



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
 दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)
 सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment
 भारत सरकार/Government of India

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 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case No. 14263/1011/2023

In the matter of —
 Shri Nischal Kumar

... Complainant

Versus

(1) The Secretary,
 Railway Board, Ministry of Railway

... Respondent No.1

(2) The Chairman,
 Railway Recruitment Cell,
 South Eastern Railway,
 Kolkata 700043

... Respondent No.2

Hearing (III):

A 3rd hearing was conducted on **29.11.2024 (Offline/Online through video conferencing)** at the Office of the Secretary, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Room No. 529, B-III Wing, Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi. The following parties/representatives were present during the hearing:

Sl. No.	Name of the parties/ Representatives	Mode of Presence
From Complainant:		
1.	Shri Nischal Kumar, Complainant	Online
2.	Shri Mukesh Gupta, for the Complainant	Online
From Respondent No.1:		
1.	Shri U.K. Tiwari, Director-Establishment (Non-Gazetted Officers), Railway Board	Online
2.	Shri Vivek Kumar Pandey, Section Officer, Railway Board	Online
From Respondent No.2:		
1.	Shri Kaushik Bhattacharya, Chairman/RRC/SER	Online

RECORD OF PROCEEDINGS

During the hearing, the representative, Shri U.K. Tiwari, Director-Establishment (Non-Gazetted Officers) appearing from the Railway Board submitted that in the last hearing, it was told that a notification would be issued in December 2024 covering all the backlog of the vacancies for persons with disabilities. In the said notification a number of posts would also be reserved for the BL sub-category of divyang persons.

2. The Court appreciated that a notification is being issued to fill up the backlog vacancies. At the same time, the representative was asked to clarify whether vacancies are being notified reserved for Persons with Locomotor Disabilities suitable to be held by divyang persons having both legs affected. The representative could not confirm the same, nor were they able to produce any documents in support of the exemption from the reservation, taken if any, for the posts identified suitable for the BL sub-category as per the MSJ&E Notification dated 29.07.2013 on the subject which was in vogue at that point of time. More particularly, the representative could not also say/clarify whether the post that the Complainant, Shri Nischal Kumar, a person with 60% Locomotor Disability had applied under CEN No.RRC-01/2019 is being notified as reserved for LD and suitable for the BL sub-category.

3. In view of the submissions made during the hearing and the documents available on record, the respondents are advised to submit the details of the posts being reserved for Persons with Benchmark Disabilities in the notification to be issued by the respondents to fill up the backlog vacancies reserved for the PwBD more particularly whether the reserved vacancies have been notified as suitable for the BL sub-category of LD.

4. The respondents are further advised to ensure that in the ensuing notification, the suitability of the posts for various categories of disabilities is mentioned in accordance with the MSJ&E Notification dated 04.01.2021. The respondent is also advised to furnish to this Court documents in support of the exemption from reservation, obtained by it as per Section 34 of the RPwD Act, if any.

5. Action taken report of this Record of Proceedings be submitted within two weeks from the date of issue of this communication, failing which this Court may be constrained to take action u/s 89 and 93 of the Rights of Persons with Disabilities Act, 2016.

6. This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

Digitally signed by
PRAVEEN PRAKASH AMBASHTA
Date: 09-12-2024 10:48:26

(Praveen Prakash Ambashta)
Dy. Chief Commissioner



कार्यालय मुख्य आयुक्त दिव्यांगजन

OFFICE OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
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 Email: ccpd@nic.in; Website: www.ccdisabilities.nic.in

Case: No.14600/1021/2023

IN THE MATTER OF:-

Shri Ajay Kumar Singh

...Complainant

Versus

The Chairman & Managing Director
 Punjab National Bank
 Head Office, New Delhi

...Respondent

Hearing (I):

A hearing was conducted on **20.09.2024** in hybrid mode (offline/online through Video Conferencing at Room No. 529, BA III Wing, Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi. The following parties were present during the hearing:

