disabilities Rules, 2017 notified by the Central Government on 15.06.2017 provide for:-
- Accessibility standards for built environment, passenger bus transport and website and content to be placed on website.
 - Procedure for applying and grant of certificate of disability.
 - Manner of publication of equal opportunity policy and maintenance of records regarding employees with disabilities.
 - Mechanism for implementation of provision of non discrimination on the ground of disability.
 - Manner of utilization and management of National Fund for Persons with Disabilities.
- (vi) Guidelines for assessment of extent of specified disability were also notified on 04.01.2018.
- (vii) Department of Health & Family Welfare, GNCT of Delhi vide circular dated 02.05.2019 had specified disability-wise list of hospitals for issuance of disability certificates/UDID cards. The same is available in the UDID/Swavlamban Portal.
- (viii) As per circular dated 14.07.2020 issued by Department of Health & Family Welfare, GNCT of Delhi, the following hospitals are authorized to issue disability certificate to the disabled residing in Delhi, without any restriction regarding their district of residence:-

S.No.	Name of Hospital	Address
01	Deen Dayal Upadhyaya Hospital (DDUH)	Hari Nagar, New Delhi- 110064
02	Hindu Rao Hospital	Malka Ganj, Delhi-110007
03	Dr. Baba Saheb Ambedkar Hospital (BSAH)	Sector 6, Rohini, New Delhi-110085
04	Guru Teg Bahadur Hospital (GTBH)	Shahdara, Delhi-110095
05	Gobind Ballabh Pant Hospital (GBPH)	1, Jawaharlal Nehru Marg, 64 Khamba, Raj Ghat, New Delhi -110002
06	Institute of Human Behaviour and Allied Science (IHBAS)	Tahirpur Road, SDN Hospital Rd, Dilshad Garden, New Delhi-110095
07	Safdarjung Hospital	Ansari Nagar East, Near AIIMS Metro Station, New Delhi -110029

08	Ram Manohar Lohia Hospital (RML)	Baba Kharak Singh Rd, near Gurudwara Bangla Sahib, Connaught Place, New Delhi-110001
09	Lady Hardinge Hospital (Lady Hardinge Hospital Medical College & Associated SSK & KSC Hospital)	Near Panchkuian Marg, Shivaji Stadium, Connaught Place, New Delhi-110055
10	Lok Nayak Hospital (LNH)	Jawaharlal Nehru Marg, near Delhi Gate, LNJP Colony, New Delhi-110002
11	All India Institute of Medical Science (AIIMS)	Sri Aurobindo Marg, Ansari Nagar East, New Delhi-110029

Note : Vide Gazette Notification dated 05.05.2021, Ministry of Social Justice & Empowerment (Department of Empowerment of Persons with Disabilities), Govt. of India has notified that certificate of disability will only be granted on Unique Disability Identity Card Portal namely, <http://www.swavlambancard.gov.in>

ACCESSIBILITY

10 BASIC FEATURES OF ACCESSIBILITY

1. Accessible Road/Route/Pathway
2. Accessible Parking
3. Accessible Entrance to the Building
4. Accessible Corridor
5. Accessible Reception
6. Accessible Lift/Elevator
7. Accessible Toilet
8. Accessible Staircase
9. Accessible Drinking water
10. Signages



HARMONISED GUIDELINES AND STANDARDS FOR UNIVERSAL ACCESSIBILITY IN INDIA 2021

- The guidelines are a revision of the Harmonised Guidelines and Space Standards for Barrier-Free Built Environment for Persons with Disabilities and Elderly Persons released in 2016.
- Earlier, guidelines were to create a barrier-free environment. It now focuses on universal guidelines on accessibility.
- Guidelines have been provided for persons with disabilities (PwDs) as well as for those involved in planning projects, starting from construction of government buildings to master-planning of cities.
- It covers making public buildings and transport fully accessible for wheelchair users. It also covers users including parent pushing a child's pram while carrying groceries or bags who are likely to experience mobility problems.
- It calls to incorporate accessibility symbols for PwD, family-friendly facilities including transgender, among the symbols for other user groups.

