



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. CCPD/15404/1092/2024

In the matter of —

Suo-motu cognizance regarding deficiency in adequate number of skilled persons with disabilities from amongst skilled manpower registered on PM-DAKSHA (Pradhan Mantri Dakshta Aur Kushalta Sampann Hitgrahi) Yojna

Versus

- (1) The Chief Executive Officer, NSDC &
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- (2) The Chairperson,
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- (3) The Secretary,
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- (4) The Chief Executive Officer,
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- (5) The Joint Secretary,
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1. Introduction

1.1 This suo motu proceeding is initiated under **Sections 75 (1) (a)** and **(b)** read with **Section 77** of the *Rights of Persons with Disabilities Act, 2016* (“RPwD Act”) to examine systemic barriers affecting PwDs in **skill development and vocational training**, including (i) inclusion across regular courses (not only “special” tracks), (ii) **accessibility** of training centres and digital platforms, (iii) **reasonable accommodation** in pedagogy and assessments, and (iv) **compliance with reservation/representation mandates** and data integration (UDID). The review covers the functioning of **NSDC, NCVET, MSDE, SCPwD** and allied agencies, with reference to notices and prior proceedings on record.

1.2 This Court records that reservation for PwDs draws constitutional authority from **Article 16(1)** (equality of opportunity) rather than **Article 16(4)**; consequently, the objective is **equalising opportunity**, not merely increasing representation in State posts. The ambit of Article 16(1) is **employment within the State**—broader than appointments in State service—and encompasses **self-employment and entrepreneurship**. In this frame, **skill development** is critical to enable PwDs to pursue employment and self-employment beyond the limited avenues of government appointments, consistent with Supreme Court jurisprudence (including *Indra Sawhney* and later decisions recognising PwD measures under Article 16(1)).

2. Summary of Responses

2.1 Material placed by **NSDC, NCVET and MSDE** shows **partial**

progress: NCVET recognised **SCPwD** as an awarding body; PwD qualifications increased; proposals for extended employability-skills hours were approved; and NSDC reported course lists and placements for PwD trainees. However, gaps persist in (a) **5% inclusion across regular courses**, (b) **centre and digital accessibility**, (c) **assessor/trainer sensitisation**, (d) **UDID-based data integration and monitoring**, and (e) **course-disability mapping** and outcome tracking.

3. Dates of hearings

3.1 Hearings were conducted on **09.08.2024**, **16.01.2025**, **11.07.2025**, and **25.07.2025**; Records of Proceedings were issued thereafter, which are available in the public domain through this court's website. As such the contents of the proceedings are not repeated here for the sake of brevity.

4. Record of Proceedings

4.1 **Hearing-I (09.08.2024):** The Court noted non-implementation of **5% inclusion** for PwDs across **regular skill courses** and raised concerns on centre/digital accessibility and assessor sensitivity. Respondents were directed to furnish course/trainee data and to indicate inclusion steps beyond PwD-specific tracks.

4.2 **Hearing-II (16.01.2025) & interim steps:** NCVET reported recognition/expansion of **SCPwD** qualifications and enabling provisions for increased employability-skills hours; NSDC undertook to compile 5% inclusion data; the Court directed **UDID-API integration** for enrolment/assessment tracking and sought **ATR within one month**.

4.3 **Hearings-III (11.07.2025) & IV (25.07.2025):** Persistent gaps were recorded—**non-appearance** of key officers, inadequate accessibility, and insensitive assessments. A **penalty** was imposed on NSDC for non-compliance with information directions; Respondents undertook course modification, trainer sensitisation, infrastructure/digital accessibility, and disability-wise **course mapping**. The Court stressed practical, skill-based testing and directed structured data on course-disability suitability and outcomes.

5. Observations

5.1 Equal opportunity and the role of skills- PwD measures flow from **Article 16 (1)**; equality of opportunity requires **capability-building and accommodation** so PwDs can access **employment and self-employment** pathways, not merely State posts.

5.2 Statutory duties are non-derogable- The RPwD Act obliges **non-discrimination (s.3), accessibility (ss.40-42), inclusive education/training (ss.16-17), sensitisation/HRD (s.39)** and **reasonable accommodation** across public services.

5.3 Systemic deficits evidenced on record- The proceedings reveal (i) **patchy inclusion** in regular courses, (ii) **barriers** in built/digital environments and methodologies, (iii) **assessment designs** misaligned to functional abilities, (iv) **insufficient UDID-linked data systems**, and (v) uneven responsiveness to this Court's directions.