S. No.	Name of the parties/ Representatives	Mode of Presence
Complainant:		
1.	Mr. Ajay Kumar Singh. Complainant	Online
2.	Advocate Rishabh Sharma, For the Complainant	Online
3.	Advocate Mayank Bhargava, For the Complainant	Online
Respondent:		
1.	Mr. Mukesh Kumar Sinha, DGM (HRD), PNB HO	Online
2.	Mr. Sharat Srivastava, AGM (HRD), PNB HO	Online

RECORD OF PROCEEDINGS

Complainant's Submissions:-

1.1 The complainant, an employee with 60% locomotor disability, alleged discriminatory practices in his promotion from Scale 2 to Scale 3. He claimed that despite fulfilling all eligibility requirements, he was denied promotion due to his disability status. He referred to Section 34 of the Rights of Persons with Disabilities (RPWD) Act, 2016, which mandates a 4% reservation in promotions for persons with benchmark disabilities, including public sector banks. The complainant argued that this provision was ignored in his case.

1.2 The complainant argued that the bank's policy failed to comply with the 4% reservation mandate under the RPWD Act, particularly for promotions within Group B or middle management (Scale 2 to Scale 3). He highlighted that while DoPT guidelines and DFS circulars support reservations up to the lowest rung of Group A, restricting promotions for employees with disabilities to entry-level Group A roles excludes them from advancement in middle and senior management, violating the RPWD Act. The complainant asserted that the bank's interpretation of the reservation policy must include Group B positions to ensure full compliance with the law.

1.3 The complainant cited an **RTI response** revealing that only **26 out of 57** positions for persons with disabilities were filled in a recent promotion cycle, highlighting the bank's failure to meet the **4% reservation mandate**. He argued that this partial implementation unfairly disadvantaged **eligible candidates**, including himself.

1.4 The complainant argued that had the **full reservation quota** been met, he likely would have been promoted. He estimated a **loss of ₹4-5 lakhs in potential earnings and benefits** due to the denied promotion, emphasizing the **significant financial impact** on his personal and professional responsibilities.

Respondent's Argument:-

2.1 Respondents explained that the policy of reservation in promotion covers posts only up to JMGS-1 level, which is the lowest level in the officers' grades and not higher grades like Scale 2 to Scale 3. This promotion policy for Persons with Benchmark Disabilities (PwBD) is based on guidelines from the Department of Financial Services (DFS) and the Department of Personnel and Training (DoPT) and is consistent with standard government banking practices, as implemented across other financial and public sector institutions.

2.2 The Respondent argued that in the absence of any superseding

circular, they are bound to adhere strictly to the current DFS guidelines. They implied that any deviation or extension of the reservation beyond JMGS-1 would require legal or regulatory changes rather than discretionary adjustments by the bank.

Observations:-

3.1 The Court observed that the dispute between the parties has arisen on account of differing interpretations of the post equivalent to the "lowest rung of Group A Post" in the respondent establishment. The Complainant contends that Scales 2 & 3 are comparable to Gp B posts in central government, while the Respondent contends that Scale-1 posts are equivalent to the lowest rung of Gp A posts in their establishment. None of the parties could furnish any documentary evidence to establish their interpretation as the lawful position on the issue.

3.2 The Respondent is advised to submit a copy of the authority clarifying the above point and showing the comparison of grades between their establishment and the central government. The Respondent is also advised to submit on an affidavit details of the vacancies that occurred in officers' grades during the last 5 years and the number of persons with benchmark disability appointed against those vacancies also clearly specifying the sub-categories of the disabilities of persons so appointed. The reply of the respondent should reach this court within 15 days.

