

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-
110002

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

Case No. 943/1015/2019/06/ 4138

Dated: 6-8-19

In the matter of:

Suo-motu

.....Complainant

Versus

The Chairman,
Delhi Commission for Safai Karamcharis,
Govt. of NCT of Delhi,
5477/72, Raigar Pura, Karol Bagh,
Delhi-110005

.....Respondent

ORDER

As per Section 21 of the Rights of Persons with Disabilities Act, 2016 (The Act), ***"(i) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government. (2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be."***

2. Rule 8 of the Rights of Persons with Disabilities Rules, 2017(RPwD Rules) & Rule 12 of the Delhi Rights of Persons with Disabilities Rules, 2018(Delhi RPwD Rules), provide as under:

"Manner of publication of equal opportunity policy.-

(1) Every establishment shall publish equal opportunity policy for persons with disabilities within a period of six months from the notification of these rules.

(2) The establishment shall display the equal opportunity policy preferably on their website, failing which, at conspicuous places in their premises.

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(3) The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall inter alia, contain the following, namely:-

(a) Facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;

(b) list of posts identified suitable for persons with disabilities in the establishment;

(c) the manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;

(d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;

(e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities and provisions of facilities and amenities for such employees.

(4) The equal opportunity policy of the private establishment having less than twenty employees shall contain facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment."

3. Vide letter No.F.5/1766/2017-wel/CD/5134- 5292 dated 13.02.2018 followed by reminders dated 15.06.2018 and 18.01.2019, the respondent was advised as under:

(i)to have the Equal Opportunity Policy(EOP) in respect of their Department/Organisation and the establishments under their control, published and registered with the State Commissioner; and

(ii)provide a list of private establishments registered with or connected to their department/organisation alongwith their full addresses and contact details in soft copy;

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4 Contravention of any provision of the Act and the Rules made thereunder is punishable under Section 89 with fine which may extend to Rs.10000/- and for any subsequent contravention fine shall not be less than Rs.50000/- but may extend to Rs. 5 lakh. Section 93 of the Act also provides for fine for failure to furnish information which may extend to Rs.25000/- in respect of each offence and in case of continued failure or refusal with further fine which may extend to Rs.1000/- for each day of continued failure or refusal.

5 As there was no response for more than one year and publication and registration of Equal Opportunity Policy with the State Commissioner for Persons with Disabilities is mandatory under the Act, the respondent was directed to show cause why the equal opportunity policy in respect of his/her Department and all the establishments (Govt. as well as private establishments) registered or connected to his/her Department should not be notified and registered with the State Commissioner by 29.07.2019 vide notice dated 06.06.2019.

6 The respondent vide letter dated 16.07.2019 has submitted the copy of EOP in respect of the Delhi SC/ST/OBC/Minorities/Handicapped Financial & Development Corporation for registration after incorporating modifications suggested by this court. The Commission has informed that no private establishments are registered with or connected to it. The said EOP has been registered with registrations No. EOP/DL/Discom/39/2019.

7 The matter is disposed off.

8. Given under my hand and the seal of the Court this 2nd August 2019.



Suharinal
(T.D. Dhariyal) 6/8/19
State Commissioner for Persons with Disabilities

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