5.4 Judicial reinforcement- Supreme Court jurisprudence—*Indra Sawhney* (scope of Article 16(1)), *Vikash Kumar v. UPSC* (reasonable accommodation), and continuing directions in **accessibility** matters—requires operationalising inclusion through **standards, processes, and measurable outcomes** in skills and employment.

6. Recommendations (practical, time-bound, long-term)

6.1 Inclusion Targeting & Course Access

(a) **5% inclusion:** Ensure **at least 5% PwD participation** across **regular** skill courses under MSDE/NSDC frameworks (PMKVY/PM-DAKSH etc.), computed **programme-wise** and **centre-wise**, with compensating over-achievement where a course is objectively unsuitable. Publish quarterly inclusion dashboards.

(b) **Course-disability mapping:** Publish a **national matrix** linking job-roles to disability profiles (e.g., HI in high-noise roles; tailored roles for ID/ASD), reviewed by **SCPwD** and **NCVET**; avoid confining PwDs to narrow “special” tracks.

6.2 Accessible Infrastructure, Digital Systems & Materials

(a) **Built environment:** Third-party audits against the parameters of Rule 15 (1) of the RPwD Rules; priority fixes such as step-free

entries/ramps, accessible toilets per floor, tactile signage/paths, accessible hostel rooms, safe egress, etc.

(b) **Digital/LMS:** Conform to **IS 17802 (Parts 1 & 2)/GIGW/WCAG 2.1 AA**; remediate **CAPTCHA**, labels, keyboard navigation; publish audit reports and remediation logs.

(c) **Pedagogy:** Provide **accessible formats** (captioning/ISL where needed, audio description, tagged PDFs/PDF-UA, alt-text); align assessments to **functional competencies** rather than rote theory (e.g., horticulture tasks vs botanical nomenclature).

6.3 Reasonable Accommodation & Assessment Reform

(a) **Assessment SOP:** NCVET/SSCs to issue disability-wise SOPs for **reasonable accommodation** (reader/scribe, extra time, alternative question types, non-visual MCQs, accessible proctoring).

(b) **Assessor/Trainer certification:** Mandatory **sensitisation** modules with periodic re-certification; centres to log accommodations granted and outcomes; non-compliance to affect empanelment.

6.4 UDID-Integrated Data & Monitoring

(a) **UDID-API:** Integrate **UDID** at admission, assessment, certification and placement; auto-dedupe, track drop-outs/placements, and reason-coded rejections; share anonymised aggregates publicly.

(b) **Dashboards:** Publish centre/State/sector dashboards (intake, Turn Around Times, accommodations, pass rates, placements, self-employment conversions).

6.5 Entrepreneurship & Self-Employment Enablement

(a) **Convergence:** For all PwD completers, enable **entrepreneurship tracks** (toolkits, market linkages, mentoring) and fast-lane access to **credit** and **assistive technology** support (aligning with contemporary DEPwD guidance on assistive devices for employees/functional enablement).

(b) **RPL & Micro-credentials:** Expand **Recognition of Prior Learning** with practical, modular credentials and **workshop-first** models for ID/ASD and other cohorts; connect to micro-enterprise schemes.

6.6 Governance, Accountability & Grievances

(a) **Compliance matrix:** Tie SSC/TP/centre empanelment to accessibility, accommodation, inclusion and outcomes; publish **speaking justifications** for exceptions.

(b) **Grievance cell:** A 30-day Service Level Agreement grievance mechanism for PwD trainees (accessibility, accommodation, assessment fairness), with escalation to MSDE/NCVET.

(c) **Penal consequences:** Continued non-compliance may invite action under **Sections 89, 92, 93** RPwD Act.

6 . 7 Compliance with Sections 76, 89, 93- All concerned Departments/Agencies shall **accept** these recommendations or file a **reasoned non-acceptance** under **Section 76 within three months**. Failure to act may invite proceedings under **Sections 89** and **93** of the Act. If a respondent feels that the time provided under Section 76 is inadequate, it may file an **Implementation Plan within 30 days**, specifying milestones for each recommendation, responsible officers, and links to public dashboards; quarterly progress reports shall follow until full compliance.

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

(Rajesh Aggarwal)
Chief Commissioner