Government of India
Ministry of Social Justice and Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan)

PATHWAYS TO ACCESS

Compilation of summaries of notable orders passed by
Chief Commissioner for Persons with Disabilities &
State Commissioners for Persons with Disabilities

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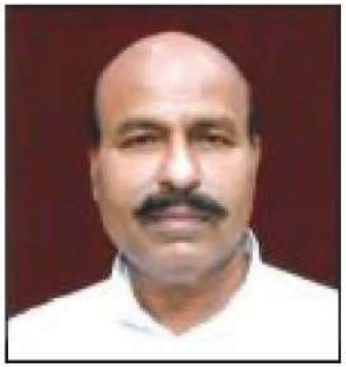

Message from the Hon'ble Minister for Social Justice and Empowerment

It is with great pleasure that I introduce this compilation of orders passed by the Chief Commissioner for Persons with Disabilities and State Commissioners for Persons with Disabilities in exercise of their power to inquire into deprivation of rights of persons with disabilities. These Commissioners have been tasked with ensuring the protection and promotion of rights of persons with disabilities under the Rights of Persons with Disabilities Act, 2016. This booklet serves as a testament to the vision and profound commitment of the Government of India to ensuring the rights, dignity, and empowerment of persons with disabilities in our society.

The Chief Commissioner for Persons with Disabilities and State Commissioners for Persons with Disabilities hold pivotal roles in safeguarding the interests of persons with disabilities, from identifying laws inconsistent with the Rights of Persons with Disabilities Act, 2016; to reviewing the factors that inhibit the enjoyment of rights of persons with disabilities and recommending appropriate remedial measures; and promoting awareness of rights and safeguards persons with disabilities. The functions they perform are indispensable to our mission of creating an inclusive ethos. I commend the Chief Commissioner, State Commissioners, and their teams for their dedication.

This compilation is a valuable resource not just for policymakers, practitioners, and advocates but an empowering tool for persons with disabilities themselves. By encapsulating the orders that safeguard their rights, it empowers persons with disabilities to be informed advocates of their entitlements and rightful accommodations.

As we launch this booklet, let us renew our commitment to the principles of social justice, and continue working together to build a society where the rights of persons with disabilities are not just protected on paper but realised in every realm, where every individual enjoys equal opportunities and lives a life of dignity and fulfilment.

Dr. Virendra Kumar
Minister for Social Justice and Empowerment, Government of India

Message from the Hon'ble Minister of State for Social Justice and Empowerment

It is with immense pride that I introduce this compilation of orders by the Chief Commissioner for Persons with Disabilities and State Commissioners for Persons with Disabilities, which stands as a beacon of the commitment of the Department of Empowerment of Persons with Disabilities to promote and protect the rights and dignity of persons with disabilities.

The orders encapsulated within these pages go beyond mere legal scrutiny; they represent a comprehensive effort to foster a society where the rights and well-being of persons with disabilities are actively safeguarded. This compilation, therefore, is not just a documentation of legal directives; it is a celebration of the proactive measures taken to create a society where every single individual can thrive. It symbolises the ardent commitment of the Government of India to translating principles into action.

I congratulate the Chief Commissioner, the State Commissioners, and their teams for their tireless efforts in undertaking various measures towards the larger goal of securing access to justice for persons with disabilities.

Let this compilation be a source of inspiration as we collectively strive for a more inclusive and equitable future.

Su Pratima Bhoumik
Minister of State for Social Justice and Empowerment, Government of India

Message from the Secretary, Department of Empowerment of Persons with Disabilities

It is with a sense of satisfaction and profound optimism that I introduce this compilation of orders by the Chief Commissioner for Persons with Disabilities and State Commissioners for Persons with Disabilities. This booklet carriers forward the vision of our previous endeavour, the 'Pathways to Access' booklet, compiling notable judgements of the Supreme Court and the various High Courts of India.

In introducing this compilation, I am pleased to share the underlying vision, one close to my heart — that knowledge is power. In the context of empowering persons with disabilities, this vision recognises that providing comprehensive information and understanding of their rights and entitlements will enable persons with disabilities to navigate societal structures with confidence and comfort, as well as educate and bring awareness to the larger community, thereby fostering a truly accessible and inclusive society.

Envisioned as more than a legal guide, the primary goal of this compilation is to equip and empower persons with disabilities to claim their rightful place in the social fabric. I am filled with hope and a profound belief that this booklet will serve as a catalyst, propelling the work of the offices of the Chief Commissioner for Persons with Disabilities and the State Commissioners for Persons with Disabilities to new heights. I have unwavering confidence that each one of them will enthusiastically and wholeheartedly embrace this responsibility, recognising its pivotal role in advancing our collective vision for a just and equitable society for persons with disabilities.

I would like to extend my appreciation to Vidhi Centre for Legal Policy for their involvement with and commitment towards the preparation of this booklet. I would also like to thank Mission Accessibility for making the soft-copy of this booklet accessible for persons with disabilities.

It is my sincere hope and aspiration that this booklet will take forward our mission to empower and create a truly inclusive society, through knowledge. As we embark on this transformative journey and launch this ready reckoner, let it stand as a beacon of empowerment, inspiring individuals and the larger community to recognise and exercise their rights.

Rajesh Aggarwal
Secretary, Department of Empowerment of Persons with Disabilities
Ministry of Social Justice and Empowerment, Government of India

Message from the Joint Secretary, Department of Empowerment of Empowerment of Persons with Disabilities

I am delighted to extend my heartfelt congratulations on the launch of the compilation of orders by the Chief Commissioner for Persons with Disabilities and State Commissioners for Persons with Disabilities. This initiative represents a significant step forward in our ongoing efforts to ensure the empowerment of persons with disabilities.

I am particularly proud to witness the culmination of this project. The dedication and hard work put forth by the Chief Commissioner for Persons with Disabilities, the State Commissioners for Persons with Disabilities, and their respective teams in securing rights of persons with disabilities through their orders have culminated into and formed the basis of this compilation, an invaluable resource that will undoubtedly contribute to better inclusion of persons with disabilities in our society.

The power of knowledge extends far beyond the pages of legal directives; it becomes a beacon guiding individuals towards a more empowered and confident existence. This compilation is a catalyst for transformation, and an acknowledgment that awareness and understanding of one's rights are essential elements in dismantling both barriers and stigma, fostering awareness and meaningful inclusion.

Through this compilation, we aim to empower persons with disabilities to navigate the intricacies of legal frameworks confidently and assert their rights, to be active participants in mainstream society, and to prevent continuation of their relegation to the margins by the larger society. Through knowledge, we not only inform but also inspire individuals to assert their presence and contribute meaningfully to the nation building process.

May this invaluable resource inspire us all to continue our unwavering pursuit of a more just, equitable, and inclusive society.

