



## 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

5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011) 20892364

5<sup>th</sup> Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364

Email: [ccpd@nic.in](mailto:ccpd@nic.in); Website: [www.ccpd.nic.in](http://www.ccpd.nic.in)

**Case No: 14029/1141/2023**

**In the matter of -**

Shri Aman Saxena

... Complainant

**Versus**

The Secretary,  
Ministry of Road Transport and Highways

... Respondent

### **1. Gist of the case:**

1.1 Shri Aman Saxena, General Secretary of the Association of the Deaf Welfare (Regd.), filed a complaint dated 08.03.2023, raising objections and suggestions concerning the uniform registration of adapted or normal vehicles owned by persons with hearing disabilities across all States pursuant to amendments in the Motor Vehicles Act, 1989, and in accordance with the Rights of Persons with Disabilities Act, 2016 ("the Act"), emphasizing that deaf persons, possessing adequate visual capacity, should not be mandated to use hearing aids while driving, provided they display a standardized "Deaf Sign" logo on their vehicles and helmets for identification; he further recommended the issuance of directions to the NHAI, RTOs, and vehicle dealers to recognize such vehicles as normal, not adapted, ensure distinctive navy-blue number plates for easier enforcement, permit emergency alert lamps at concessional rates, and prevent discrimination in vehicle sales or registration processes, noting that despite issuance of a notice under Section 75 of the Act on 01.06.2023 and a subsequent reminder dated 04.07.2023, no response was received from the Respondent, as reaffirmed by the Complainant in multiple follow-up communications

dated 23.08.2023, 25.10.2023, 22.12.2023, and 02.01.2024.

## 2. Hearing (I):

A hearing was conducted on **13.02.2025 in hybrid mode**. The following parties/representatives were present during the hearing:

| Sl. No.                    | Name & Designation of the parties/representatives                 | Mode of appearance |
|----------------------------|---|--------------------|
| <b>From Complainant:</b>   |   |                    |
| 1.                         | Mr Aman Saxena,<br>Complainant                                    | Online             |
| <b>From Respondent:</b>    |   |                    |
| 1.                         | Mr Ankit,<br>Director,<br>Ministry of Road Transport and Highways | Online             |
| <b>Special Appearance:</b> |   |                    |
| 1.                         | Ms Gargi Shukla,<br>Sign Language Interpreter,<br>Office of CCPD  | Online             |
| 2.                         | Ms Madhu Keny,<br>Sign Language Interpreter for the Complainant   | Online             |

## 3. Record of Proceedings:

3.1 At the outset, the Complainant, a person with 100% Hearing Impairment, reiterated his grievance concerning the difficulties faced by himself and other persons with hearing impairment in obtaining a driving license. The Complainant submitted that despite possessing the requisite skills to operate a motor vehicle (car/motorbike), persons with hearing impairment are routinely subjected to hearing tests as a precondition for license issuance. The Complainant further contended that the use of rear-view and side mirrors adequately compensates for any hearing deficiency, rendering apprehensions about accidents unfounded. It was also brought to the Court's attention that the All India Institute of Medical Sciences (AIIMS) has issued a directive permitting the issuance of driving licenses to persons with hearing impairment.

3.2 The Complainant further submitted that while there exists a rule allowing the issuance of driving licenses to persons with 100% hearing impairment, in practice, licenses are only issued to those who undergo disability testing, notwithstanding possession of a valid disability

certificate. Conversely, persons with 100% hearing impairment who have not undergone such testing are denied the license. It was also highlighted that persons with less than 100% hearing impairment are issued driving licenses without undergoing disability testing.

3.3 The Complainant proposed that vehicles driven by persons with hearing impairment should bear a "Deaf Sign" logo conspicuously displayed on the front and rear of the vehicle (car/motorbike) and/or on the helmet worn by the rider, for the purpose of identification. It was suggested that the National Highways Authority of India (NHAI) be directed to issue necessary instructions to the concerned Regional Transport Offices (RTOs) for implementing this measure. Further, it was suggested that NHAI also issue appropriate notifications to automobile dealers to facilitate the display of the Deaf Sign logo.

3.4 The Respondent submitted that advisories were issued by the Ministry in 2016 and 2023 concerning the issuance of licenses to hearing-impaired persons, which explicitly authorise the State Government to grant such licenses to hearing-impaired individuals. Furthermore, the Respondent submitted that Sections 28 and 65 of the Motor Vehicles Act, 1988, empower the State Government to formulate rules regarding the issuance of licenses. Additionally, the Government of India's Gazette (GSR) rules pertaining to the registration of Divyang (persons with disabilities) certificates further support this authority.

#### **4. Observation and Recommendations:**

4.1 Upon hearing the parties and perusal of the record, this Court is of the considered opinion that the Complainant has put forth not only grievances but also constructive suggestions, which merit due consideration by the Respondents. The matter is to be expedited, and undue delay is to be avoided.

4.2 This Court noted that the post of Driver (Auto, Motor Cycle, Rickshaw) has been found suitable for both Deaf and Hard of Hearing at SI No. 56 (Page No. 2491) of the DEPwD Notification dated 04.01.2021. It also observed that a clear direction from the Respondent already exists on the subject in their OM No. RT-11021/40/2014-MVL dated 28.10.2016, which was issued in pursuance of the Bombay High Court's

direction in Ashok Tribhuvan Vs RTO & Ors (PIL 191 of 2013). The operative portion (Para 2) of the OM dated 28.10.2016 is reproduced as under:

*"2. Driving is primarily a visual function with little inputs from hearing. Many developed countries give hearing impaired people the privilege of being able to drive. If a person is rehabilitated with hearing amplification (hearing aid or cochlear implant) and can hear reasonably with the same then there seems little reason to deprive him or her of a driving license. For patients not fully rehabilitated some countries do grant the privilege to drive. This is important with regard to opportunities we wish to grant to the disabled. It is well recognized that the loss of hearing does not pre-se impact the ability to drive. As an added precaution, should be asked to display on the car a sign indicating the driver is hearing impaired. All such applicants should take a stringent driving test under the actual road condition circumstances as is the case for normal individuals."*

4.3 Accordingly, this Court recommends that the respondent reiterate their OM No. RT-11021/40/2014-MVL dated 28.10.2016 to all the State Governments/Union Territories and conduct awareness programmes/training on matters related to persons with disabilities dealt by the state agencies in the transport department.

4.4 This Court further recommends that the Respondent coordinate with the state agencies to clear all the pending applications for a driver's licence to persons with hearing impairment in the light of their aforesaid instructions without further delay.

4.5 An Action Taken Report shall be submitted within 3 months from the date of these recommendations in terms of Section 76 of the RPwD Act, 2016.

3.11 Accordingly, the case is disposed of.

**(S. Govindaraj)**

Commissioner for Persons with Disabilities