STANDARDS FOR ACCESSIBLE FACILITIES FOR PERSONS WITH DISABILITIES

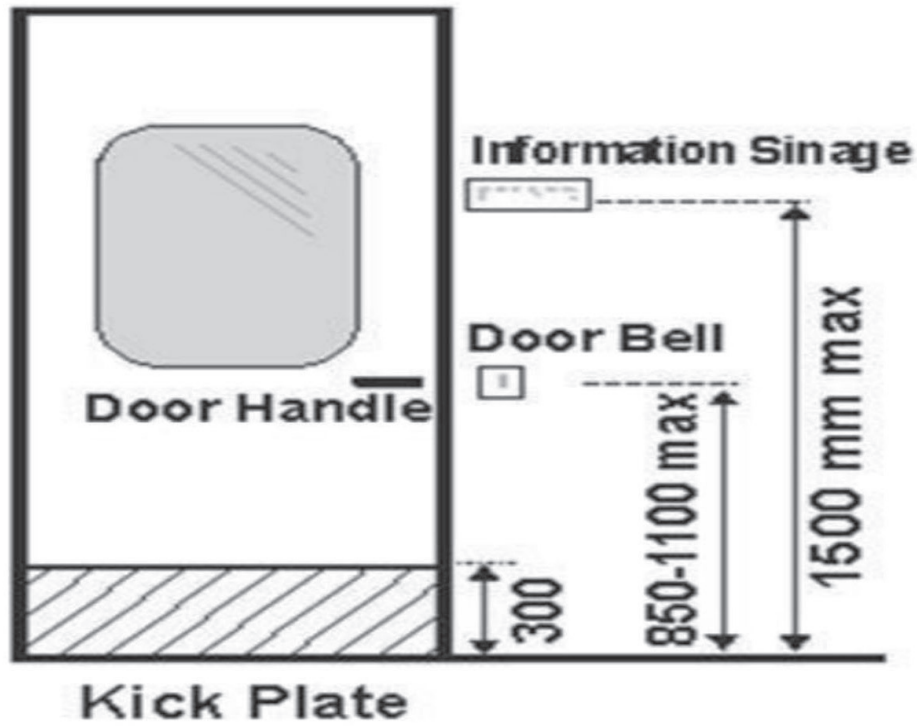
Ramp with Handrails



Accessible Entrance



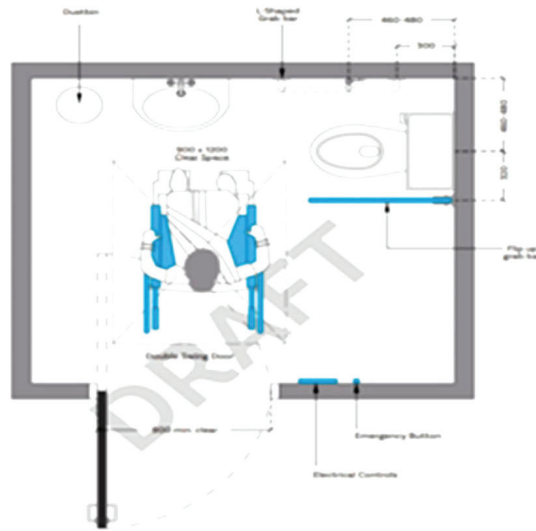
ACCESSIBLE DOORS



ACCESSIBLE DRINKING WATER



ACCESSIBLE TOILET FACILITY



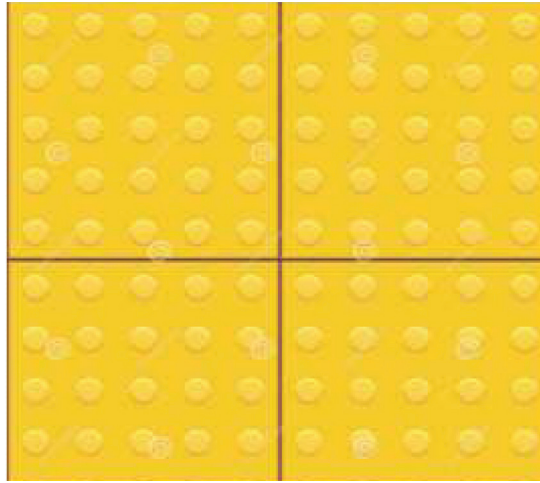
SIGNAGES



TACTILE



Guiding/Directional Tactile



Warning Tactile

ACCESSIBLE RECEPTION

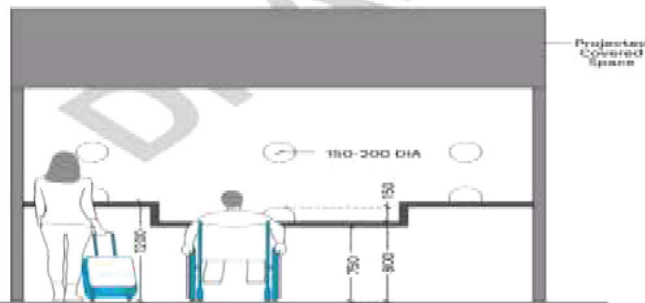
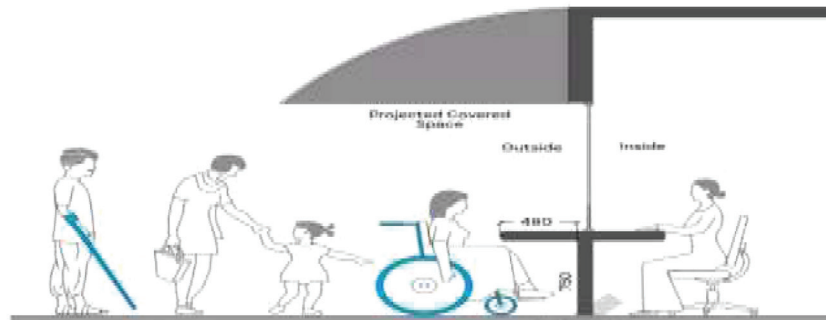


Figure 3.32 Ticket counter

REDRESSAL OF GRIEVANCES & ITS DETAILS

A very important function of the State Commissioner is to inquire, suomotu or otherwise deprivation of the rights of persons with disabilities and ensure safeguards available to them in respect of the matters for which the State Government is the appropriate authority and take up matters with the concerned authorities for corrective action. A variety of queries/complaints /grievances ranging from day-to-day harassment in the family and outside to infringement of fundamental and human rights are received in the Court of State Commissioner from Persons with Disabilities, parents, caregivers, NGOs and activists.

The complaints received in the Court of State Commissioner are assigned subject-wise unique incident code. The complaint number assigned to each complaint indicates its numerical number, the subject and sub-subject it relates to and the year & month of filing the complaint. This helps to know the exact number of complaints on each subject/sub-subject (incident wise).

216 Grievance Redressal Officers (GROs) have been appointed in NCT of Delhi to look into grievances of persons with disabilities.

Equal Opportunity Policies (EOPs) are being registered in this office and also being maintained/ updated regularly. This EOP is being enforced for all the Govt. as well as the Private Organisation & PwDs working there on.

DETAIL OF COMPLAINTS RECEIVED & ITS DISPOSAL WITH SATISFACTION

Year	B/F	Complaints registered during The year	Total Complaints	Disposed off	Pending	% disposed
2021-22	227	367	594	513	81	86.3%

DETAILS OF DISABILITY CERTIFICATE/ UDID CARD ISSUED BY THE NOTIFIED HOSPITAL AUTHORITIES GNCTD

The RPwD Act, 2016 provides certain benefits to Persons with Disabilities and any person with a disability, who wishes to avail benefits under the Act has to obtain a disability certificate from the Medical Authority notified for the purpose. The certificates are issued based on guidelines framed by the Central Government.

The notified medical authority of the district is responsible for issuing Disability Certificates on the basis of applications received from persons with disabilities. The latest status of issuance of disability certificates as on 31.03.2022 is as under:

Total disabled population in the State	No. of persons issued Disability certificate	
	Total	%
2,34,882	1,92,848	82%

Hospital wise disability certificates issued during the financial year 2021-22 in the NCT of Delhi is as under:

S.No.	Name of the Hospital	No. of DCs/UDID Card issued
01	AIIMS	145
02	Safdarjung Hospital	402
03	Ram Manohar Lohia Hospital	1337

04	Lady Hardinge Medical College	292
05	Hindu Rao Hospital	79
06	Guru Teg Bahadur Hospital	1027
07	Lok Nayak Hospital	177
08	Janakpuri Super Specialty Hospital	485
09	Aruna Asaf Ali Govt. Hospital	215
10	Baba Saheb Ambedkar Hospital	1030
11	IHBAS	906
12	Lal Bahadur Shastri Hospital	332
13	Pt. Madan Mohan Malviya Hospital	579
14	Sanjay Gandhi Memorial Hospital	415
15	Deen Dayal Upadhyaya Hospital	61
16	Rao Tula Ram Hospital	208
17	Babu Jagjivan Ram Memorial Hospital	154
18	G.B. Pant Institute of Post Graduate Medical Education & Research (GIPMER)	32
19	Guru Gobind Singh Hospital	386
20	Dr. Hedgewar Arogya Sansthan	248
21	Maharishi Valmiki Hospital	07
22	Jag Prवेश Chandra Hospital	681
23	Sardar Vallabh Bhai Patel Hospital	48
24	Bhagwan Mahavir Hospital	300
25	Satyawati Raja Harish Chandra Hospital	75
26	Swami Dayanand Hospital	67
	TOTAL	9688

GIST OF A FEW ORDERS

Gist of a few orders, which have benefited the PwDs in mitigating their grievances, have been tabulated and appended below:

1. Case No.: 2142/1011/2021/03

Date of Order: 23.06.2021

Name of Parties: *Suo-motu Vs The Commissioners (NDMC, SDMC & EDMC) & Chairman (DSSSB)*

Facts of the Case:

A Suo-Motu cognizance regarding non providing of reservation to persons with benchmark disabilities as per the latest notification dated 04.01.2021 issued by Ministry of Social Justice & Empowerment, Govt. of India for the post of Special Educator (Primary, post code 32/20), advertised by DSSSB vide advertisement dated 04.03.2021, was taken up with the three respondents vide notice dated 12.03.2021. Thereafter a hearing was scheduled.

