

**In the Court of the State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-110002
Phone-23216001-04, Email: comdis.delhi@delhi.gov.in**

Case No. 2543/1101/2022/03/5763-5768

Dated:28-06-22

In the matter of :

SUO-MOTU Regarding “Earmarking of parking slots for PwDs ”

Versus

As per enclosed list

..... **8 Respondents**

ORDER

Specific parking slots for Persons with Disabilities (PwDs) have to be mandatorily earmarked. Signages to that effect are also required to be displayed accordingly in the parking lots by the concerned controlling authorities. In this regard (Hon’ble High Court Delhi, Order dated 11.02.2015 in WP(C) No. 1977/2014) may also be referred.

2. Section 41(1)(a) of the Rights of Persons with Disabilities Act, 2016 provides that:-

41. *“(1) The appropriate Government shall take suitable measures to provide,— (a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to **parking spaces**, toilets, ticketing counters and ticketing machines.”*

3. All parking lot owning agencies/Departments needs to adhere to the RPwD Act, 2016 and instructions issued by Hon’ble High Court Delhi in this regard.

4. Section 80 (b) of the RPwD Act, 2016 provides that State Commissioner ;

“shall inquire, suo motu or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action.”

5. A suo motu cognizance was taken under Section 80 of the Act and the respondents were accordingly directed vide notice dated 29.03.2022 followed by reminders dated 11.05.2022 and 27.05.2022 to confirm this court the earmarking of parking slots by the concerned agencies alongwith display of signage boards accordingly and also enclose photographs for evidence for each parking lot.

6. In response to notice, all the respondents furnished the reply except PWD and DDA. This Court has taken a very serious view of it. Attention is invited to Provision of Section 93 of the Act which is reproduced below:-

93. *“Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given thereunder, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.”*

7. MCD, NDMC, DCB and DMRC submitted that they have earmarked parking lots for persons with disabilities and also instructed the controlling authorities/contractors to maintain it and properly display the signages to this effect. They have also enclosed photographs to this effect. Traffic Police has informed that the parking sites/lots are allotted and maintained by civic bodies such as MCD, NDMC, DUSIB etc. Delhi Traffic Police only conveys feasibility report to these agencies from traffic point of view as and when asked by them. Further, the matter regarding providing accessibility in the Government Office building also pertains to civic agencies.

8. It is observed that there is not sufficient parking lots earmarked for PwDs and there is also lack of signages. Attention of all is invited to the Harmonised Guidelines and Standards for Universal Design Accessibility in India 2021 issued by Ministry of Housing and Urban Affairs, Govt. of India. According to these guidelines the number of parking lots should be earmarked in the following manner:-

Number of Vehicle Parking Units	Number of Accessible Parking Lots
For 50 parking lots (1-50)	1
Next 50 lots (51-100)	1
Every subsequent 200 lots or any part thereof	1

9. Keeping in view the replies and photographs submitted by the respondents and the state of affairs in respect of earmarking of parking lots by the concerned agencies, the following are recommended:-

- (i) No. of parking lots should be earmarked in accordance with the Harmonised Guidelines and Standards for Universal Design Accessibility in India 2021.
- (ii) Parking management should ensure keeping the reserved lots unoccupied except in any emergency.
- (iii) Parking lots should be fully accessible for PwDs. International Symbol of Accessibility should be clearly marked at the accessible parking lots.

- (iv) Proper sign boards should be displayed at relevant places and these should not be obstructed by a vehicle parked in the designated lot.
- (v) It should be ensured that parking management staff is sensitised and trained towards the needs of persons with disabilities, elderly and others.

10. This court be informed of the action taken by all the concerned respondents on the recommendations as above within 3 months from the date of receipt of this order as required under Section 81 of RPwD Act, 2016.

11. Given under my hand and the seal of the Court this 28th day of June, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities

List of Respondents

1. The Commissioner, South Delhi Municipal Corporation, 9th Floor, Dr. S.P.M. Civic Centre, JLN Marg, New Delhi -110002
 2. The Commissioner, North Delhi Municipal Corporation, 4th Floor, Dr. S.P.M. Civic Centre, JLN Marg, New Delhi -110002
 3. The Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Industrial Area, Delhi -110096
 4. The Chairman, New Delhi Municipal Council, Palika Kendra, Parliament Street, New Delhi-110001. .
 5. The CEO, Delhi Cantonment Board, Sadar Bazar, Delhi Cantt-10.
 6. Engineer-in-Chief, PWD, 12th Floor, MSO Building, I.P. Estate, New Delhi: 110002.
 7. Managing Director, Delhi Metro Rail Corporation, Fire Brigade Lane, Barakhamba Road, Connaught Lane, Barakhamba, New Delhi, Delhi 110001.
 8. The Special Commissioner of Police (Traffic), 3rd Floor, Tower-1, Delhi Police Headquarters, Jai Singh Road, New Delhi – 110001. (Email- splcp-traffic-dl@nic.in).
- Now, Commissioner,
Municipal Corporation
of Delhi.