3.3 This is issued with the approval of the Chief Commissioner for Persons with Disabilities.

Digitally signed by
PRAVEEN PRAKASH AMBASHTA
Date: 20-12-2024 13:07:07

(Praveen Prakash Ambashta)
Dy. Chief Commissioner



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In the matter of —

Suo-motu (Case No. 15028/1150/2024)

&

Shri Nikhil Jain (Case No. 15712/1101/2024) ... Complainant

Versus

- (1) The Director General,
National Informatics Centre, New Delhi ... **Respondent No.1**
- (2) The Secretary,
Ministry of Electronics and Information Technology... **Respondent No.2**
- (3) The Director General,
Standardization Testing and Quality
Certification (STQC) Directorate, ... **Respondent No.3**
- (4) The Managing Director & CEO,
Digital India Corporation, New Delhi ... **Respondent No. 4**
- (5) The Director/Chief Executive Officer,
Zoho Technologies Private Limited,
Chennai (Tamil Nadu) ... **Respondent No.5**

Hearing (II):

A second hearing was conducted in this case on **09.10.2024** through video conferencing at the Office of the Secretary, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, Room No. 529, B-III Wing, Antyodaya Bhawan, CGO Complex, Lodhi Road, New Delhi. The following parties/representatives were present during the hearing:

Sl.	Name of the parties/	Mode of
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No.	Representatives	Presence
From Complainant:		
1.	Dr. Nikhil Jain, Complainant	Online
2.	Mr Pratap Bist, Nodal Officer, Directorate of Education, Govt. of NCT of Delhi	Online
From Respondent No.1:		
1.	Ms. Rachna Srivastava, Scientist-G, Deputy Director General, NIC e-Office	Online
2.	Ms. Seema Khanna, Deputy Director General, NIC Email	Online
From Respondent No.2:		
	None appeared	
From Respondent No.3:		
1.	Mr. M. Vellaipandi, Director General, STQC	Online
2.	Shri Suresh Chandra Scientist G, IT & e-Governance Group	Online
From Respondent No.4:		
	None appeared	
From Respondent No.5:		
1.	Mr. Krishna Kumar Zoho Technologies Pvt. Ltd., Chennai	Online
2.	Advocate Vinod Kumar On behalf of Zoho Technologies Pvt. Ltd., Chennai	Online
Special Invitee:		
1	Advocate Amar Jain, an expert on digital accessibility and a person with 100% Visual Impairment	Online

RECORD OF PROCEEDINGS

During the hearing Advocate Amar Jain, who was present at the request of the Court to assist in the hearing of this matter, stated that besides the issues related to the PARICHAY, his testing indicated that the NIC has fixed some issues. The exact progress is being submitted with the report. Advocate Jain highlighted a few issues for the consideration of this Court:

(a) NIC E-Office has not been tested extensively for accessibility and a lot of custom approaches have been deployed for making those components accessible which have been complained about; This practice is not in consonance with the industry practice and therefore extensive accessibility testing and remediation in line with the industry standards and practices is required. The current approach of customised fixing the problems is likely to break when the system is upgraded or the assistive technology is upgraded.

(b) Additionally, e-office is also based on certain third-party components

where the accessibility is not integrated by design. Unless accessibility is made mandatory as part of procurement, the problem cannot be fixed by NIC alone.

(c) In addition to accessibility testing and remediation, it is also important to involve users with disabilities in testing the functionalities deployed to make the user experience better.

2. The Deputy Director General-NIC submitted that when the team had decided to make the accessibility compliant, at that time the JAWS software was not available on GeM, and the available source was used to test the accessibility. The representative assured that in two weeks' time, the JAWS software which is generally used to access the application would be procured. Once the JAWS is procured, the representative is assured to complete these tasks to make the e-office fully accessible:

- (a) The entire testing would be done again on the JAWS.
- (b) To fix the deployment-related issues in the draft editing area.
- (c) The uses of third-party tools. For example, the 'pdf viewer' and the 'open source editor' to create notes. The e-office depends on these two software which are used extensively, therefore, there is a need to exactly list the 'Firefox H and Safari' where the PDF as well as the open editor are behaving properly.

3. On this, it was submitted by Advocate Amar Jain that accessibility testing should be done for all persons with disabilities and not just for persons using screen readers. Further, open-source solutions are mostly based on GPL3 licenses and can be modified to include accessibility. Mandating a specific browser and specific assistive technology is not recommended practice.