During the hearing on 23.06.2021, SDMC on behalf of three Municipal Corporations, contended that as these were all backlog vacancies, the latest notification dated 04.01.2021 issued by Ministry of SJ&E may not be applicable for these posts.

Recommendations/ Decision of SCPD:

It was clarified and ruled that though these were backlog vacancies but at it was being filled now i.e. post PwD Act came into effect w.e.f. 19.04.2017, these vacancies ought to be considered for all categories of persons with disabilities. It was recommended that a corrigendum be issued by SDMC/DSSSB with respect to the subject advertisement and the same be opened for a period of 10-12 days as per norms and regulations existing on such issues, to facilitate all categories of persons with disabilities identified for these posts which were erroneously left out by the user departments. It was also recommended that DSSSB, SDMC and all other Government Departments should maintain system of roster with respect to all categories of posts of persons with disabilities.

Thus, by order of SCPD, a large number of PwDs were benefited and received employment.

2. Case No.: 2174/1111/2021/03

Date of Order:01.07.2021

Name of Parties: *Ms. Divya Jain Vs. DCP, Shahdara, SHO, PS (Farsh Bazar) and Sh. Manoj Jain, Ms. Gita Jain & Sh. Nikhil Jain*

Facts of the Case:

Complainant, a person with 60% speech and hearing disability vide her complaint dated 22.03.2021 alleged that she lodged an FIR at PS Farsh Bazar on 21.07.2020 against her husband, in-laws & others for harassing her. Her husband Mr. Nikhil Jain was in jail for 11 months however, one of his associate Mr. Raghav threatened to kill her on 31.03.2021. She filed a complaint at PS Krishna Nagar, but the Police authorities were not taking any action against him and her in-laws. She further alleged that a scooter bearing No. 4230 was purchased by her husband in 2019 on EMI basis and its loan instalment was being deducted from her SB Account No. 101632595, from PNB Gandhi Nagar. Further, the said scooter, was possessed and used only by her father in law. In addition, her in-laws were refusing to hand over her original Class-Xth Certificate, Disability Certificate and two FDs worth Rs. 50,000/- and Rs. 10,000/-. She was facing acute financial constraints as she had to live with her poor brother & mother. Thus, she approached this court to seek justice.

It was brought to notice of the Court that complainant's family (in-laws) closed her SB Account No. 101632595 in Punjab National Bank, Gandhi Nagar, Delhi-110031 and siphoning all money from that account. Respondent No. 2 (Local Police) submitted that charge-sheet had already been filed in the Ld. Court of Sh. Ajeet Narayan, MM, KKD Courts, Shahdara in this case and the matter is sub judice.

Recommendations/ Decision of SCPD:

After due deliberations and discussion, the Court recommended as follows:-

- (i) Court directed Respondent No. 1 & 2 (DCP Shahdara & SHO, Farsh Bazar) to depute a suitable female officer in the instant case of the complainant considering the fact that it had to be an exemplary case relating to a person with disability and being an extremely sensitive one.
- (ii) Respondent No. 3 (Sh. Manoj & Ms. Gita Jain, in-laws) were directed to hand over/return documents such as the FDs of the PwD complainant worth Rs. 50,000/- and Rs. 10,000/- and other documents i.e. Disability Certificate & 10th Certificate to the complainant within seven days from the date of receipt of this order. They were further directed to pay a monthly assistance amount to the complainant till the outcome of court case pending in the Court of Chief Metropolitan Magistrate Shahdara, KKD on separation/ divorce.
- (iii) Family (in-laws) of Ms. Divya Jain, PwD, Complainant was also directed to open a new bank

account for her so that the Disability Pension could be deposited there, within 07 days from the date of receipt of this order. They were also advised to approach to the concerned Post Office for changing of Fixed Deposits status from joint account to single account in the name of Ms. Divya Jain and hand over the same after finalisation of her divorce case.

- (iv) Disability Certificate of the complainant, Ms. Divya Jain, if not traced at her in-laws house, she would have to be issued with a duplicate one and her disability pension should also be restarted by the Social Welfare Department, GNCT of Delhi from April 2021 in the new Bank Account, as the previous account was closed so that her in-laws would not be able to siphon her disability pension. New account details of Ms. Divya Jain should be intimated to the concerned District Social Welfare Officer (East), Social Welfare Department for taking necessary action as per the orders of this case.

Subsequently all the recommendations made by the Court were complied with & the PwD complainant's grievance was duly redressed.

3. Case No.: 2206/1011/2021/05

Date of Order: 11.08.2021

Name of Parties: *Sh. Ajay Kumar Sharma Vs Delhi Subordinate Services Selection Board, DOE & Deptt. of WCD*

Facts of the Case:

Complainant, a person with 48% hearing impairment vide his complaint dated 13.05.2021 alleged that the DSSSB advertised post of TGT(Natural Science) (Male) Post Code 35/21 and Counsellor, post code 45/21, wherein no reservation was kept for persons with hearing impairment. The said advertisement was not in accordance with the latest notification dated 04.01.2021 issued by the M/o of Social Justice and Empowerment. Thus he requested for an appropriate corrigendum to be passed in the matter enabling him to apply for the above posts.

The matter was taken up with the respondents i.e. DoE & DSSSB vide communication dated 18.05.2021 followed by hearing on 10.08.2021. Dy. Secy, (DSSSB) vide letter dated 24.06.2021 informed that the Board makes recruitment as per requisitions received from the indenting departments. In this case it was DoE.

Recommendations/ Decision of SCPD:

After due deliberations and discussion on the case, the court recommended as under:

- (i) The Court observed that Respondent No. 2 & 3 i.e. DoE & WCD Deptt. had not taken care regarding

following the existing policy relating to reservation for persons with benchmark disabilities while forwarding their requisitions to DSSSB. Thus, Respondent No. 2 i.e. the Directorate of Education was directed to issue a corrigendum to grant reservation to persons with hearing impairment for the post of TGT(Natural Science) Male, Post code 35/21 as per existing provisions of the Rights of Persons with Disabilities Act, 2016 and in accordance with the latest notification dated 04.01.2021 issued by the Ministry of Social Justice and Empowerment, Govt. of India within 15 days from the date of receipt of this order and immediately send it to DSSSB.

