



सत्यमेव जयते

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/15316/1032/2024 and Case No. 15302/1033/2024

In the matter of —

Suo-motu

Versus

The Chief Secretary,

All States and Union Territories (As per the list attached)

For kind attention & response:

The Principal Secretary, Education Department; and

The Principal Secretary, Welfare/Social Welfare Departments,

All States and Union Territories **... Respondent No.1**

The Secretary,

Department of School Education & Literacy,

Ministry of Education,

Room No. 124-C, Shastri Bhawan,

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... Respondent No.2

The Secretary,

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... Respondent No.3

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... Respondent No.4

1. Introduction

1.1 This *suo motu* proceeding is initiated under **Sections 75(1)(a) and 75(1)(b)** read with **Section 77** of the *Rights of Persons with Disabilities Act, 2016* ("RPwD Act") to examine systemic lapses in ensuring **Mid-Day Meals/PM POSHAN, assistive devices/aids & appliances** (ADIP/DDRC/DDRS convergence), and **inclusive/home-based education** for **CwSN** in special schools across States/UTs, in violation of **Sections 3, 16, 17, 31 & 39** RPwD Act and obligations under the *Right of Children to Free and Compulsory Education Act, 2009* and related Central guidelines. These proceedings consolidate earlier notices/hearings and directions on data, registration, UDID coverage, and scheme extension to **all** special schools irrespective of their administrative control whether Education or Social Welfare.

2. Summary of responses

2.1 States/UTs placed mixed reports: some (e.g., **Kerala, Karnataka, Maharashtra**) demonstrated near-universal coverage of CwSN with grants, educators, and logistics; others (**Bihar** and several UTs) furnished partial or no data; common deficits included **exclusion of NGO-run special schools from PM POSHAN/Mid-Day Meals, delayed UDID**, thin or irregular **assessment camps** (especially for intellectual disabilities), and **gaps in ADIP distribution**; the Department of School Education & Literacy (DoSEL) acknowledged bottlenecks in camps and timely device supply and, following these proceedings, issued a **D.O. letter** urging States/UTs to ensure that **RTE entitlements, IE interventions, and PM POSHAN** extend **equally** to **inclusive, home-based, and special schools**, with flexibility for **dry ration/DBT** where needed.

3. Dates of hearings

3.1 Hearings were held on **17.05.2024** and **18.06.2024**; the **Record of Proceedings** issued on **02.07.2024** (with **Corrigendum dated 18.07.2024**). Prior Notice for comments & hearing issued on **09.05.2024**. The Record of Proceedings has been made available in the public domain through the CCPD's website. Hence, the contents are not repeated here for the sake of brevity.

4. Summary of Proceedings

4.1 **Hearing-I (17.05.2024):** The Court flagged that **CwSN in special schools** frequently **miss** PM POSHAN and ADIP benefits where school administration rests with **Social Welfare** rather than **Education**, despite uniform entitlements under RPwD/RTE. Directions included State-wise data in a prescribed format on special schools, enrolments, **UDID** coverage, scheme extension, and registration compliance (RPwD **Section 50**; National Trust **Section 12**).

4.2 **Hearing-II (18.06.2024):** States/UTs presented varied positions (e.g., **Kerala, Assam, Tamil Nadu, MP, UP, Chhattisgarh, Sikkim, Uttarakhand, Delhi**). Positive practices (complete POSHAN coverage; special educators; residential logistics) contrasted with **non-coverage** of NGO special schools, **mid-day meal denials**, and **device delays**. The Court underscored obligations under **Sections 16–17 & 31** (inclusive/home-based education; free learning materials; transport; accommodations) and sought written compliance and timelines.

4.3 **Post-hearing actions:** The Court's directions prompted the **DoSEL D.O. (June 2024)** to **Chief Secretaries** emphasising that **RTE entitlements, IE interventions, and PM POSHAN** must reach **all CwSN**—including **special schools** and **home-based** students—with options of **dry ration/DBT** to ensure parity. However, subsequent information shows **persistent gaps** in several States/UTs (coverage, UDID, ADIP logistics, and audits).

5. Observations

5.1 **Non-derogable entitlements:** Under **Sections 16–17 & 31** of the RPwD Act and the **RTE framework**, CwSN have enforceable rights to **inclusive/home-based education, free materials and assistive devices, transport, and nutrition**—irrespective of school ownership/administrative channel. Persistent exclusion of **special schools run by NGOs** breaches **Section 3 (non-discrimination)** and Article 21-A guarantees.

5.2 **Administrative silos must not defeat rights:** Where Education budgets (Samagra Shiksha/PM POSHAN) and Social Welfare control (registration/funding) are split, **benefit denial** has occurred. The **DoSEL D.O.** clarifies parity of

entitlements across **inclusive, home-based, and special schools** and permits **dry ration/DBT** to close last-mile gaps; States/UTs must institutionalise this.

5.3 Data, registration, and compliance deficits: Many States lack a verified **registry of special schools, UDID saturation,** and **quarterly audits** of PM POSHAN/ADIP deliveries. Several failed to furnish complete data despite directions, thereby undermining transparency and remedial action.

6. Recommendations

6.1 Chief Secretaries should ensure PM-POSHAN coverage for all eligible CWSN in special schools, with clear SOPs for: (i) kitchen mapping; (ii) in-school kitchens where feasible; (iii) transport/last-mile delivery; or (iv) food security equivalent (cash/DBT or dry-ration with nutrition standards) where hot-cooked meals are not practicable.

6.2 Ensure assistive devices ADIP under the SSA-ADIP scheme (wheelchairs, hearing aids, low-vision kits, orthotics) with maintenance bundles and spares; devices and proper training to teachers, parents, and students.

6.3 Accessible Learning Materials: NCERT/SCERTs to provide captioned/ISL-supported video lessons, PDF-UA textbooks with alt-text, and tactile diagrams where relevant; procurement templates to embed IS 17802 clauses.

6.4 Home-Based Education (HBE)

(a) Standardise visit schedules, learning goals, and **nutrition linkage** (hot-cooked delivery, community kitchen pickup, or food-security equivalent).

(b) **Assistive Bundle for HBE:** Provide a **starter kit** (as per disability) plus a small **connectivity/data** allowance where digital delivery is used.

(c) **Transition Back to School:** Quarterly review to facilitate return to neighbourhood/special/resource schools when appropriate.

6.5 Accessibility & Safety

(a) **Built Environment:** Third-party **accessibility audits** of special schools; **priority fixes** in ≤180 days (ramps/handrails, accessible toilets each floor, tactile signage/paths, safe egress, accessible hostels).

(b) **Digital/LMS:** Audit for **IS 17802 / GIGW 3.0**, fix keyboard navigation, labels, captions, and error handling; publish **audit & remediation** logs.

6.6 Compliance with Sections 76, 89, 93- All concerned Departments/Agencies shall **accept** these recommendations or file **areasoned 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**, with milestones, responsible officers, **district lists of special schools**, kitchen mappings, **SSA-ADIP camp calendars**, and dashboard URLs.

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

(Rajesh Aggarwal)
Chief Commissioner