4. Mr Pratap Singh Bist, the representative appearing for the Complainant submitted that he had tested the e-office and submitted a report. He suggested as under:

- (a) That Hindi pdf is not read by any system of software currently being used. So, there should be an alternative to upload the doc file to make it readable.
- (b) All components of third-party tools such as captcha, editors, etc. should be discussed with the respective service providers to resolve all the respective issues of accessibility at a time by organizing a meeting with them.
- (c) While entrusting the work to the service providers it would be made mandatory that the service providers render their services keeping in view all the accessibility-related issues.
- (d) Keyboard shortcuts be also provided on the screen.

5. In light of the Record of Proceedings of the last hearing, Advocate Jain suggested that the NIC plays a very big role in government sectors. According to Section 508 every team i.e. for procurement, for developers, etc. has a role in implementing the accessibility. At the time of induction of a team into a job, the component of accessibility should be there along with the refresher for implementation of the accessibility.

6. The Director General, STQC submitted that based on the directions of this Court they framed a national-level Accessibility Audit course with specifications based on past experience under GIGW 2.0 as well as under GIGW 3.0. This is a three-days' course. Two days will be devoted to theoretical and practical inputs while the third day will be on learning assessment.

7. Both the complainant and the amicus stressed the need to get the courseware designed by STQC vetted by subject matter experts on accessibility and persons with disabilities. An assurance was given by STQC to do the needful in this regard before launching the courseware.

8. The Complainant, Shri Nikhil Jain appreciated framing of Accessibility Audit Course framed by the STQC, but he emphasized how to ensure the implementation of the accessibility policy and what action could be taken with those organizations who are not complying with the accessibility policy in their organizations. Further, human testing be made compulsory to test the accessibility of the website and the Certification Team should consist of persons with all types of disabilities to test the website in their own view.

9. It was apprised by the Court that there are many issues of inaccessibility with the NIC email. For example, persons with disabilities who are using the UDID portal, face difficulties as the Department is not receiving the emails on the helpline email from the persons with disabilities, and the department as well as the persons with disabilities are suffering from this transition.

10. Ms. Seema Khanna, Deputy Director General, NIC-Email noted it and assured to get it rectified and fix the problem with the help of Zoho Technologies Pvt. Ltd.

11. Mr. Krishna Kumar appearing from Zoho Technologies Pvt. Ltd. submitted that accessibility was not part of the tender issued by NIC. This Court apprised the factum of the law being enacted 8 years ago and noted that any procurement done in violation of the accessibility standards is not tenable.

12. Further, Advocate Jain argued that even if accessibility was not part of the procurement documentation, a company providing any product or service in India could not have designed their product or service in violation of the statutory mandate. Relying on Section 46 and Rule 15 of the Rules, Advocate Jain demanded that Zoho must be asked to submit an accessibility audit report or demonstrate compliance with accessibility standards after June 14, 2019.

13. Observations & Recommendations:

13.1 After hearing the parties, the Court was of the view that NIC needs to ensure that conditions related to accessibility for persons with disabilities is included in their notices inviting tender. Accessibility of digital platforms and materials is mandatory under sections 42 and 46 of the RPwD Act, 2016. Any contract awarded without making a stipulation in this regard is untenable.

13.2 As such, the Court advised the parties to submit their version in writing on the following points within two weeks from the date of issue of this Record of Proceedings:

(a) The STQC to share a copy of the syllabus of the Accessibility Audit Course to organize a demo with the STQC team along with some good IAAP-certified professionals with both divyang users and non-divyang participants from the industry.

(b) NIC to modify its tendering documents to include mandatory compliance with accessibility standards failing which their tendering documents will be not legal.

(c) NIC is also advised to conduct a comprehensive accessibility audit of E-Office by involving empaneled digital accessibility auditors by DEPWD.

(d) NIC is further advised to designate a nodal officer to look after accessibility complaints and put in timelines for their timely resolution.