- (ii) Similarly Respondent No. 3 i.e. the Department of Women and Child Development was also directed to issue a corrigendum for giving reservation to persons with hearing impairment for the post of Counsellor, Post code 45/21 as per existing provisions of the Rights of Persons with Disabilities Act, 2016 and in accordance with the latest notification dated 04.01.2021 issued by the Ministry of Social Justice and Empowerment, Govt. of India within 15 days from the date of receipt of this order and immediately send it to the DSSSB.
- (iii) DSSSB was also directed to take further rectifying actions at their end on receipt of corrigendum issued by DOE and Deptt. of WCD prior to conduct examinations for the above post codes so that the persons with HH category should not be deprived of their entitlements.

Thus, vide order of this Court due diligence was made for genuine concerns for reservation of PwDs as per the RPwD Act 2016.

4. Case No.: 1836/1024/2020/06/

Date of Order: 12.08.2021

Name of Parties: *Sh. Rajendra Prasad, TGT (Retd.) Vs DOE*

Facts of the Case:

The complainant, a person with 100% visual impairment vide complaint dated 16.06.2020 alleged that he has been harassed and discriminated by Dr. P.K. Mundra, HOS of Sarvodaya Bal Vidyalaya and stated that his full retiral benefits have not been paid by the HOS deliberately.

The matter was taken up with the respondent vide letter dated 29.06.2020. The court took a serious view on the issue of any type of harassment and discrimination on the part of the HOS. The HOS explained that he did not ever want to be discourteous to the complainant and always holds him with due respect. He apologised to the complainant before the Hon'ble Court and begged to be excused if he had hurt him in any way. Regarding balance financial benefits, the HOS submitted that he had received the complete papers yesterday (i.e.10.08.2021) only and will settle all his dues immediately.

Recommendations/ Decision of SCPD:

The court directed HOS to immediately settle all the financial dues of the complainant and an action taken report be submitted to this court within 15 days from the date of receipt of this order.

Thus, vide orders of this court the PwD Sh. Rajendra Prasad received all his dues.

5. Case No.:939, 957,956, 926, 922,960,963,964,980/1015/2019/06 (total nine cases)

Date of Order: 19.08.2021

Name of Parties: *Suo-motuVs Dte. of Delhi Fire Services, UD Deptt., RCS, Higher Education, H& FW, NDMC, SDMC,EDMC, Directorate of Training & Technical Education regarding "Equal Opportunity Policy"*

Facts of the Case:

Keeping in view Section 21 of the RPwD Act, 2016 Rule 8 of the RPwD Rules, 2017 and Rule 12 of the Delhi RPwD Rules, 2018, a Suo-Motu cognizance was taken up by this Court vide Notice 03.08.2021 with the respondents regarding notification and registration of Equal Opportunity Policy by the Govt. Establishments and Private Establishments and all were directed to appear for hearing on 16.08.2021 under Section 82 of the Act.

A joint hearing was held on 16.08.2021 with all the respondents mentioned above, for respective organisations which had not drawn and forwarded copies of their Equal Opportunity Policies to this Office.

It was advised by SCPD that the Equal Opportunity Policy framed by Department of Social Welfare, GNCT of Delhi and Office of the SCPD, which were readily available in the website Link :<http://discomm.delhi.gov.in/> could be taken as a 'Model' by all the departments while framing their EOPs.

Recommendations/ Decision of SCPD:

After due deliberations and discussion on the case, it was recommended that:

- (i) Court made it very clear to all that it is mandatory for each Department to frame an EOP and register it with the Office of State Commissioner unless it is excluded from the definition of a "Government Establishment" as given in Section 2(k) of the RPwD Act, 2016.
- (ii) All the respondent Departments except Department of Training and Technical Education,

Urban Development Department and East Delhi Municipal Corporation were directed to send a copy of their Equal Opportunity Policies (EOPs) to this Department by 10.09.2021 (10thSeptember,2021).

- (iii) All the Respondent Departments were also directed to send a list of private establishments registered or connected to their departments / organisations alongwith their full addresses and contact details in soft copy by 10.09.2021.

Thus, by orders of this Court, EOP to benefit PwDs was duly implemented in various Deptts.

6. Case No.: 2077/1021/2021/01

Date of Order: 08.09.2021

Name of Parties: *Sh. Inderjeet Kumar S/o Shri Raj Kishor Singh & Shri Pramod Kumar Sao S/o Shri Ramchandra Sao Shri Pramod Kumar Sao S/o Shri Ramchandra Sao Vs. North Delhi Municipal Corporation*

Facts of the Case:

Complainants, persons with locomotor disability vide their joint complaint dated 04.01.2021 inter-alia submitted that they were engaged as Leprosy Cured Swachhata Karmacharies on daily wages in the North Delhi Municipal Corporation in 2003 and were regularized as Swachhata Karmacharies in the year 2016. Their names were reflected at S.No. 282 & 283 as per North MCD provisional seniority list of eligible employees for promotion to the post of ASI issued on 13.12.2019, but in spite of seeking information about their promotion the North MCD did not provide them any information and their promotion case is still pending.

The matter was taken up with the respondent vide letter dated 07.01.2021 followed by hearing on 07.09.2021. Representative of the respondent informed that names of complainant Sh. Inderjeet Kumar and Sh. Pramod Kumar Sao, had already been enlisted in the list of eligible candidates for promotion of Swachhata Karmacharies to the post of Assistant Sanitary Inspector (ASI) and the matter is in process and final decision in this regard would be taken as per recommendations of DPC meeting as and when held in accordance with the relevant rules and prescribed terms and conditions.

Recommendations/ Decision of SCPD:

After due deliberations and discussion on the case, it was recommended that the matter of promotion of Sh. Inderjeet Kumar and Sh. Pramod Kumar Sao to the post of Assistant Sanitary Inspector (ASI) should be duly considered by Department whenever comes up for consideration. However, respondent was

also directed that the above promotion process be expedited after completing all the codal formalities and ensuring 4% reservation to persons with disabilities so that the persons with disabilities were not deprived of their entitlements.

7. Case No.: 2187/1111/2021/04

Date of Order: 22.09.2021

Name of Parties: *Sh. Om Prakash Vs The Director, IHBAS*

Facts of the Case:

The complainant, a person with 75% locomotor disability, working as DEO on contract basis in IHBAS, filed a complaint dated 13.03.2021 regarding use of abusive words against him regarding his disability and his family by Shri R.S. Saini, Assistant Accounts Officer of the Department whose behavior towards him was unbecoming. The matter was taken up with the respondent vide letter dated 07.04.2021.

