



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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Case No. 15608/1141/2024

In the matter of —

Suo-motu cognizance regarding registration of institutions for Persons with disabilities and grants to such institutions by the State Government

Versus

The Additional Chief Secretary/Special Secretary/
Principal Secretary/Incharge of Social Welfare Department
Through: The Chief Secretary,
All States and Union Territories
Email: chiefsecretaries@ismgr.nic.in

1. Introduction

1.1 This suo motu proceeding is initiated under Sections 75(1)(a) & (c) read with Section 77 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act) to review action taken by all States/UTs regarding (i) mandatory registration of institutions “for persons with disabilities” under Chapter IX (Ss. 49–55), and (ii) extension of assistance/grants only to institutions registered in accordance with law; notice dated 30.07.2024 sought data on applications (grant/renewal/revocation/pending), timelines, and transparency measures including an online system and public disclosure.

2. Summary of responses from the state governments

2.1 Replies were received from Chhattisgarh, Tripura, West Bengal and Gujarat. Broadly, the replies indicate partial compliance with Section 50 (requirement of a certificate of registration) and Section 55 (assistance to registered institutions) but show gaps in (a) statewide inventories of institutions; (b) pendency management for new/renewal applications; (c) proactive disclosure of registration status, validity and domain of service; and (d) adoption of a unified online workflow with dashboards and statutory timelines. Several States also acknowledged transitional issues where legacy grants continued to unregistered institutions pending scrutiny.

3. Dates of hearings

3.1 The matter was heard in three sittings: the **first on 07 August 2024**, to review preliminary responses from States/UTs and direct additional data submission; the **second on 18 October 2024**, to assess interim compliance and the status of online registration systems; and the **third on 09 January 2025**, to evaluate final action plans and adoption of accessibility standards. Records of Proceedings were issued after each sitting on 20 August 2024, 28 October 2024, and 17 January 2025, respectively.

4. Summary of the Record of Proceedings

4.1 At the **first hearing (August 2024)**, this Court reiterated that **no person shall establish or maintain any institution for persons with disabilities except with a certificate of registration issued by the competent authority** (S. 50), and that States/UTs must designate and empower the competent authority (S. 49), prescribe a fair procedure for grant, renewal and revocation (S. 51–52), provide an appeal mechanism (S. 53), and ensure that public assistance/grants flow only to **registered** institutions (S. 55), with the statutory exception for government-established/maintained institutions (S. 54). States were asked to explain present backlogs, process maps, and the existence (or absence) of online systems and public registers.

4.2 At the **second hearing (October 2024)**, this Court examined compliance reports from select States/UTs and noted partial progress toward digitization and backlog clearance. It directed uniform templates for application scrutiny, publication of registers on departmental websites, and confirmation that no new financial assistance was being

extended to unregistered institutions. The need to integrate **accessibility milestones**—built-environment and ICT—within the registration workflow was stressed in view of the 2023 amendments to the RPwD Rules. This Court also emphasized the wider statutory matrix: accessibility standards notified under Rule 15 of the RPwD Rules, 2017—as amended in 2023 to (i) adopt the **Harmonised Guidelines & Standards for Universal Accessibility in India, 2021** for public buildings and spaces, and (ii) mandate compliance with **BIS IS 17802 (Part 1: 2021; Part 2: 2022)** for ICT products, services and public-facing digital systems—are binding on registered institutions receiving public funds. States were advised that registration/renewal must factor in compliance plans and time-bound milestones towards these standards.

4.3 At the **third hearing (January 2025)**, this Court reviewed consolidated replies, digital prototypes of proposed e-Registration systems, and undertakings by several States to adopt the Harmonised Guidelines 2021 and IS 17802 standards. It found that while policy commitment had improved, operationalisation remained uneven. Directions were therefore reserved for issuance through this speaking order under Sections 75 and 76 of the Act.

5. Observations

5.1 Statutory non-derogation: Chapter IX of the RPwD Act creates a complete code for registration, oversight and assistance to institutions. The continuing operation of institutions without valid registration violates Section 50; further, extending grants to such institutions undermines Section 55's intent and public accountability.

5.2 Due process and transparency deficits: The replies and RoP indicate opaque, paper-heavy processes with inconsistent scrutiny criteria, no uniform time limits, and limited or no proactive disclosure (institution-wise status, validity, domain of disability served). This frustrates rights under Sections 3 (non-discrimination) and 12 (access to justice) and the oversight mandate under Sections 75–77.