(e) NIC should also provide training to its developers upon joining for accessible designing in line with GIGW and IS17802 and a refresher course must be conducted annually to ensure that all new designs are accessible since inception.

(f) Zoho is directed to provide a comprehensive accessibility audit report issued by an accessibility auditor empanelled by DEPWD or G-e-M within three months and carry out remediation if any within six months thereafter.

**Digitally signed by
Praveen Prakash Ambashta
Date: 20-12-2024 22:24:38**

**(Praveen Prakash Ambashta)
Dy. Chief Commissioner**



न्यायालय मुख्य आयुक्त दिव्यांगजन

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Case No. 15832/1121/2024

In the matter of

Suo-motu

Versus

Ministry of Health & Family Welfare & 93 Others

Hearing (I):

A hearing was conducted on **13.11.2024** in hybrid mode (offline/online through video conferencing). The following parties/representatives were present during the hearing:

Resp. No.	Name of the State/UT	Name of the Representatives from the Health Department
08	Chandigarh (UT)	(1) Dr. Shivangi Mehta, Medical Superintendent, Mental Health Institute, Chandigarh (UT) (2) Prof. A. K. Attri, Principal, Director-Principal, Government Medical College and Hospital, Chandigarh (UT)
12	Goa	Dr. Anil Rane, Medical Superintendent, Institute of Psychiatry and Human Behaviour (IPHB), Goa
23	Maharashtra	Dr. Murali
24	Manipur	Dr. Chambo Gonmei, Director of Health Services, Manipur
28	Odisha	Dr. Rekha Bhagat, Additional Director (MH), Health Department, Odisha

29	Puducherry (UT)	Dr. Sevel, Medical Superintendent, IGGGH & PGI, Puducherry (UT)
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Resp. No.	Name of the State/UT	Name of the Representatives from the Social Welfare Department (Disability Affairs)
44	Chandigarh (UT)	Ms. Madhavi Kataria, IAS SCPD, Chandigarh (UT)
48	Goa	Ms Meghna Shetgaonkar, Director, Empowerment of Persons with Disabilities Department
59	Maharashtra	Ms. Anuja Shelke, State Coordinator for the UDID Project Maharashtra.
61	Meghalaya	Ms. Joyful, State Coordinator, Govt. of Meghalaya
65	Puducherry	Thiru. D. Arumugam, Deputy Director, Directorate of Social Welfare, Puducherry Mr. Ram Krishna, District Data Officer Government District Hospital, Yaman (Puducherry)
68	Sikkim	Dr. M.B. Chhetri, Joint Commissioner Disability-Tech. Women & Child Development Department, Government of Sikkim
69	Tamil Nadu	Dr. H. Mythili, Assistant Special Officer, Directorate for Social Welfare of Differently Able, Government of Tamil Nadu, Chennai
70	Telangana	(1) Ms. B. Sailaja, Director, Disabled Welfare Department, Govt. of Telangana (2) Mr. C. Anil Kumar, Program Officer, Empowerment of Persons with Disabilities, Senior Citizens, Transgender Department, Telangana

Resp. No.	Name of the District (State)	Name of the Representatives from District Hospital
76	Kolhapur (Maharashtra)	(1) Dr. Aniruddha Pimple, District Health Officer, Zilla Parishad, Kolhapur District (2) Dr. Uttam Madane, Assistant District Health Officer, Kolhapur

		District
77	Ganjam (Odisha)	(1) Dr. Uma Shankar Mishra, Chief District Medical Officer, Ganjam (Odisha) (2) Dr. Bijaya Kumar Panda, CDM & PHO, Ganjam (Odisha)
79	Balasore (Odisha)	Dr. Gopinath Parida, CDM & PHO, Balasore District (Odisha)

Resp. No.	Name of the District (State)	Name of the Representatives from the Collector's Office
87	Ganjam (Odisha)	Mr. Dibya Jyoti Parida, IAS, Collector & District Magistrate, Ganjam (Odisha)
89	Balasore (Odisha)	Ms. Pratibha Behera, District Social Security Officer District-Balasore (Odisha)