Recommendations/ Decision of SCPD:

During the hearing, respondent submitted that an enquiry was set up and Shri R.S. Saini, AAO was found guilty and with reprimand he was transferred from Establishment Section to NABH Cell. The complainant did not attend the hearing and was contacted on telephone who informed that he was happy with the action taken by the respondent. In view of the positive response of the respondent (IHBAS), the matter was disposed.

8. Case No.: 2246/1021/2021/06

Date of Order: 28.09.2021

Name of Parties: *Sh. Ajay Kumar Vs. Planning Department*

Facts of the Case:

Complainant, a person with 40% locomotor disability vide his complaint dated 'Nil' (received on 16.06.2021) submitted that he was appointed as Statistical Assistant in the Planning Department under the category of person with disability. Presently while working in the Directorate of Family Welfare as an Assistant Director, he was not given any financial and physical benefits till date. Length of service for the eligibility to his next promotion had not been counted, which should be counted w.e.f. 29.12.2015 with reference to the Planning Department's rectification Order No. 1158-73 dated 20.02.2020. He made various requests to the Planning Department but no action has been taken till date and as a result he had not given promotional benefit.

The matter was taken up with the respondent vide communication dated 01.07.2021 followed by hearing on 27.09.2021. Sh. K.R. Chhibber, Dy. Director (Planning) appeared on behalf of respondent and confirmed that the issue of the complainant would be resolved by 15th October, 2021.

Recommendations/ Decision of SCPD:

After due deliberations and discussion on the case, it was recommended that respondent i.e. Planning Deptt., GNCTD should consider the plea of complainant as per the existing RRs and provisions of the Rights of Persons with Disabilities Act, 2016, and dispose it accordingly by 15.10.2021.

9. Case No.: 1284/1111/2019/11

Date of Order: 28.09.2021

Name of Parties: *Ms. Rachna Vs The Principal, Mt. Columbus School and DOE*

Facts of the Case:

The complainant, a person with 70% locomotor disability vide her complaint dated 07.11.2019 alleged that she was harassed by the Principal, Mount Columbus School, where she was an employee as a Music Teacher on contract basis. The matter was taken up with the respondent No. 1 vide show cause notice dated 15.11.2019. It was directed to maintain status quo ante and let the complainant work till she completes six months. DOE was directed to constitute a committee to enquire into the matter and submit the report bringing out the facts. DOE submitted the inquiry report dated 26.02.2021, exhaustively bringing out the facts in a chronological manner. Vide ROP dated 26.03.2021, the school authorities were directed to submit clarifications on some points of the inquiry report submitted by the DOE.

Recommendations/ Decision of SCPD:

It was observed that the rules and regulations were not followed by the school authorities as per the DSEAR, 1973 regarding appointment of the complainant, a Person with Disability, as Music Teacher. Moreover, procedure was also not followed for discontinuing the appointment of the complainant which is arbitrary and discriminatory, specially the complainant being a PwD. As per RPwD Act, 2016, the complainant is to be allowed to continue to work as Music Teacher in the Mt. Columbus School and DOE to take appropriate action with reference to Show Cause Notice issued to the School Authorities as per DSEAR, 1973.

10. Case No.: 2127/1023/2021/02

Date of Order: 04.10.2021

Name of Parties: *Dr. Ram Kishan Vs SCERT*

Facts of the Case:

The complainant, a person with 80% locomotor disability and Assistant Professor, DIET, Keshav Puram vide his complaint dated 23.02.2021 alleged that he was granted MACP w.e.f. 06.12.2018 instead of 01.06.2014. He also alleged that he was compelled for re-evaluation of his disability certificate and is being continuously harassed by SCERT. The matter was taken up with SCERT vide letter dated 08.03.2021

The respondent submitted that the date of MACP was deferred as disciplinary proceedings were processed against the complainant. Competent authority also approved re-examination of physical disability of the complainant. It was further submitted that the complainant is habitual of non-cooperating with the office.

The complainant alleged that the respondent deliberately delayed the disciplinary proceedings against him

Recommendations/ Decision of SCPD:

After due deliberations and discussions, taking due cognisance of submissions made by the complainant & the respondent, it was observed that the SCERT besides examining all available records should have completed the administrative actions within the prescribed time frame. It was recommended that the respondent should be careful in future while dealing with such a time bound case especially involving person with disabilities. Besides, Director, SCERT was advised to dispose of all the representations submitted by the complainant during the course of personal hearing given by him to the complainant and ensure that no discrimination is made against the complainant.

11. Case No.2370/1016/2021/09

Date of Order: 12.10.2021

Name of Parties: *Advocate Meena Kadian Vs The Pr. Secretary, Department of Home, GNCTD and*

Case No.2371/1016/2021/09

Name of Parties: *Sh. Surya Joshi Vs The Pr. Secretary, Department of Home, GNCTD*

Facts of the Case:

The complainants vide complaint dated 28.01.2021 and 29.01.2021 respectively alleged that Department of Home, GNCT of Delhi had forwarded a requisition to UPSC for filling up of 80 vacancies of APP,

however, UPSC has ignored the Benchmark Disability i.e. Both Leg & Specific Learning Disability (SLD) respectively in the said vacancy.

Both the matters were taken up with the respondent vide show cause-cum-hearing notice dated 24.09.2021. As the subject matter in both the cases was similar, a common hearing was scheduled on 11.10.2021.

During the hearing, Respondent department vide their submission dated 11.10.2021 submitted that Ministry of SJ&E, GOI issued the gazette notification on 04.01.2021 notifying the amended eligibility for the post of APP in Central Government by adding new category of disability MF in functional requirement and SLD in suitable category of benchmark disabilities in addition to the earlier eligibility categories. Whereas Home Department submitted the proposal for recruitment of 80 Posts of APP vide letter dated 05.10.2020 which was advertised by UPSC vide Advertisement No. 02/2021 dated 23.01.2021.

It was also submitted that a Committee was constituted vide order dated 19.02.2019 for identifying the post of APP in the Directorate of Prosecution. The Committee after considering all the relevant factors relating to the role and responsibilities of APPs of GNCT of Delhi, identified the categories. Respondent department further informed that meeting of the Competent Committee is scheduled on 13.10.2021 for considering suitability of PwD Candidates for recruitment to the post of APP, GNCT of Delhi, as per Gazette Notification dated 04.01.2021 issued by Department of Empowerment of Persons with Disabilities.