Rajesh Yadav
Joint Secretary, Department of Empowerment of Persons with Disabilities
Ministry of Social Justice and Empowerment, Government of India

List of Abbreviations:

- **AIIMS:** All India Institute of Medical Sciences
- **CCPD:** Chief Commissioner of Persons with Disabilities
- **DEPWD:** Department of Empowerment of Persons with Disabilities
- **DoPT:** Department of Personnel and Training
- **HCS:** Haryana Civil Service
- **KV:** Kendriya Vidyalaya
- **MCD:** Municipal Corporation of Delhi
- **MSJE**: Ministry of Social Justice and Empowerment
- **NCT:** National Capital Territory
- **PWD Act, 1995:** Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- **RBI:** Reserve Bank of India
- **RCI:** Rehabilitation Council of India, 1992
- **RPWD Act, 2016:**Rights of Persons with Disability Act, 2016
- **RPWD Rules, 2017**: Rights of Persons with Disabilities Rules, 2017
- **RTE Act, 2009:** Right of Children to Free and Compulsory Education Act, 2009
- **SBI:** State Bank of India
- **SCPD:** State Commissioner for Persons with Disability
- **UGC:** University Grants Commission

Framework and Approach - Notable Orders of Chief Commissioner for Persons with Disabilities:

This resource document captures the daily implementation of the law on rights of persons with disabilities in India to secure the rights guaranteed by the law. This is done through collation and summarising of notable orders of the Chief Commissioner for Persons with Disabilities ('CCPD') with respect to the primary legislation on the subject, i.e., the Rights of Persons with Disabilities Act, 2016. This legislation being fairly recent, noteworthy orders passed under the preceding law, i.e., Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 have also been included. The orders were included based on their evaluation against the following criteria:

a. The order substantially details a significant point of law or the scope or nature of a right, bringing out an important intervention at the level of the CCPD.
b. The order is one where the CCPD clarifies aspects pertaining to implementation of a law; clarifies the contours and avenues for implementation of a law, or otherwise undertakes measures for safeguarding rights of persons with disabilities through Government functionaries (such as data collection, awareness generation, etc.).

Only those orders which meet any one or more of the aforesaid criteria have been included in the present document.

This document has been prepared in plain English with due care to ensure that the essence of the CCPD's orders is not compromised. It has been prepared as such to serve as a primer for the public at large, particularly persons with disabilities in providing a collated, summarised understanding of the law, and the status and efforts made towards realising the rights and duties pertaining to persons with disabilities.

The orders were identified through the website of the Office of Chief Commissioner for Persons with Disabilities, Department of Empowerment of Persons with Disabilities (Divyangjan), Ministry of Social Justice and Empowerment, Government of India (http://www.ccdisabilities.nic.in/Complaints/orders-record-of-proceedings-of-ccpd). The order number provided in the table containing the summaries below is hyperlinked to the document containing that order on the said website. Such links are only for the convenience of the reader.

To allow easy navigation for readers interested in knowing the position of law on disability rights in different fields, a set of tags for each entry is provided in the fourth column of the database. Appropriate tags have been identified for each entry by taking into account the following aspect of the order each entry is referring to:

a. The nature of subject matter of the case(indirect discrimination, discrimination, reasonable accommodation, universal design, etc),

b. The disability involved,
c. The relevant sector involved (education, public employment, school education, etc).

Please note, this document contains only those orders that were uploaded on the abovementioned website of the CCPD, in English language, and which were passed on or before July 31, 2023, and were available on the website of the CCPD as on July 31, 2023.

Disclaimer: The information contained in this compilation is taken from the website of the CCPD, published and readily available, as on July 31, 2023. Information regarding current status and further developments of the orders mentioned, as well as orders, though dated July 31, 2023 or a date prior to the said date, but were published on the said website subsequent to July 31, 2023 have not been incorporated in this compilation. This compilation is for general informational purposes only and is not intended to serve as an official record of the orders. If readers wish to obtain any information about the orders mentioned in this compilation, including their compliance and implementation status, relief sought, etc., they are requested to verify the same from the relevant primary sources.

Compilation of Notable Orders of Chief Commissioner for Persons with Disabilities

2014

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	96/1041/12-13	**Facts**: The Complainant who was an employee of Indian Railways and had a 75% visual disability, was denied a scribe during the Departmental Examination for promotion because there were no reserved posts for persons with disabilities. **Issue**: Whether persons with disabilities are entitled to reservation and scribe for participation in Departmental Promotion Examination in Railways. **Order**: CCPD noted that establishments coming under the Ministry of Railways have to comply with the DoPT instructions allowing for the reservation in promotion for persons with disabilities. Additionally, and generally, staff of all railway departments should be appropriately sensitised in respect of the needs and capabilities of persons with disabilities in an attempt to do away with any possible case of harassment to persons with disabilities.	Reasonable Accommodation, Visual Disability, Examination, Employment, Sensitization	Right to reservation in promotions for persons with disability.	PWD Act, 1995 Section: 32

2.	114/1092/12-13	**Facts:** Insurance companies refused to provide health insurance to a woman with intellectual disability. **Issue:** Whether insurance companies are required to provide health insurance to persons with disabilities or are they justified in denying insurance on the ground of disability. **Order:** CCPD noted that there is a definite need for the Insurance Regulatory and Development Authority of India ('IRDAI') and the Government to revise the policy framework of insurance from the perspective of persons with disabilities with a particular reference to Article 25(e) of United Nations Convention on Rights of Persons with Disabilities. The CCPD stressed the need for the Government to subsidise, where necessary, health insurance for persons with intellectual disability and other disabilities and encourage insurance companies to design the appropriate products accordingly.	Intellectual Disability, Health, Insurance, Discrimination	Right to social security and healthcare for persons with disability.	PWD Act, 1995 Section: 67
3.	930/1011/12-13	**Facts:** Complainant alleged that the cut off marks of GATE Exam for General/OBC/SC/ST categories were fixed in a way that the number of people shortlisted were three times the post available for them, but the same was not done for candidates with disabilities. **Issue:** Whether vacancies for persons with disabilities can be left unfilled and carried over endlessly or allowed to lapse. **Order:** CCPD noted that all efforts need to be made to ensure that persons with disabilities get the benefit of reservation of not less than 3% as provided for in Section 33 of the PWD Act, 1995 and that no backlog of vacancies is allowed to be accumulated.	Employment, Examination, Hard of Hearing, Reservation	• Right to reservation in public employment. • Right to relaxation of standards when no candidates meet the set standard.	PWD Act, 1995 Sections: 59, 33.

4.	1185/1031/2014	**Facts:** A child affected with 100% hearing loss was denied admission in school so the Complainant approached the CCPD against the Directorate of Education. **Issue:** Whether the child was covered under the RTE Act or not. **Order:** CCPD noted that as per Section 26 of the PWD Act, 1995, the appropriate Governments and the local authorities are mandated to ensure that every child with a disability has access to free education in an appropriate environment, among other things, up to the age of 18 years. As per RTE Act 2009, the provisions of RTE Act do not override the provisions of PWD Act, 1995.	Children with Disability, Hard of Hearing, Education, Discrimination, Reasonable Accommodation	• Right to education. • Right to reasonable accommodation.	PWD Act, 1995 Sections: 26, 39, 59.
5.	274/1102/2013	**Facts:** A person affected by 100% visual disability was denied an ATM card by Punjab National Bank. **Issue:** Whether an ATM card application could be rejected in a discriminatory manner, on account of visual disability even though there was no such rule. **Order:** CCPD directed the Respondents to issue an ATM Card in favour of the Complainant without obtaining any additional undertaking which is not obtained from other customers and without any discrimination within a week from the order. The Respondents were further directed to ensure that their entire staff across the country is made aware of norms/guidelines to ensure that persons with disabilities are not subjected to any unnecessary hassle and harassment and that they are able to avail banking facilities without discrimination and on an equal basis with others.	Visual Disability, Discrimination, Reasonable Accommodation, Banking	• Right to accessibility and Reasonable Accommodation. • Right against Discrimination.	PWD Act, 1995 Sections: 45, 59.