Special appearance	Mr. Vineet Singhal, Director, DEPWD/MSJE
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RECORD OF PROCEEDINGS

At the outset, the parties/representatives were apprised that this suo motu case had to be taken up due to several complaints of unreasonable delays and harassment in issuing the Unique Disability Identity Cards (UDID) to the applicants. In the last 5-6 years roughly 1.1 crores active UDID Cards have been issued so far. Since 2019, all States and Union Territories have been requested to stop issuing manual disability certificates whether temporary or permanent. The States and Union Territories were also asked to use the central portal, namely- 'Swavlamban' created for the purpose by the Government of India.

2 . The Court briefed the attendees about the recent gazette notification of 16.10.2024 bringing amendments to the Rules 17 & 18 of the RPwD Rules, 2017, and also about the modifications brought through gazette notification dated 12.03.2024 on the issue of assessment of various disabilities. The following specific concerns/points were raised:

- (a) The 'First in & First Out' [FIFO] is getting violated indiscriminately.
- (b) As per the amended Rules, the timelines for acceptance or rejection of applications for DCs are three months and one month respectively.
- (c) The critical limits of the percentage of disabilities are 40% and 80%. While 40% is required for reservation in jobs and higher education; 80%

disability is a pre-requisite for facilities such as motorized tricycles. As such, percentages such as 39%, 41% or 79% mentioned on the UDID look suspicious.

(d) Some hospitals are reported to have stopped issuing Disability Certificates on flimsy grounds. This is not acceptable when the queue is so long.

(e) Adequate measures have not been taken to curb the menace of fake Disability Certificates (DCs). The Court informed that under Section 91 of the Act, misuse of benefits meant for persons with disabilities is a punishable offence. A fake disability certificate often is a tool for committing this crime. It is thus, imperative that strict action be taken against those who are involved in issuing a fake DC.

(f) As per the new Notification of the DEPwD issued on 12.03.2024, the Sickle Cell which was hitherto a temporary disability, has been regarded as a permanent disability.

(g) Camps are organized to accelerate the certification of divyang persons. The pros and cons of this approach require careful consideration. While it gives quicker results, the pressure of time may also result in erroneous assessment of disability.

(h) Whether the the authority for issue of a DC should be delegated from the district level to the Taluka levels, particularly in cases of Locomotor Disability, which constitutes a very high number of divyangjan.

(i) The guidelines for the evaluation of disabilities are very clear and certification of disabilities must be done according to it within the timeline without jumping the lines with clear stipulations of 'yes' & 'no'.

(j) The amendments in the new Rules were notified on 16.10.2024, which gives clear guidelines for classification between permanent and temporary, and also reduces the length of the application form.

(k) In case of scarcity of government medical officers, qualified private medical practitioners/specialists can also be empaneled to work under the authorized medical authority. However, the actual assessment of disability shall be done invariably in the premises of the government hospital in all cases.

Submissions from the Respondents

4. Puducherry:

The representative submitted that no regular Ortho doctor or Psychologist is available. He inquired whether the Assistant Director of the Department could be allowed to issue the Disability Certificate.

5. Delhi:

None appeared from the Government of NCT of Delhi.

6. District Ganjam (Odisha):

The Collector, Ganjam District submitted that from June-July 2024 onwards many awareness programs were conducted in the State. Subsequently, approx. 300 applications for the issue of UDID are being received every day. So far, approx. 6000 applications have been received. The Collector submitted that due to having a single user ID with each hospital for interacting with the UDID portal, there is a huge pendency of the applications. The situation can improve if more IDs can be allotted.

7. Meghalaya:

The State Coordinator shared that many people from outside the state have applied for the DC in Meghalaya, whose identities are difficult to verify, which contributes to showing the high number of pendency in respect of their state.