Recommendations/ Decision of SCPD:

After due deliberations and discussions, the case was disposed with the following recommendations:-

- (i) A corrigendum in respect of re-advertisement/re-examination be issued in respect of those PwD candidates whose categories are identified as per Notification No.38-16/2020-DD-III dated 04.01.2021 by Ministry of SJ&E, GOI.
- (ii) The Respondent Department (Home) should place the matter in respect of both the complainants and other similarly placed PwD candidates before the competent Committee constituted for the purpose of identification of posts of APP whose meeting has been scheduled on 13.10.2021 regarding their re-appearance for the examination and take decision accordingly.

12. Case No.2337/1111/2021/08/

Date of Order: 09.11.2021

Name of Parties: *Ms. Preeti Agarwal Vs The DCP, South West District*

Facts of the Case:

The complainant, a person with 90% hearing impaired filed a complaint dated 09.08.2021, forwarded

from the Office of CCPD vide email dated 23.08.2021 regarding harassment by neighbor Sh. Pankaj Gandhi. The representative of the respondent submitted that he visited the premises of the complainant and directed both the parties to maintain peace in future. The Court took serious concern on the action taken by the concerned SI.

Recommendations/ Decision of SCPD:

The reply furnished by the representative of respondent was not acceptable wherein he tried to project that it is a mere altercation between two neighbours and the Court hereby orders the local police to deal such cases of intimidation against PwDs with due care respect and regard specially to the disabled ladies, who are being regularly harassed by the neighbours. Sh. Vikram Lamba, SI was directed to personally look into this matter and ensure that the complainant and her sister were not intimidated or humiliated by anyone.

13. Case No.: 2256/1031/2021/07

Date of Order: 09.12.2021

Name of Parties: *Sh. Sachin Gupta Vs. DOE & Principal/HOS, Maxfort School, Parwana Road, Pitampura.*

Facts of the Case:

Complainant, a person with 73% multiple disability vide his complaint dated 29.06.2021 alleged that his daughter, Ms. Hridyanshi Gupta, Registration No. 20210023186, aged 07 years, was allotted Maxfort School, Parwana Road, Pitampura, Delhi-110034 for admission in Cass-1st under EWS/ DG category for academic session 2020-21 through computerized draw of lots system conducted by Directorate of Education. In spite of her daughter's selection, the school had not given admission to her and unnecessarily delaying the matter. Thus, he requested to take appropriate action to resolve his grievance.

The matter was taken up with the respondents vide letter dated 08.07.2021 followed by hearing on 08.12.2021. Representative of Maxfort School (Respondent No. 2) submitted that Ms. Hridyanshi Gupta was allotted S.No. 59 for admission and as per DOE's Circular No. DE.15(22)/PSB/2021-22/1897-1904 Dated 15.06.2021 school had to give admission to the selected candidates in order of the Serial Number allotted to the candidates through computerized draw of lots as available on the online module. Representative of Education informed that as per computerized lottery result of Maxfort School for children with special needs, academic session 2021-22, out of total five allotted seats, only one child was admitted, one did not report and remaining three were in waiting. He further added that necessary

directions had already been given to all the Private Unaided Recognized Schools of Delhi to implement the inclusive education in line with the provisions of the RPwD Act.

Recommendations/ Decision of SCPD:

After due deliberations and discussion on the case, it was recommended that the reason given by Maxfort School for not admitting Mr.Hridyanshi Gupta as per old directives of DOE was not tenable. However, as per latest directives and keeping in view the inclusive education norms for Children with Special Needs, the school was bound to admit Ms. Hridyanshi Gupta daughter of Sh. Sachin Gupta. Thus, Maxfort School was directed to confirm admission to Ms. Hridyanshi Gupta within 15 days from the date of receipt of this Order failing which necessary steps as per provisions of the law would be taken by the Directorate of Education.

Subsequently due diligence was made by the school admitting the special child in the school, there by redressing the grievance.

14. Case No.: 3020/1062/2021/08/

Date of Order: 16.12.2021

Name of Parties: *Sh. M.L. Tiwari (Principal), GBSSS, Vikaspuri, New Delhi Vs The DCP, South West District and The Director, Emarret Resources Pvt. Ltd., Uttam Nagar, New Delhi*

Facts of the Case:

The complainant, a person with 100% visual impairment vide his e-mail dated 30.07.2021 & 06.08.2021 alleged that Sh. Jang Bahadur Singh, Director of Emarret Resources Private Ltd. had taken a sum of Rs. 8,00,000/- (Rupees Eight Lacs) on the pretext of providing a 100 Gaj flat costing Rs. 35 Lacs instead of Rs. 32 Lacs (the actual cost informed earlier) in deceitful manner. Now after payment, the dealer was making different excuses and trying to exploit him being visually impaired and not completing the deal. He also approached Economic Offence Wing, Delhi Police in this regard but no action was taken by them. Therefore, he prayed this Court for seeking relief.

The matter was taken up with the respondents vide letter dated 13.08.2021 followed by reminders dated 07.10.2021 and 29.11.2021 and hearing on 16.12.2021. The representative of the company submitted that they faced great financial loss and due to that the said property deal could not be finalised.

Recommendations/ Decision of SCPD:

After due deliberation, Respondent No. 2 (the company) was directed to settle the dispute with the complainant and return the due amount, as settled, to the complainant by 26th of January'2022 with

applicable interest @ 6% per annum. Respondent No. 1 (Delhi Police) was also directed to ensure that the complainant was not harassed, abused, or discriminated by any person in any manner and his rights are not infringed as per Rights of Persons with Disabilities Act, 2016.

The complainant vide email dated 07.02.2022 informed this Court that he received the due amount of Rs.12,44,872/- including interest and thanked this Court for the recommendation due to which he received his dues.

15. Case No.: 3000/1111/2021/07

Date of Order:19.01.2022

Name of Parties: *Sh. Deepak Gupta Vs. Deputy Commissioner of Police, Shahdara District*

Facts of the Case:

Sh. Deepak Gupta father of Ms. Vaishnavi, a child with 100% mental illness vide his complaint dated 22.07.2021 submitted that his 16 years old daughter Ms. Vaishnavi is a child with 100% mental and physical illness. In 2018, with the help of Ms. Ritu, property dealer he had executed a security agreement with the owners of Property - Smt. Megha Gupta, W/o Manoj Gupta on 29.01.2018 for one-room set at property number X/3774/4, Gali No. 08, Shanti Mohalla, Gandhi Nagar, Delhi and also made payment of security amount of Rs. 2.5 Lacs to the owners. On 01.04.2018, when he along with his family members went to move in the said property, Manoj Gupta & his family members did not allow his family to enter the house due to the disability of his daughter. Complainant alleged that the property owner not only showed act of discrimination but also not returned his security amount of Rs. 2.5 Lacs till date in spite of repeated requests. Therefore, he prayed this Court for seeking relief.