5.3 Accessibility as a registration baseline: In light of Rule 15 amendments (2023), institutions seeking registration/renewal must align with **Harmonised Guidelines 2021** for the built environment and **IS 17802** for ICT accessibility, with measurable milestones. Accessibility is

not optional; it is now a statutory standard incorporated via the Rules.

5.4 Judicial guidance reinforces enforceability: The Supreme Court has repeatedly mandated effective, measurable compliance with accessibility and disability rights. Some relevant orders are :—

(a) *Rajive Raturi v. Union of India* (2017 and subsequent compliance orders) issued binding action points for State/UTs on accessibility of public infrastructure and services.

(b) *Vikash Kumar v. UPSC* (2021) affirmed a rights-based approach to reasonable accommodation, underscoring that administrative convenience cannot dilute statutory rights.

5.5 While these cases are not about registration per se, they fortify the principle that **statutory standards and accommodations must be operationalised**, particularly where institutions serve PwDs using public funds.

5.6 Linkage with service entitlements and employment: Where institutions interface with public employment, training, or service delivery, States must ensure harmony with reservation and service protection frameworks for PwBDs (e.g., DoPT OMs on 4% reservation in promotion; non-denial of promotion on disability; consolidated facilitation guidelines). These reinforce the rule-of-law environment in which registered institutions operate.

5.7 Risk of non-compliance: Failure to furnish information or to act on recommendations attracts statutory consequences under Sections 76 (duty to act or give a reasoned refusal), 89 (penalty for contravention), and 93 (punishment for failure to furnish information).

6. Recommendations

6.1 The following recommendations are therefore made to the respondents to be acted upon in coordination with SCPDs.:

(a) **Unified e-Registration & Public Register:** Create a single State/UT

e-Registration portal with end-to-end workflow for grant, renewal, and revocation under Ss. 49-52; embed dashboards showing institution-wise status, dates, validity, and disability domains; publish searchable public registers; and enable CSV/JSON

open data exports updated weekly. Map legacy paper files into the system within six months.

(b) **Time limits & pendency reduction:** Notify uniform **outer time limits** (e.g., 60 days for new applications; 30 days for renewals; 30 days for speaking orders on revocation/appeal readiness), with auto-escalation to the Head of Department on breach; publish monthly pendency and TAT metrics on the portal.

(c) **Accessibility compliance pathway:** Make accessibility **compliance plans** a mandatory annexure for registration/renewal: (i) built environment milestones aligned to **Harmonised Guidelines 2021**; (ii) digital/ICT conformance roadmap to **IS 17802 (Parts 1 & 2)**, including websites/apps, kiosks, assistive tech compatibility, and accessible communication. Tie renewal to evidence of milestone achievement (photos, drawings, accessibility audit reports). Establish a State empanelled list of accessibility auditors.

(d) **Grant-eligibility filter:** From the date of this order, **no fresh grant** shall be sanctioned to unregistered institutions; ongoing grants shall be **conditionally continued** only where renewal is pending without fault of the applicant and subject to an undertaking to comply with accessibility milestones. Update grant sanction orders to cite the registration certificate number and validity.

(e) **Standard data schema & disclosure:** Mandate institutions to disclose on their own websites and on the State portal: registration number, validity, services offered, area(s) of disability served, staff credentials, admission criteria, barrier-free features, complaints redressal officer, and annual accessibility progress. Provide a model disclosure template in accessible formats.

(f) **Quality & safeguards:** Adopt risk-based inspections; require annual self-certification backed by third-party audits every three years; publish inspection summaries. Where services intersect with education, health, or employment, ensure alignment with sectoral norms and DoPT/DEPwD frameworks on reservation, promotion, accommodation, and service protections.

(g) **Appeals and grievance redressal:** Operationalize a simple, time-bound appeal mechanism under Section 53 with online filing; publish appellate orders; integrate a grievance module for public complaints with tracking and disposal within 30 days.

(h) **Capacity-building:** Conduct quarterly training for competent authority staff on the RPwD Act/Rules, accessibility standards, and reasoned decision-making; host materials openly for institutions to self-improve. Link training content to the Harmonised Guidelines 2021 and IS 17802 explanatory notes.

(i) Registration under the RPwD Act, 2016 shall not supplant registration mandated under any other Act, for the time being in force.

(j) In terms of Section 76 of the RPwD Act, 2016, the respondents are advised to forward an Action Taken Report within 90 days. Where any recommendations require more time for implementation, file an Implementation Plan with justifications, milestones and designated nodal officers. Non-acceptance of any recommendation may also be informed through a reasoned response, with a proposed alternative that achieves the statutory objective.

8. Accordingly, the case is disposed of in these terms.

(Rajesh Aggarwal)
Chief Commissioner