

**In the Court of State Commissioner for Persons with Disabilities  
National Capital Territory of Delhi  
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2  
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(Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016)

Case No. 1106/1011/2019/09/6626-6628

Dated: 15.10.2019

In the matter of:

Suo-Motu

Versus

Medical Superintendent

Babu Jagjivan Ram Memorial Hospital (BJJRM Hospital)

E-Block Bhalsawa Jahangir Puri

North-west Delhi.

.....Respondent no.1

The Principal Secretary

Public Works Department

5th Level, B-Wing, Delhi Secretariat

New Delhi -110002.

.....Respondent No.2

Date of hearing: 14.10.2019

Present: Dr. C.S. Bhogal, D.M.S. (HR) on behalf of respondent.

**ORDER**

Dr. Yogesh Tekwani, a person with 52% locomotor disability brought to the notice of this Court vide his email dated 14/08/2019 that the door of disabled friendly toilet which is located at OPD Block of Babu Jag Jevan Ram Memorial Hospital Jhangirpuri was broken.

2. This Court decided to depute a team of two functionaries of this Court to visit the hospital on 02.09.2019. The inspecting team found that the hospital has incorporated accessible features in the building but these do not meet the prescribed accessibility standards. Some examples are mentioned below:

- (i) there is no designated parking for persons with disabilities;
- (ii) No signages were available in the entire hospital to direct persons with disabilities to various facilities including the Disability Board;
- (iii) Grab bars were not available in the disabled friendly toilet;
- (iv) No electricity Connection was available in the disable friendly toilet;
- (v) OPD block does not have proper access for wheelchair users;
- (vi) Drinking water facilities were not accessible;
- (vii) Tactiles are not provided inside or outside in the entire hospital;

3. Inspection team also observed that a room was allotted to the Disability Board at the end of the hospital to issue the Disability Certificates, which is far away from the main entrance and has many barriers on the way. There was no ramp at entrance of the disability board room. A person with locomotor disability with an artificial lower limb had a lot of difficulty in reaching the Disability Board room due to absence of signages and obstruction on the way.

4. As per status report submitted by PWD in suo-motu case no.4/1665/2017-Wel/CD, the said hospital was to be made fully accessible by August 2019.

5. Rule 15 of the Rights of Persons with Disabilities Rules, 2017 notified by Ministry of Social Justice and Empowerment (Department of Empowerment of Persons with Disabilities) vide notification dated 15.6.2017 provides that the standard for public buildings as specified in the “Harmonised Guidelines and Space Standards for Barrier free Built Environment for Persons with Disabilities and Elderly Persons” issued by the Government of India, Ministry of Urban Development in 2016 shall be complied by every establishment.

6. Section 45 and 46 of the Rights of Persons with Disabilities Act, 2016 (the Act) provide for the time limit of 5 years and 2 years from the date of notification of the rules under Section 40 of the Act respectively for making “public buildings” and “facilities and services” accessible for persons with disabilities i.e by 15th June, 2022 and 15th June, 2019.

7. The State Commissioner for persons with Disabilities, Govt. of NCT of Delhi is mandated to inquire suo motu or otherwise deprivation of the rights of persons with disabilities and safeguards available to them and to monitor implementation of the provisions of the Act and take up with the appropriate authorities for corrective action u/s 80 of Act.

8. Therefore the respondents were directed to submit the reasons for not providing accessible facilities to persons with disabilities in and around the hospital and their version of the case and a hearing was scheduled on 14.10.2019 vide notice to Show-Cause-Cum-Hearing Notice dated 09.09.2019.

9. During the hearing on 14.10.2019, Dr. C.S. Bhogal, DMS (HR), Babu Jagjivan Ram Memorial Hospital (BJJRM Hospital) appeared and submitted a letter dated 11.10.2019 of Dr. Pratibha Nanda, Medical Superintendent of the hospital. As per the said letter, the SCN-Cum-Hearing Notice was forwarded to PWD authorities (both Civil & Electrical) and the replies received from AE(Civil), PWD and AE(Electrical), PWD have been enclosed.

9. Sh. Anil Kumar, AE(Civil), PWD Jahangirpur vide letter dated 10.10.2019 has informed that all the works mentioned in Para 2(i) to (vii) of the SCN-Cum- Hearing Notice dated 09.09.2019 are being undertaken under the Accessible India Campaign(Sugamaya Bharat Abhiyan). The work is in progress and is likely to be completed by 31.12.2019.

10. The AE(Electrical), PWD HN-2, NJRM Hospital, Jahangirpur vide his letter dated 21.09.2019 has submitted that Point No. 2(iv) raised as observation regarding electricity connection in the disabled friendly toilet has been addressed by making electrical connection in the above said toilet.

11. In view of the above status report, the concerned Chief Engineer(Health Zone) PWD is directed to ensure incorporation of all the accessible features in the hospital in accordance with the “Harmonised Guidelines and Space Standards for Barrier free Built Environment for Persons with Disabilities and Elderly Persons” issued by the Ministry of Urban Development in 2016 by 31.12.2019.

12. Respondent No. 1 is also advised to ensure monitoring of the works that the same is done in accordance with the prescribed standards mentioned above.

13. An action taken report in this regard be sent to this Court within three months from the date of receipt of this order as required under Section 81 of the Act which is reproduced below:

*“Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:*

*Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.”*

14. The case is disposed of.

15. Given under my hand and the seal of the Court this 15<sup>th</sup> day of October, 2019.

**(T.D. Dhariyal )**  
**State Commissioner for Persons with Disabilities**

Copy to the Pr. Chief Engineer, Health Zone, 2<sup>nd</sup> Floor, MSO Bldg. ITO, New Delhi-110002 for further necessary action.