The matter was taken up with the respondent vide letter dated 27.07.2021 followed by reminder dated 14.09.2021, 18.10.2021 and 23.11.2021. In response, the respondent vide letter dated 26.11.2021 informed that as per enquiry conducted by ACP/Gandhi Nagar the dispute between the parties is purely civil in nature and no Police action is warranted in the matter.

Recommendations/ Decision of SCPD:

The court observed that accused persons - Sh. Manoj Gupta / Smt. Megha Gupta had acted wrongfully and shown arrogance as well as ignorance besides lack of empathy towards the daughter of complainant, who is a child with 100% mental illness and physical disability and thereby flouted the RPwD Act, 2016 with discrimination, prejudice and insensitivity. After due deliberations and discussion, the Court recommended as under:

- (i) Property owners - Sh. Manoj Gupta / Smt. Megha Gupta were directed to return back the amount of Rs. 2.5 lacs deposited by complainant as security deposit with interest @10% to the complainant within one month from the date of receipt of this Order. Failing which, respondent/local police was directed to lodge FIR against the Property Owners – Sh. Manoj Gupta / Smt. Megha Gupta particularly violating Section 92 (a) and other sections of the RPwD Act, 2016 & Rules and further produce the case before the concerned Additional Session Judge -02 designated as Special Court vide Notification No. 1/19/2018/Judl./Suptlaw/1499-1507 dated 19.08.2019 to try the offences under the Rights of Persons with Disabilities Act,2016 for imposing strict punishment as an example.
- (ii) It was also recommended that Sh. Manoj Gupta and his family members should amend their attitude towards the persons with disabilities and it should also be made mandatory for them to apologise to the parents of child in writing for their wrong doing.

16. Case No.: 2437/1121(UDID)/2021/12

Date of Order: 22.02.2022

Name of Parties: *Sh. Ashok Kumar Vs BJRMH and H&FW*

Facts of the Case:

The complainant vide email dated 06.11.2021 filed a complaint against Dr. A.K. Saini, M.S., BJRMH alleging that he had issued forged disability certificate to Shri L.N. Sharma, working as Pharmacist in the same hospital indicating permanent Hearing Impairment disability (both ears) as 95%. Whereas Shri L.N. Sharma can perform various activities like driving, hearing over telephone etc.

The matter was taken up with the Medical Superintendent, Babu Jagjivan Ram Memorial Hospital, Govt. of NCT of Delhi vide letter dated 07.12.2021 followed by reminder dated 12.01.2022. However, no response was received.

During the hearing, complainant added that during his visit to BJRMH, Shri L.N. Sharma misbehaved with him on the issue of non availability of certain medicines. Representative of Respondent No.1 submitted that Disability Certificates issued to Shri L.N. Sharma in the year 2015 and 2021 were found to be genuine. It was further submitted that the certificates have been issued on the basis of the prevalent guidelines and parameters for disability of Hearing Impairment of the person by the Disability Board. It was also added that only the 'Disability Board' is authorised to issue the Disability Certificate and Medical Superintendent of the Hospital has no role to issue a Disability Certificate.

Recommendations/ Decision of SCPD:

After due deliberation and discussion, it was observed by the Court that the allegation of connivance of Medical Superintendent in issuing the Disability Certificate is not correct. However, with regard to genuineness of the Disability Certificate and other issues, it was recommended that:-

- (i) A fresh Board be constituted by Respondent No.1 to assess the disability of Shri L.N. Sharma, Pharmacist and check whether he can drive with or without Hearing Aid taking into account the orders of the Ministry of Surface Transport, Govt. of India, on the subject.
- (ii) Respondent No.1 in consultation with R.T.O. concerned should see if Shri L.N. Sharma, Pharmacist can be allowed to drive with 95% Hearing Impairment and can a Driving License be issued to him taking into account his disability.
- (ii) Respondent No.1 should counsel and sensitise Shri L.N. Sharma, Pharmacist and other staff of the Hospital for their behaviour towards general public visiting the Hospital and ensure a cordial and civilised environment at all times.

17. Case No.: 2345/1101/2021/09

Date of Order: 25.03.2022

Name of Parties: *Suo-Motu Vs 35 Respondents Regarding "Accessibility & barrier free movement for PwDs in the National Capital Territory of Delhi*

Facts of the Case:

It has been observed/noticed by this Court that there are many obstructions/ barriers/encroachments, illegal squatters/vendors etc. on the footpaths and roads in the NCT of Delhi which creates a lots of hindrance/problem of "Accessibility" for the Persons with Disabilities (PwD) besides Women, Children & Elderly. Consequently, the common public spaces are becoming inaccessible and unsafe not only for persons with disabilities and elderly but also for general citizen

Section 40, 41, 44, 45 and 46 of the RPwD Act, 2016 mandate the appropriate Government to ensure accessibility of existing built environment and transport among other things, to persons with disabilities under an action plan within five years and undertake the new construction only as per the prescribed standards.

Therefore, a suo-motu cognizance under Section 80 (b) of the Act of the above mentioned state of the built environment and of the fact that even at some places in Delhi new constructions are being carried out without following the prescribed standards was taken by SCPD with 35 departments including 11 DMs of GNCT of Delhi. A hearing was scheduled on 23.03.2022 on the subject for all (35) respondents.


Recommendations/ Decision of SCPD:

During the hearing, SCPD briefed about the state of affairs mentioned above and showed some glaring shortfalls in respect of Accessibility in the form of a PPT and stated that there is lack of awareness among the general public and officials of executing agencies regarding accessibility. SCPD stressed upon the need of adhering to deadline prescribed for making the barrier free environment .

It was made clear by the SCPD that after the deadline prescribed under the RPwD Act and Rules, some punitive action may be initiated against the defaulters. Provision of imposition of penalty would be considered.

After due deliberations and discussions, the following recommendations were made:-

- (1) As Public Works Department (PWD) is the main road owning agency covering almost 85% of the roads in NCT of Delhi, it is the duty and responsibility of the PWD to maintain all roads and footpaths under its jurisdiction in proper manner specially catering to the needs of persons with disabilities mainly Persons with Visual Impairment, Persons with Locomotor Impairment and those who are wheelchair bound. Apart from other points, following are the important actionable points for the PWD:-
 - (i) Awareness:- Awareness about Rights of Persons with Disabilities (RPwD) Act, 2016, Universal Design of walkways/footpaths/signages. Engineer-in-Chief, PWD to chair a meeting upto the level of Junior Engineer and get them aware about the need of accessibility. This office can help them on this aspect.
 - (ii) Training:- No organisation can survive or improve without continues training to sensitize and update the personnel of the organisation with the latest developments/procedures to be followed. It is recommended that the executing officials of the Public Works Department should be imparted training on accessibility preferably through access auditors. A report to this effect be sent to this Court.
 - (iii) Monitoring:- Continuous monitoring be done by the agency that no one violates the conditions of roads and footpaths.
 - (iv) Pelican Signals:- Provision of Pelican signals should be considered on the roads for larger public interest.
 - (v) Retrofitting work should be done to create barrier free environment for PwDs.
 - (vi) This Court specifically authorises Public Works Department and all respective road owning agencies to take all possible measures to keep roads and footpaths under its jurisdiction PwD friendly, accessible and encroachment free.
- (2) These recommendations are not only for Public Works Department but for all road owning agencies/concerned departments.