8. Health Department, Odisha:

Dr. Rekha Bhagat, AD (MH), Odisha appeared for the Health Department, Odisha. She could not share any data related to UDID. However, she said that she would convey it to the Directorate of Public Health, Odisha.

9. District Hospital – Balasore (Odisha):

9.1 The Chief Medical & Public Health Officer submitted that 82784 applications were received so far, but the applicants were attending the camps for evaluation.

9.2 The Court advised the representative to put an advertisement in the newspapers of the State to call the applicants with disabilities and submit a copy of the same to this Court. They were also advised to do more camps to accelerate the work of issuing DC.

10. The District Collector, Balasore, Odisha:

The District Social Security Officer (DSSO) submitted that according to the census, against the total 70000 populations of divyang persons, 82766 applications were received, out of which 49684 UDID were issued. Two more IDs for the clerks were included. Two more IDs are required to cover as Balasore is a big district and more divyang persons approach there. The Verification process takes some time.

11. Chandigarh UT:

The SCPD, Chandigarh submitted that the following issues have been raised by divyang persons with regard to the UDID Card:

- (a) No provision for updation of photos on the UDID portal.
- (b) Gender editing provisions or renewal provisions are not there.
- (c) A divyang person cannot apply afresh if there is a rejection.

12. Observations & Recommendations:

12.1 During the hearing, it was painfully observed that none appeared from the States where there is a huge pendency, which reflects an insensitiveness towards divyang persons. The Court directed that hearings in this matter should be held on a routine basis every quarter and the record of proceedings of the same be put up on the website of the CCPD. The initial 2-3 hearings may be conducted in a collaborative manner. The respondents may be asked to forward their ATR in the requisite format to be enclosed with this RoP. After this, if the situation does not improve, this Court will be constrained to contemplate penal action as per the RPwD Act, 2016 besides recommending departmental action against the erring officials.

12.2 Further, keeping in view of the oral submission made by the representatives of the respondent, the following recommendations were made:

(a) Generally a nominated doctor in every district hospital is authorized to issue a disability certificate, and thus, is provided with the user ID. But it is a misconception that no more IDs can be provided. Verification IDs can be increased wherever the pendency is more than a thousand.

(b) Similarly, two Data Entry Operators [DEO] are allowed to work for this purpose of data entry on the Swavalamban Portal, but the number of DEOs can also be increased up to five (05) in a District where the volume of pendency is high.

(c) In case of issue of any fake disability certificate, the concerned doctor/medical authority would be responsible from whose ID the disability certificate has been issued.

(d) With regard to the difficulties being faced due to the people from outside the state who applied for the DC, it is apprised to the respondents that the provisions of the Act and the notifications issued by DEPWD/MSJE are very clear in this regard that the applications can be made to the District authority of such State where the treating hospital is situated.

**Digitally signed by
PRAVEEN PRAKASH AMBASHTA
Date: 13-12-2024 16:45:55**

**(Praveen Prakash Ambashta)
Dy. Chief Commissioner**

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(Format)

Case No. 15832/1121/2024

Annexure A

Name of the State/UT:

Status of Implementation of sections 56 to 59 of the Rights of Persons with Disabilities Act, 2016 and Rules 17 to 19 of the Rights of Persons with Disabilities Rules, 2017, and notifications and instructions issued in pursuance of these statutory provisions:

Sl. No.	Particulars	Remarks
1.	Total No. of Applications for Disability Certificates/UDID received –	
2.	Total No. of Disability Certificates (non-UDID) issued up to 31.05.2021-	
3.	Total No. of Disability Certificates (non-UDID) issued on or after 01.06.2021-	
4.	Total No. of UDID Card issued on or after 01.06.2021-	
5.	Total No. of Pending application-	
6.	Details of hospital-wise pendency-	
7.	Average time taken for issue of certificates/UDID-	
8.	Details of monitoring measures and procedure for appeal	
9.	Action plan for districts where there are no authorized hospitals	
10.	Details of training of doctors on assessment of disability and process of issuing of disability certificates/UDID Card	