2016

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	5268/1014/2015	**Facts:** A person affected with 45% locomotor disability approached the CCPD regarding non-implementation of the PWD Act, 1995 in filling up the post of Multi-Tasking (technical lab) at National Institute of Virology. **Issue:** Whether the post for persons with disabilities can be kept vacant when it is contrary to the provisions of the PWD Act, 1995 Act on the grounds that the Complainant is over-qualified. **Order:** CCPD noted that higher qualification is not a bar to recruitment to any post and the Complainant must be considered if he possesses the minimum qualification prescribed for the post. This is even more relevant in the case of a person with a disability and other reserved categories where the Constitution itself provides for their upliftment, benefit and social inclusion.	Locomotor Disability, Employment, Reservation	Right to reservation in public employment.	PWD Act, 1995 Sections: 36, 59.
2.	4884/1014/2015	**Facts:** A person affected with 63% locomotor disability was rejected from selection for the post of Library & Information Assistant. **Issue:** Whether the rejection was valid after qualifying the written examination and giving an interview and also when no person with a disability had been hired. **Order:** CCPD noted that against the vacancies reserved for persons with disabilities, if duly qualified candidates are available, they must be given a chance even by considering their performance in the written test/interview by relaxing the standards, whether or not prescribed in the relevant Recruitment Rules.	Locomotor Disability, Employment, Reservation	• Right to reservation and employment. • Right to relaxation of standard when no candidate meets the standard.	PWD Act, 1995 Sections: 38, 59.

3.	3286/1011/2014	**Facts:** Reservation was not granted to the Complainant in appointment to the post of Gram Dak Sevak by the Postal Department. **Issue:** Whether the mandate of 3% reservation to persons with disabilities according to the PWD Act, 1995 is to be implemented for appointment to the post of Gram Dak Sevak by the Postal Department. **Order:** The CCPD directed that a thorough examination should be conducted by the Department of Posts whenever such posts are not considered suitable for persons with disabilities. The CCPD noted that posts of postman and other posts of similar categories are not unsuitable for people with disabilities.	Reservation, Employment	Right to reservation in public employment.	PWD Act, 1995 Sections: 33, 47, 59.
4.	3448/1040/2015	**Facts:** Person with visual disability was denied a printed test booklet in University Grants Commission National Eligibility Test (Hindi) and faced humiliation at the Examination Centre. **Issue:** Whether the Complainant is to be provided with a scribe in accordance with the UGC guidelines, and also given the choice between a printed booklet and a Braille booklet as provided to a person with visual disability. **Order:** CCPD directed CBSE and UGC to specify instructions/guidelines pertaining to people with disabilities regarding all future examinations. Persons with disabilities should be allotted examination centres accessible to them and allowed to sit at the ground floor of the centre. Instructions regarding payment of scribe fee should be clearly specified in the guidelines. The staff engaged in examination duty should also be sensitised to the needs of persons with disabilities.	Visual Disability, Examination, Reasonable Accommodation, Education	Right to education with reasonable accommodation.	PWD Act, 1995 Section 38

5.	2561/1141/2014	**Facts:** In response to a Right to Information application filed by the Complaint, the Medical Council of India ('MCI') informed that the MCI has not issued any directive for hospitals to include sign language interpreters and to make their websites accessible for persons with disabilities. **Issue:** Whether hospitals are required to be directed to ensure accessibility to persons with disabilities. **Order:** CCPD noted that websites of all hospitals should be made accessible to persons with disabilities so that they can easily check the website of the concerned hospital with the help of any able-bodied person. It was also directed that necessary arrangements of sign language interpreters be made at all hospitals to assist persons who are hard of hearing so that they do not find any difficulty while visiting hospitals.	Sign Language, Persons hard of hearing, Reasonable Accommodation, Health	• Right to reasonable accommodation and accessibility. • Right to health.	PWD Act, 1995 Sections: 30, 46, 48, and 73
6.	2242/1031/2014	**Facts:** Complainant who was affected with 100% locomotor disability filed a complaint regarding lack of reservation for persons with disabilities in executive programmes offered by Indian Institute of Management ('IIM'). **Issue:** Whether reservation for persons with disabilities can be made in Executive programmes at IIMs. **Order:** CCPD noted that executive programmes in IIMs are not aided by the Government so no direction can be issued to them to implement Section 39 of the PWD Act, 1995. However, if a person with disability intends to do such programmes in IIMs and fulfils the criteria for the course, they should not be denied admission on the ground of disability rather, they should be provided necessary support to put them at a level playing field and to prevent them from being deprived of their rights.	Locomotor disability, Higher education, Reservation, Reasonable Accommodation	• Right to education. • Right to reservation of persons with disability.	PWD Act, 1995 Sections: 39

2017

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	1091/1141/2014	**Facts:** Suo-Motu Cognizance taken on the basis of two press releases issued by the National Platform for the Rights of the Disabled highlighting the lathi-charge done by police on 300-400 peaceful protesters with disabilities outside the Prime Minister's Office. **Issue:** Whether the use of force by the police against peaceful protesters with disabilities constituted a violation of their rights. **Order:** CCPD advised the Respondent 1 (Commissioner of Police, Delhi) to handle such situations in a highly professional and sensitive manner and ensure that the rights of the persons with disabilities are not infringed in future.	Violence, Harassment	• Right to freedom of peaceful assembly. • Right to speech and expression.	PWD Act, 1995 Section 71 and 72
2.	6222/11412016	**Facts:** The Complainant who booked a car from Respondent company maintained that excise duty concession for cars should be given to persons with disabilities. He also sought a directive for the Respondent to make special vehicles for persons with disabilities. **Issue:** Whether persons with disabilities are entitled to excise duty concessions for cars, and whether the Respondent should be directed to produce special vehicles. **Order:** CCPD expressed its limitation to frame any legislation on the subject of excise duty and disabled friendly vehicles. However, the CCPD noted that it is empowered to represent the ministry to apprise the absence of such law and advise the Respondent to consider such legislation.	Discrimination, Transport, Reasonable Accommodation	• Right to reasonable accommodation.	PWD Act, 1995 Sections: 44, 45,

3.	5179/1141/2015	**Facts:** Complainant maintained that the presentation of a scene on a person who is hard of hearing in the movie "Kis Kis Ko Pyaar Karoon" was done for creating humour by highlighting his disability. He requested the CCPD to prevent scenes that make fun of the persons with disabilities from being featured in the movies. **Issue:** Whether the movie humiliated persons who are hard of hearing. **Order:** CCPD advised the Respondent to issue necessary instructions to authorities concerned not to certify such movies whose content is derogatory, disrespectful, rude, abusive, insensitive and detrimental to the self-esteem of persons with disabilities. It was further directed that the scenes of the movie showing disrespect to persons with disabilities be deleted.	Hard of hearing, Sensitisation, Discrimination	• Right against discrimination. • Right to be treated with dignity and respect.	PWD Act, 1995 Section: 59, 62
4.	7781/1024/2017	**Facts:** Complainant who was an inspector at National Investigation Agency wished to retain his government accommodation to make sure that the life of his daughter, who lives with cerebral palsy, is not at risk. **Issue:** Whether Complainant's request for retaining government accommodation for taking care of daughter who was a person with disability could be allowed. **Order:** CCPD ordered that in order to fulfil the purpose of RPWD Act, 2016, it would not be conducive to disturb their "appropriate environment" unless an "equally appropriate environment" is made available to him. CCPD ordered the Respondent to allow the Complainant to retain the accommodation.	Cerebral Palsy, Appropriate Environment, Reasonable Accommodation	• Right to special beneficial measures for caregivers of persons with disabilities.	RPWD Act, 2016 Section:3(2)