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- (3) It is often seen that footpaths are illegally encroached by squatters, hawkers, rehriis, vendors, illegal parking, illegal sign boards, illegal construction of porta cabins for guards etc. which obstructs easy movement of PwDs and all pedestrians .It is the duty and responsibility of the road owning agencies i.e. PWD, MCD, Delhi Police etc. to ensure that there is no encroachers of the pavement/ footpaths. It is also the responsibility of the Delhi Police to ensure that adequate action is taken for immediate removal of such illegal encroachers from the footpaths. Special time bound drive is required to remove all such encroachments by 6th April 2022 and ATR be submitted.
 - (4) It is the duty and responsibility of concerned Dy. Commissioner of the Municipal Corporations to ensure that no illegal hawker or the tehbazari were allowed to sit on the road and pavement restricting movement of PwDs/Pedestrians. There has to be a Joint Action and Enforcement Team in this regard consisting of licensing inspectors of MCD alongwith Delhi Police.
 - (5) Delhi Police should sensitise all Police personnel specially all SHOs and Beat Constables to keep Delhi Roads and Footpaths encroachment free and PwD friendly.
 - (6) While providing Sewer and Water connection to the individual households, relaying of sewer and water lines in colonies or housing societies, DJB often, has to dig roads for connecting water and sewer. Unfortunately, it has been observed that after completion of the work of relaying or new connection, roads and pavement are never brought back to its original condition which creates obstacles in movement of PwDs and other persons. DJB to take strict action/impose penalty against the persons/ organisations that does digging work without their permission. Also other service providers like IT, Power companies etc. does the same. A certificate be given by the concerned agencies that the roads and pavements are brought to its original condition after completion of the work.
 - (7) DTC was directed to make Bus Queue Shelters Audio Video friendly for PwDs.
 - (8) Director, UTTIPEC, DDA being the nodal agency for Unified Traffic regulation in the Capital, need to take cognizance of this important factor and hearing to initiate and take appropriate action accordingly.
 - (9) Each District Magistrate as the overall incharge of the district to ensure that there were not a single obstruction with respect of accessibility issue for PwDs and others such as Elderly, Women and Children. Each DM being the Nodal Officer in the respective district to ensure that all concerned agencies such as PWD, MCD, Delhi Police etc. do carry out their duty effectively & efficiently to create a barrier free, Accessible, PwD friendly roads and footpaths in each of the Districts of Delhi.
 - (10) An Action Plan in this regard by all the road owning agencies/concerned departments were to be submitted to the Office of SCPD through the District Magistrates immediately for making a barrier free environment for PwDs.
 - (11) DSW to issue notification regarding declaration as per the RPwD Act that the Deputy Magistrates are Additional Commissioners for Persons with Disabilities to assist SCPD in this regard.

LIST OF PERSONNEL IN O/O SCPD, DELHI

Sl.No.	NAME OF THE POST	NAME OF THE INCUMBENT	DATE OF JOINING
1.	State Commissioner	Sh. Ranjan Mukherjee	28/01/2021
2.	P.P.S	Ms. Varsha Chopra	11/06/2020
3.	Section Officer	Sh. Santosh Kumar	08/08/2019
4.	A.A.O	Sh. V. K. Rajpoot	06/06/2019
5.	P.S	Ms. Seema Lakha	20/09/2016
6.	P.S	Sh. J. L. Dudeja	17/05/2018
7.	Assistant Section Officer	Ms. Savitri D. Bhakuni	23/11/2017
8.	Senior Assistant	Sh. Manoj Kumar	13/07/2022
9.	Senior Assistant	Sh. Piyush Ranjan	23/07/2013
10.	Welfare Officer (on outsourced basis)	Ms. Nidhi	21/08/2017
11.	Welfare Officer (on outsourced basis)	Sh. Mahender	01/12/2017
12.	Stenographer	Sh. Vivek	04/03/2022
13.	Asstt. Programmer (on outsourced basis)	Sh. Ajeet Pathak	08/03/2022
14.	Jr. Assistant	Sh. Hari Singh	10/10/2018



Message from President, AICB

I am delighted to congratulate the Commissioner, Disabilities, Government of NCT of Delhi for undertaking cutting-edge initiatives towards the empowerment and inclusion of Persons with Disabilities and achieving milestones not visible in other states of the country. Your proactive and suo-moto approach has put key duty bearers on the alert in many Departments. Actions such as designating District Magistrates in Delhi as Additional Commissioners for Disabilities has created sensitization in the community as well as brought the grievance redressal channels at the doorsteps of persons with disabilities.

Your actions have created an irreversible road map for making Delhi inclusive and accessible. Your Office has led by example the work for persons with disabilities by ensuring resilient and nondiscriminatory observance of the Rights of Persons with Disabilities Act, 2016 as well as by providing commendable avenues of approach to advocacy, rehabilitation and financial channels for all persons with disabilities.

Prof. Anil Kumar Aneja

*Head, Department of English, University of Delhi
Director, Centre for Disability Studies, University of Delhi
Chairman, Zakir Husain College, University of Delhi
President, All India Confederation of the Blind*



Message from Founder, Samarthanam Trust

My heartiest congratulations to the State disability Commissioner's office, Government of Delhi, for the massive work being carried out for People with disabilities and safeguarding the rights of Persons with disabilities.

I am delighted that Samarthanam Trust, a leading NGO, focuses on empowering people with disabilities and is helping the Youth with placement opportunities through a series of Job fairs held across India. We launched the Job Fairs pan India by providing a valuable platform to enable the specially-abled to meet and connect with prospective employers, apply for open positions and gain job placement. As a result, the Job Fairs for Youth with Special Disabilities are gaining strength and momentum, and the talents of Youth with disabilities are being recognized.

At this juncture, I offer my special thanks to Shri Ranjan Mukherjee, the State Disability Commissioner, Govt. of Delhi and his team for being a part of the job fairs in Delhi and helping us to move forward with their consistent support and commitment. Samarthanam is forever grateful for your relentless service towards the noble cause of improving the quality of life of the disabled and making them lead dignified life.

Best Wishes

Dr. Mahantesh G Kivadasnavar

Founder Managing Trustee
Samarthanam Trust for the Disabled
President, Cricket Association for the Blind in India (CABI)