5.	7674/1103/2017	**Facts:** Complainant contended that according to a circular of the Indian Railways, concessions are granted only to 4 categories of passengers with disabilities and that too only in extreme cases. **Issue:** Whether the circulars adversely affect the rights of persons with disabilities. **Order:** CCPD noted that the Railway Board should use the definition of disability as provided under the RPWD Act, 2016 in its circular, make a policy to increase the validity of identity cards issued to persons with disabilities with at least 10 years of disability and ensure accessibility in its building and counters to avoid inconvenience to persons with disabilities.	Locomotor disability, Reasonable Accommodation, Discrimination	• Right to transportation. • Right against discrimination.	PWD Act, 1995 Sections: 59 and 44
6.	7123/1024/2016	**Facts:** Complainant sought leave of 3 months for his treatment as per 6th Central Pay Commission's special disability leave rules. **Issue:** Whether non-sanctioning of 3 months special disability leave amounted to discrimination and denial of reasonable accommodation. **Order:** CCPD advised the Respondent to explore the feasibility of granting special disability leave to the Complainant in particular and persons with disabilities in general on the same line as it is available to central government employees. Respondent was further advised to make necessary amendments to accommodate necessary accommodations provided to persons with disabilities in the RPWD Act, 2016 with the objective of achieving welfare for persons with disabilities. It further noted that the Complainant should be assigned a suitable job in view of his disability.	Reasonable Accommodation, Discrimination	• Right to special disability leaves.	PWD Act, 1995 Section: 59, 32, 33, 38

2018

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	7280/1041/2016	**Facts:** Complainant affected with 75% visual disability was denied extra time in the Lower Division Clerk exam, due to which he had to leave several questions. **Issue:** Whether persons with disabilities are entitled to be provided with scribes and granted additional time during examinations. **Order:** CCPD advised National Council of Educational Research and Training ('NCERT') to explore the possibility of giving Scribe/extra time during examinations on the basis of Disability Certificate. The CCPD further advised NCERT to be more sensitive towards the rights of persons with disabilities and provide them with relief accordingly.	Employment, Examination, Reasonable Accommodation, Visual Disability	Right to reasonable accommodation in examinations.	PWD Act, 1995 Section: 59
2.	6298/1021/2016	**Facts:** Complainant, a person affected with 55% Locomotor disability was an Inspector in the Office of Deputy Director of Income Tax. After his inter-region transfer, he lost his seniority but accepted the transfer under compulsion. **Issue:** Whether the Complainant's transfer to a far off location and the subsequent loss of his seniority were in violation of the RPWD Act, 2016. **Order:** CCPD directed the Respondent to provide necessary relief to the Complainant by granting claim on seniority and related benefits as prayed by the Complainant, with a view to ensure that bona fide rights of persons with disabilities are not infringed.	Locomotor disability, Promotion, Transfer	Right to retain seniority after inter-region transfer.	PWD Act, 1995 Section: 38

3.	6579/1141/2016	**Facts:** The Complainant contended that the movie Housefull 3 made a mockery of persons with disabilities and violated their rights, particularly, the right to dignity. **Issue:** Whether Indian movies which represent persons with disabilities in a mocking fashion cause social pragmatism. **Order:** CCPD advised the Respondents, Central Board of Film Certification, to issue instructions to the Examining Committee to be more sensitive while certifying films featuring persons with disabilities and if needed and circumstances prevail, experts from the disability field may be invited/included in the committee. CCPD also directed the Respondent to issue instructions to the respective film direction houses to take care of the dignity of persons with disabilities while including any scenes related to them.	Sensitisation, Dignity, Discrimination	• Right against discrimination. • Right to be treated with dignity and respect.	PWD Act, 1995 Section: 59
4.	6050/1143/2016	**Facts:** Complainant, President of All India Sports Council of the Deaf, contended that sports persons who are hard of hearing feel discriminated against while receiving cash awards and financial assistance from the government in comparison to sports persons with other disabilities. **Issue:** Whether sportspersons with hearing disabilities were not treated at par with sportspersons with other disabilities in terms of receiving cash awards and financial assistance from the Government. **Order:** CCPD acknowledged that less importance is given to sports persons who are hard of hearing and the level of competitions have not been at par with the para-sports persons which is discriminatory towards them. Sports Authority of India was directed to give due weightage for providing cash awards and financial assistance by the government to sports persons with hearing disability, at par with other para sportspersons.	Sports, Hard of hearing, Discrimination	• Right to equal treatment of sports persons with disabilities.	PWD Act, 1995 Section: 47

5.	7389/1102/2017	**Facts:** The complainant was subjected to harassment by the Branch Manager of Canara Bank concerning the authentication of a cheque. The bank's guidelines mandated the presence of a witness for the thumb impression of a person with visual disability when verifying or authenticating cheques, which was against the non-discrimination mandate of the RBI. **Issue:** Whether the bank's guidelines mandating the presence of a witness for authenticating the thumb impression of a person with visual disability on cheques were well-founded or discriminatory. **Order:** CCPD advised the Respondent bank to provide all the banking facilities to the Complainant as per extant norms and follow the RBI guidelines in letter and spirit. CCPD further directed that customers/persons with disabilities not be deprived of their legitimate rights and sensitivity towards them be maintained.	Visual Disability Sensitisation, Discrimination, Reasonable Accommodation	• Right against discrimination in availing bank services.	PWD Act, 1995 Section: 46

6.	6949/1141/2016	**Facts:** MSJE forwarded news clipping from a daily, "Times of India" about the humiliation faced by a silver medallist para-cyclist at 2013 Asian Paralympics when he was asked to remove his prosthetic leg at the Delhi Airport. **Issue:** Whether insensitive behaviour of security personnel and lack of convenient facilities at airports for security check of persons with disabilities amounts to discrimination and lack of reasonable accommodation **Order:** CCPD noted that while the procedure for ensuring safety and security is essential, it does not allow security personnel to be insensitive towards the dignity and privacy of the passengers with disabilities, especially since it is known to all that removing prosthetic leg is a painful procedure. A training module should be designed and incorporated in the aviation security course. Security personnel should ensure that passengers with disabilities do not feel harassed and humiliated on account of their disability. The Central Industrial Security Force was advised to ensure that security personnel were more careful and sensitive towards persons with disabilities at time of security check.	Sensitisation, Harassment, Dignity, Discrimination, Locomotor Disability	• Right against discrimination. • Right to be treated with dignity and respect.	PWD Act, 1995 Section: 44
7.	8122/1023/2017	**Facts:** The Complainant, a person with 100% visual disability was demoted to a lower rank due to his disability. **Issue:** Whether the demotion of the complainant to a lower rank was a result of disability-based discrimination. **Order:** CCPD ordered that the Complainant must receive all benefits from the retrospective date under RPWD Act, 2016 and ensure that the constitutional rights of persons with disabilities are not infringed.	Promotion, Retrospective benefits, Visual Disability, Discrimination	• Right against discrimination. • Right to employment.	RPWD Act, 2016 Section: 75

8.	8583/1022/2017	**Facts:** Complainant, Principal of KV School who had 60% hearing loss, contended that he was eligible for transfer and requested the authorities to transfer him to Chennai. However, he was not transferred on priority even though the vacancy was available. **Issue:** Whether the Complainant being a person with disability was entitled to being transferred to preferential posting as per the provisions of RPWD Act, 2016. **Order:** CCPD directed the Respondent to give preference to persons with disabilities and transfer the Complainant to any KV schools in Chennai even though he did not fulfil the criteria for completing 5 years at present station.	Hard of hearing, Employment, Reasonable Accommodation, Transfer	Right to transfer to a place of convenience.	RPWD Act, 2016 Section: 20(2)
9.	7400/1033/2017 & 8347/1141/2017	**Facts:** Complaint alleged that the administration of Indian Institute of Technology Ahmedabad did not waive off the fees of persons with disabilities at par with SC/ST students, which is against the notification published by Ministry of Human Resource Development. **Issue:** Whether students with disabilities are entitled to waiver of tuition fee at par with SC/ST students. **Order:** CCPD advised the Respondent to be sensitive towards students with disabilities and waive off tuition fee, at par with SC/ST students and immediately issue a notice in this regard.	Sensitisation, Discrimination, Education	Right to equal treatment.	PWD Act, 1995 Section: 30

10.	9341/1023/2018	**Facts:** Complainant was affected with haemophilia and alleged that he was harassed by his senior at work. **Issue:** Whether wilful remarks against a person with disability amount to harassment and violation of rights. **Order:** CCPD directed the Respondent to be more sensitive towards persons with disabilities and ensure that they are not deprived of their legitimate rights. CCPD further directed for a conducive and accessible work environment along with all infrastructure to be made available to persons with disabilities. CCPD noted that there should not be any further harassment of the Complainant and everything must be provided by the Central Government Health Scheme so that the Complainant can smoothly discharge his duty and perform his duties as a medical professional.	Haemophilia, Promotion, Harassment, Sensitisation	Right against discrimination and harassment.	RPWD Act, 2016 Section: 38(1).
11.	8482/1103/2017	**Facts:** Complainant maintained that the Railways Servant (Pass) Rules, 1986 do not have specific provisions for persons with disabilities and need to be amended in line with the RPWD Act, 2016. **Issue:** Whether the Railways Servant (Pass) Rules, 1986 should be amended to bring them in conformity with the provisions and requirements outlined in the RPWD Act, 2016. **Order:** CCPD noted that necessary amendments must be done to Railways Servant (Pass) Rules, 1986 as suggested by the Complainant. It was further directed by CCPD that at least an escort should be available to persons with disabilities, irrespective of his family members, while travelling via railways, whether for duty or personal purpose under RPWD Act, 2016.	Reasonable Accommodation, Equality	• Right to reasonable accommodation. • Right to access public transport.	RPWD Act, 2016 Section:75, 20, 3

12.	6747/1022/2016	**Facts:** Complainant, who had more than 40% locomotor disability had been working away from his native town for 7 years and wanted to be transferred near his native place on account of his disability. **Issue:** Whether the Complainant was entitled to a transfer near his hometown on account of his disability. **Order:** CCPD directed the Respondent to consider transferring the Complainant near his native place on account of the difficulties faced by him while being posted away from home.	Locomotor Disability, Reasonable Accommodation, Employment	Right to transfer to a place of convenience.	PWD Act, 1995 Section: 59, 47, 38
13.	9144/1031/2018	**Facts:** Complaint's child was affected with intellectual disability (Fragile X Syndrome) and could not pursue his studies without the help of an educator. Complaint was asked by the school authority to remove the child from the school where the child was enrolled. **Issue:** Whether the school had a legal obligation to provide reasonable accommodation to children with disabilities as mandated under the RPWD Act, 2016. **Order:** CCPD ordered the Respondent school to comply with Sections 16 and 17 of RPWD Act, 2016 to promote and facilitate inclusive education and ensure that children with disabilities are given reasonable accommodations at the school level with the help of special educators.	Fragile X Syndrome, Education, Reasonable Accommodation	• Right to reasonable accommodation. • Right to inclusive education.	RPWD Act, 2016 Section:16, 17, 75

14.	8162/1141/2017	**Facts:** Complainant, affected with more than 40% locomotor disability alleged that he faced harassment and discrimination by the Respondent who was his colleague at his office. **Issue:** Whether a hostile environment at the office premises amounts to violation of the rights of persons with disabilities. **Order:** CCPD ordered the Respondent organisation to sensitise its staff and officers towards persons with disabilities and their rights as envisaged under RPWD Act, 2016.	Locomotor Disability, Harassment, Discrimination, Sensitisation, Equality	• Right against discrimination and harassment. • Right to be treated with dignity and respect.	RPWD Act, 2016 Section:3, 20
15.	8733/1022/2017	**Facts:** Complainant sought to give proper care to his only daughter who was affected with intellectual disability. The Complainant wanted to be transferred to Bhubaneshwar to enable proper treatment of the said daughter in special hospitals. **Issue:** Whether the Complainant was entitled to preferential posting under the provisions of the RPWD Act, 2016. **Order:** CCPD directed the Respondent to transfer the Complainant to Bhubaneshwar to accommodate his daughter's disability. It further noted that it is the responsibility of the organisation to take care of the employees and their dependents with disability and to post them at suitable places as requested by them and in places where medical facilities/special schools for rehabilitation are available.	Rehabilitation, Reasonable Accommodation, Intellectual Disability	• Right to transfer to a place of convenience for guardians of children with disabilities.	RPWD Act, 2016 Section: 75(1), 9, 20, 3

16.	7774/1033/2017	**Facts:** Complainant who was affected with 75% locomotor disability, alleged that Aligarh Muslim University did not provide any concession in cut-off marks to candidates with disabilities, which is against the UGC guidelines. **Issue:** Whether candidates with disabilities were entitled to a 5% concession in marks as per the provisions of the PWD Act, 1995. **Order:** CCPD ordered the Respondent to implement the guidelines published by the UGC with regard to concession for candidates with disabilities and give them 5% concession in cut-off marks.	Locomotor disability, Relaxation of Standards, Education	• Right to relaxation in standards for persons with disabilities during admissions. • Right to reasonable accommodation.	PWD Act, 1995 Section: 30, 39
17.	8414/1021/2017	**Facts:** Complainant's employer company denied him promotion even though there had been a backlog of vacancies. The Complainant, who was a person with 75% disability sought to know the reasons for the non-compliance with RPWD Act, 2016. **Issue:** Whether the denial of a promotion by the company to the Complainant, despite the presence of vacancies, constituted a violation of the RPWD Act, 2016. **Order:** CCPD directed the Respondent to promote him with retrospective effect. It was further advised that the rights of persons with disabilities are not infringed.	Promotion, Harassment, Retrospective, Employment	• Right to promotion in employment. • Right to reservation.	RPWD Act, 2016 Section: 75(1), 3, 20(3),

18.	9391/1041/2018	**Facts:** In the Examination centre, scribes brought by candidates with disabilities were not allowed and additionally, they were denied writer fee as well. **Issue:** Whether denial of scribes and write fee was in violation of the guidelines issued by the MSJE. **Order:** CCPD noted that the guidelines by University Grants Commission National Eligibility Test ('UGC-NET') were not followed by the examination centres. It further stated that scribe fee must be released immediately for those who have not received it and also those who were unlawfully prevented from scribing. Appropriate action was also directed against erring examination centres. CCPD also held that reasonable accommodations should be provided to candidates with disabilities at examination centres.	Examination, Education, Reasonable Accommodation, Discrimination	Right to reasonable accommodation.	RPWD Act, 2016 Section: 75, 16, 17, 3
19.	8370/1141/2017	**Facts:** No authority from the Sports Authority of India or Ministry of Sports ('MoS') arrived at the Airport to greet the Para-athletes who won gold medals and broke world records at the Turkey Deaf Olympics. **Issue:** Whether the absence of any official authorities to greet and acknowledge the para-athletes constitutes a failure in recognising and honouring the achievements of these athletes in line with the RPWD Act, 2016. **Order:** CCPD directed issuance of appropriate directives aimed at promoting sensitivity and awareness within the MoS and relevant government departments regarding the rights and needs of para-athletes under the RPWD Act, 2016. The purpose of these directives was noted as ensuring that para-athletes receive the recognition, motivation, and support they deserve and to prevent any feelings of neglect among them.	Sensitisation, Sports, Hard of hearing	Right to equal treatment of sports persons with disabilities.	RPWD Act, 2016 Section: 75, 3, 7, 6

20.	4724/1101/2015	**Facts:** The Complainant submitted a representation for ensuring accessibility of Delhi Transport Corporation ('DTC') bus stops in New Delhi for persons with disabilities. **Issue:** Inaccessibility of New Delhi Municipal Council ('NDMC') DTC bus stops for persons with disabilities. **Order:** CCPD advised NDMC to explore the possibilities in respect of public transport for a better disability friendly environment that allows persons with disabilities to enjoy their mobility without any obstacles. CCPD further advised that the provisions of the RPWD Act, 2016 must be considered while constructing future projects.	Mobility, Transport, Reasonable Accommodation, Accessibility	• Right to accessibility. • Right to transportation.	PWD Act, 1995 Section: 59, 44, 45
21.	8602/1040/2017	**Facts:** Complainant, a person with disability, was not allowed to shift the examination centre from Bhopal to Jabalpur, which was his place of residence and was denied the permission to use his own scribe. **Issue:** Whether denial of change of examination centre to place of Complainant's residence and not allowing him to use his own scribe were violations of RPWD Act, 2016. **Order:** CCPD advised the Respondent to preferably allot the examination centre closest to their homes to candidates with disabilities and that it be ensured that reasonable accommodation and a level playing field is provided to candidates with disabilities.	Examination, Reasonable Accommodation, Employment, Discrimination, Cerebral Palsy	Right to reasonable accommodation.	RPWD Act, 2016 Section: 75

22.	7799/1011/2017	**Facts:** Complainant, a candidate with disability, working as lecturer at Institute of Hotel Management Trivandrum, submitted that none of the 60 Centre and State Hotel Management Institutes filled the vacancies for candidates with disabilities. **Issue:** Whether non-filing of posts for candidates with disabilities at the Central and State Hotel Management Institute denies equal opportunity to candidates with disabilities. **Order:** Respondent was directed to calculate the reserved vacancies for candidates with disabilities as per DoPT instructions and maintain reservation for candidates with disabilities. The CCPD further advised that the Respondent be more sensitive towards candidates with disabilities and ensure that their rights are not infringed.	Employment, Sensitisation,	• Right to reservation. • Right to employment.	RPWD Act, 2016 Section: 3, 20, 21
23.	5405/1141/2015 & 5990/1141/2016	**Facts:** The Complainant who was a wheelchair user was going to attend the World Assembly of Women with Disabilities. She contended that she was harassed by CISF personnel at the airport and was asked to stand up, despite them knowing that she was a wheelchair user. She alleged that they violated the latest orders of the Bureau of Civil Aviation Security and Central Industrial Security Force. **Issue:** Whether the security personnel violated the dignity, privacy and respect of the Complainant. **Order:** The Respondent was advised to ensure that the concerned airlines should always have a female staff for assisting a female passenger with disabilities for screening or frisking at airports.	Harassment, Sensitisation, Locomotor Disability, Transport	• Right to privacy. • Right to accessibility • Right against discrimination. • Right to life with human dignity.	PWD Act, 1995 Section: 59, RPWD Act, 2016 Section: 38(4), 3, 6, 7,

24.	7352/1141/2017	**Facts:** Despite showing that toll fee is exempted for persons with disabilities, the Complainants were charged the same. **Issue:** Whether persons with disabilities are exempted from paying toll fees for mechanical vehicles designed for persons with disabilities. **Order:** CCPD directed the Respondents to make necessary arrangements for exemptions for vehicles specially designed for persons with disabilities. CCPD further added that mechanical vehicles specially designed and constructed for the use of persons affected with some form of disability be included in the list of exempted dignitaries and shown at every display board at toll plazas. CCPD also directed that toll staff be more sensitive towards persons with disabilities.	Sensitisation, Transport, Discrimination, Reasonable Accommodation	• Right to accessibility.	PWD Act, 1995 Section: 59, 44, 45
25.	6052/1033/2016	**Facts:** Complainant wanted his daughter who was a person with intellectual disability to be admitted in the school nearest to his home. However, the nearest school sought 18 Lakh rupees for the admission which the Complainant could not afford. **Issue:** Whether Complainant's request for admission of his daughter in the school near to his home could be granted. **Order:** CCPD advised the Respondent to give admission to the Complainant's daughter under National Trust's Gharonda Scheme under the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999, to the relevant school and give her a house and care taking facility.	Education, Reasonable Accommodation, Accessibility, Intellectual Disability	• Right to education. • Right to accessibility.	PWD Act, 1995 Section: 59, 26, 27

26.	8739/1024/2017	**Facts:** Complainant, a person with visual disability, who had been working at National Human Rights Commission ('NHRC') on contractual basis for 15 years was removed from office, making it difficult for him to make both ends meet. Meanwhile his son, who also had a visual disability, lost his job. **Issue:** Could the Complainant be re-employed in NHRC on a permanent basis. **Order:** CCPD ordered the Respondent to consider the employment of the Complainant as consultant with the NHRC on humanitarian grounds. The CCPD also advised the Respondent to be more sensitive towards persons with disabilities.	Sensitisation, Employment, Visual Disability	• Right to employment. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 20, 3

2019

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	9988/1033/2018	**Facts:** Complaint's child with intellectual disability was a student at National Institute for the Empowerment of Persons with Intellectual Disabilities ('NIEPID'). It was alleged by the Complainant that a teacher at NIEPID abused, harassed and beat children and threatened the families and other teachers as well. **Issue:** Whether the alleged actions of the teacher involving the abuse, harassment, and physical mistreatment of students with intellectual disabilities constituted a violation of the rights of students with disabilities. **Order:** CCPD in its directions to the Respondent noted that any discrimination on the basis of caste, religion or colour against persons with disabilities is a punishable offence under Section 92 of the RPWD Act, 2016. It further noted that it is the responsibility of the institution to ensure that children with disabilities live with dignity and equality at par with other people. It was further directed to the institution that departmental proceedings be commenced against the teacher for harassing the children.	Harassment, Equality, Dignity, Intellectual Disability, Education, Discrimination	• Right to against discrimination. • Right to education. • Right to protection against violence and abuse. • Right to life with human dignity.	RPWD Act, 2016 Section: 92, 6, 7

2.	9900/1102/2018	**Facts:** Complainant submitted representation to the CCPD highlighting the need for bank branches/ATMs to be made accessible to persons with disabilities' in accordance with the provisions of the RPWD Act, 2016 and the advisory issued by the RBI. **Issue:** Inaccessibility of ATMs for persons with visual disabilities. **Order:** CCPD directed the Respondent i.e., the Department of Financial Services to secure ATM and other financial facilities for persons with disabilities in general and persons with visual disabilities in particular. The CCPD further recommended the Department to make training of staff and persons with disabilities an in-built feature of policies for financial inclusion of persons with disabilities. CCPD also recommended the Respondent to consult persons with disabilities while framing such policies.	Accessibility, Reasonable accommodation, Visual Disability	• Right to accessibility. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 75, 40, 42
3.	10623/1023/2018	**Facts:** Complainant contended that the Staff Regulations at Dena Gujarat Gramin Bank ('DGGB') were discriminatory and contained arbitrary provisions. **Issue:** Whether provisions of the Staff Regulations of DGGB were discriminatory/arbitrary under RPWD Act, 2016. **Order:** CCPD observed that there is a need for change in the Staff Regulations. It directed that the penal provisions under the Dena Gujarat Grameen (Officer and Employees) Service Regulations, 2010 should be framed as per the RPWD Act, 2016. CCPD also directed incorporation of the provisions of RPWD Act, 2016 in the Baroda Gramin (Officer and Employees) Service Regulations.	Sensitisation, Discrimination, Employment, Locomotor Disability	• Right against discrimination. • Right to employment.	RPWD Act, 2016 Section: 75, 20, 3

4.	8404/1011/2017	**Facts:** Complainant applied for the post of Medical Officer at Bhabha Atomic Research Centre. However, after filling the application, the form showed that the post is not available for persons with physical disabilities. **Issue:** Whether a post not being made available for persons with physical disabilities amounted to discrimination and violated the rights of persons with disabilities. **Order:** CCPD directed the Respondent to provide reservation to the Complainant as per the notification passed by MSJE. CCPD noted that the grant of exemption from the purview of Section 34 of RPWD Act, 2016 shall be considered by an inter-departmental committee set up by the MSJE and that till such exemption is granted, persons with disabilities cannot be denied the benefit of appointment/reservation/relaxation against advertised posts.	Reservation, Employment, Relaxation in Standards, Locomotor Disability	• Right to reservation. • Right to employment.	RPWD Act, 2016 Section: 34, 20, 75
5.	8977/1021/2017	**Facts:** Complainant, with 60% locomotor disability, wanted to get promoted to the position of Lady Health Visitor ('LHV'). She contended that till date no persons with disabilities had been promoted under the quota for candidates with disabilities. **Issue:** Whether denial of employment to the post of LHV due to disability amounted to discrimination. **Order:** CCPD noted that for identification of posts to be reserved for persons with disabilities, it needed to be identified that the post is suitable for the particular category of disability. It noted that the Complainant should have been considered for the post of LHV and advised the Respondent to reconsider the case of the Complainant for promotion.	Locomotor Disability Promotion, Employment, Reservation, Identification of post	• Right against discrimination. • Right to promotions in employment.	RPWD Act, 2016 Section: 75(1), 20, 33 2016 act

2020

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	9670/1121/2018	**Facts:** The Complainant submitted that despite her attempts for one and a half years to obtain a disability certificate for her daughter who was affected with multiple sclerosis from one of the various hospitals in Delhi, no hospital issued the same to her daughter. **Issue:** Whether non-issuance of Disability certificate to the Complainant's daughter was justified or it violated her rights. **Order:** CCPD noted that as per Rule 18 of RPWD Rules, 2017, disability certificates must be issued within 1 month of the application and if the certificate is not issued, then reasons must be furnished by the authority within the same time period. In the instant case, CCPD observed that the Respondent failed to issue a Disability certificate or provide reasons for the same, and therefore violated the RPWD Rules, 2017. The CCPD further observed that each medical authority has the responsibility to establish a medical board for the issuance of the disability certificates and directed the Respondent to establish a medical board and issue the disability certificate at the earliest.	Disability Certificate, Multiple Sclerosis, Health	• Right against discrimination. • Right to health. • Right to accessibility.	Rule 17a, 18, RPWD Rules, 2017

2.	6389/1023/2016	**Facts:** The Complainant, a person with disabilities who worked at a bank alleged that he was allotted the kind of work that was difficult to execute owing to his disability. This further caused him to miss targets and make errors, which led to his suspension. He also submitted that he felt victimised and discriminated against at the workplace. **Issue:** Whether the alleged conduct of the employees of the Respondent bank amounted to harassment at the workplace and violated RPWD Act, 2016. **Order:** CCPD ordered the Respondent bank to ensure that the Complainant is given suitable administrative work so that he can discharge his duties without any difficulty. It further directed the Respondent bank to be more sensitive towards persons with disabilities and to ensure a conducive and accessible work environment for the Complainant in specific and for the persons with disabilities in general and provide a level playing field, so that no rights, as provided under the RPWD Act, 2016, are infringed.	Employment, Discrimination, Sensitisation, Reasonable Accommodation	• Right against discrimination. • Right to employment. • Right to reasonable accommodation. • Right to a conducive work environment.	RPWD Act, 2016 Section: 75, 3, 6, 90

3.	10950/1024/2019	**Facts:** The Complainant was an associate professor and mother of a child with intellectual disability. She wanted to be allotted the staff quarters on compassionate grounds in order to send her daughter to a school near her workplace. However, the Principal rejected this request and she was allotted staff quarters only after 4 months. Additionally, she was faced with disciplinary action for proceeding to leave without sanction. **Issue:** Whether the Principal's refusal to allocate staff quarters to the Complainant on compassionate grounds, and the subsequent disciplinary action taken against the Complainant constituted violations of the Complainant's rights in her capacity as a parent of a child with a disability. **Order:** CCPD noted that this was a case of insensitivity on the part of the College authorities in handling the leave application of the applicant. The CCPD further recommended that the College administration be more careful and sensitive in future towards their employees with disability and employees having dependent persons with disabilities and address their issues such as leave, accessibility matters, etc., in a considerate manner.	Employment, Sensitisation, Reasonable Accommodation, Intellectual Disability	Right to reasonable Accommodation.	RPWD Act, 2016 Section: 9

4.	10936/1024/2019	**Facts:** The Complainant had been working for the Respondent organisation since 1982 and was a person with 80% locomotor disability. He contended that the disability was acquired during his services and was affecting the performance of his duties. He requested the Respondent to provide employment to one of his dependents, instead of him as he was unable to effectively perform duties but the request was not catered to. **Issue:** Whether the Respondent organisation was obligated to provide employment to the Complainant's dependent and pay full salary under Section 20(4) of RPWD Act, 2016 if disability was acquired during the service. **Order:** CCPD noted that under Section 20(4) of RPWD Act, 2016, if any employee who has acquired disability during employment is not able to discharge his function, they should be shifted to another department with the same pay scale and benefits. Respondent in this case has not taken any step in assessing the Complainant's suitability for holding any other post in the organisation. Therefore, the Respondent was directed to create a committee of experts to assess the case of the Complainant and based on the findings to shift him to another post and in case of a lack of suitable position, keep him employed against supernumerary post until his superannuation.	Locomotor Disability, Employment.	• Right to employment. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 20(4)

5.	11139/1023/2019	**Facts:** The Complainant, who worked at the Respondent organisation met with an accident while reaching office which caused him 100% vision loss. Complainant alleged that following this, his salary was delayed and he was forced to resign from the organisation. **Issue:** Whether the conduct of the Respondent organisation and the subsequent forceful retirement of the Complainant was discriminatory and violative of the Complainant's rights. **Order:** CCPD noted that the Section 20(4) of RPWD Act, 2016 shall prevail over contrary regulations of the Respondent organisation. Complainant's compulsory retirement was held arbitrarily and against the spirit of RPD Act, 2016.	Visual Disability, Employment, Discrimination	• Right against discrimination. • Right to employment.	RPWD Act, 2016 Section: 20(4)
6.	8125/1013/2017	**Facts:** An advertisement for the special recruitment drive for persons with disabilities was published mentioning written examination and/or personal interview as part of the procedure. However, no clear indication was made on the allotment of marks for both the stages. Moreover, a group discussion was also added later. **Issue:** Whether arbitrariness and non-transparency of the selection process affect the rights of persons with disabilities. **Order:** CCPD held that the selection process by the Respondent was not a fully transparent one. It was noted that the various stages of the selection process must be notified in advance for the benefit of all the applicants including persons with disabilities. CCPD further recommended the revision of the recruitment process to make it fully transparent and objective for the larger interest of all applicants, including persons with disabilities.	Employment, Discrimination, Examination	• Right to employment. • Right to information about the examination process.	RPWD Act, 2016 Section: 75, 20, 21

7.	11369/1023/2019	**Facts:** The armed forces refused to consider the disability certificate of the Complainant which was issued by the District Medical Board. He was told by the Respondent that he would be examined again by the Military's medical board. Respondent maintained that as the matter is related to service of the armed forces, Armed Forces Tribunal and not CCPD was the authority competent to try the case. **Issue:** Whether the disability certificate issued by the District Medical Board was applicable/valid for matters pertaining to the armed forces. **Order:** CCPD held that though it does not have the jurisdiction to examine all categories of matters related to armed forces, it was not exempted from examining the validity of the disability certificate under Section 19 of the RPWD Act, 2016. Issuance of disability certificates by the Civil Medical Board is the concern of the CCPD. It recommended that the disability certificate of the Complainant may be examined from a third Medical board/hospital for the correct assessment of disability percentage and providing allowances as applicable.	Disability Certificate, Employment	• Right to employment.	RPWD Act, 2016 Section: 17, 18, 19, 20

8.	11506/1011/2019	**Facts:** The Complainant had applied for a teaching job at a College and maintained that the Department of Philosophy had a vacancy for persons with disabilities in the 'Orthopaedically Handicapped' category, which the college denied. **Issue:** Whether in the fact situation of the case the Complainant's right to reservation under the RPWD Act, 2016 was violated. **Order:** CCPD noted that reservation was not applicable in matters of Ad-hoc appointments. It noted that as permanent appointment against this vacancy has not been made, there was no cause of action against the Respondent under Section 34 of the RPWD Act, 2016. The CCPD further advised the Respondent to follow the law not just in letter but also spirit and ensure full opportunity to persons with disabilities.	Reservation, Ad-hoc Appointments, Employment	• Right to reservation in ad-hoc employment. • Right to employment.	RPWD Act, 2016 Section: 75, 34, 33
9.	11183/1021/2019	**Facts:** Complainant, a person with 48% locomotor disability, worked with the Respondent. He had been selected against the quota for persons with disabilities. However, he contended that he couldn't avail any benefits specified for persons with disabilities because the Respondent had not adequately implemented RPWD Act, 2016. **Issue:** Whether government instructions are mandatory to implement reservation for persons with disabilities in promotion to Group A and B. **Order:** CCPD cited Section 34(1) of RPWD Act, 2016 and highlighted the Supreme Court's decisions in the Government of India vs. Ravi Prakash Gupta [(2010) 7 SCC 626] and Umesh Kumar Tripathi v. State of Uttarakhand [2018 SCC OnLine UTT 865], where the Court had held that waiting for the executive to identify posts for reservation and promotion would violate the intent of the legislation. CCPD thus held that the Respondent can issue instructions for reservation for persons with disabilities to the posts.	Employment, Reservation, Locomotor Disability	• Right to reservation. • Right to employment.	PWD ACT, 1995 Section: 33, 35 RPWD Act, 2016 Section:34(1)

10.	11265/1141/2019	**Facts:** A school refused to provide fee concessions to children with disabilities, except in cases where the parents of such children were employed with the armed forces. **Issue:** Whether in the fact situation of the case the rights of children with disabilities were violated on account of denial of concession to them. **Order:** CCPD noted that the school was funded by the Government of India, and hence was bound to maintain a transparent fee structure, and publicise the same, besides being more sensitive towards children with disabilities. Additionally, the CCPD directed that transport facilities should also be considered to be given to all the students who required it.	Education, Discrimination, Transport	• Right to fee concession in educational institutions. • Right to reasonable accommodation.	RPWD Act, 2016 Section:38(1)
11.	7668/1014/2017	**Facts:** The Complainant submitted that applications were invited by Housing and Urban Development Corporation for the post of Trainee Officer for three disciplines viz Projects, Finance and Law for which an online test was conducted in various centres throughout India. She further submitted that Respondents had published 65 vacancies of which 4 were reserved for persons with disabilities, but when the results were published, no candidates with disabilities were selected. **Issues:** Whether vacancies reserved for persons with disabilities can be left vacant on grounds of non-availability of suitable candidates. **Order:** CCPD held that in cases where persons with disabilities cannot be appointed on general standards, they must be appointed by relaxing standards of evaluation. Such relaxation involves both relaxation in selection criteria and also zone of consideration of shortlisted candidates. The vacancies can only be left unfilled if all such candidates are found to be unfit for the post.	Employment, Relaxation of standards, Reservation	• Right to reservation. • Right to relaxation of general standards. • Right to employment. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 34(2), 36, 75

12.	123/2141/2016/MC	**Facts:**Suo-Motu cognizance of non-implementation and/or violation of rules notified by the DEPWD, MSJE by railway officials who charged a fine from a person with hearing disability who had a certificate for a concession ticket. **Issue:** Whether imposition of fine on the person with hearing disability by Indian Railways despite having concession certificate, constituted violation of the DEPWD, MSJE guidelines and the RPWD Act, 2016. **Order:** CCPD held that the imposition of fine was not valid. CCPD further directed that a concession committee be formed immediately by Indian Railways to modify its concession policy in light of the RPWD Act, 2016 and the 'Guidelines for Evaluation and Certification of Disabilities'.	Hard of hearing, Reasonable Accommodation	• Right to reasonable Accommodation and Accessibility. • Right to concession in public transportation.	RPWD Act, 2016 Section: 20
13.	11616/1040/2019	**Facts:** A person with 50% visual disability, prescribed with special spectacles, was not allowed to enter the examination hall on the ground that the spectacles could have a camera hidden. **Issues:** Whether the denial of entry and disallowing the Complainant from wearing special spectacles amounted to discrimination against her and denial of equal opportunity to her. **Order:** CCPD observed that not allowing the Complainant to use her special spectacles was not proper on the part of the Respondent and further held that they were required to sensitise their officials about the guidelines and instructions of the Govt. regarding the manner in which they have to deal with people with disabilities and their special needs.	Sensitisation, Examination, Discrimination, Visual Disability	• Right accessibility and reasonable accommodation. • Right to education. • Right against discrimination.	RPWD Act, 2016 Section:16, 17

14.	11611/1022/2019	**Facts:** The Complainant requested the Respondent for a transfer from Guwahati to Jhansi, which was denied on account of him not having completed 8 years of service at a location. He also claimed that he was discriminated against by the Respondent, the Railway Board. **Issues:** Whether the employee with disability is entitled to be transferred before the completion of 8 years of service on account of disability, to ensure reasonable accommodation. **Order:** CCPD recommended the Respondent to carry out a meaningful sensitisation campaign in the Northeast Frontier Railways towards rights of persons with disabilities and their protection from abuse and harassment. CCPD further directed the Respondent to frame a policy for posting and transfer of employees with disabilities.	Employment, Sensitisation, Locomotor Disability	• Right to Reasonable accommodation. • Right to accessibility. • Right to life with human dignity. • Right to transfer as part of reasonable accommodation.	RPWD Act, 2016 Section: 7(1), 20(5), 21

15.	274/1028/11-12	**Facts:** Complainant alleged that he acquired disability during his service in the Respondent organisation and then he was declared unfit for his job and was subsequently terminated by the Respondent organisation. **Issues:** Whether the termination of services of the Complainant who acquired disability during his service in the Respondent organisation was in violation of Section 47 of the RPWD Act, 2016. **Order:** The CCPD held that the phrase used in Section 47 of RPWD Act, 2016 is 'acquires a disability during his services', does not talk about proximity between nature of job and cause of disability. The provision does not lay down the relationship between injury that caused the disability and nature of job as a pre-condition for the application of the section. The CCPD then held that the termination was a direct violation of Section 47 of RPWD Act, 2016.	Employment, Termination	• Right to employment. • Right against discrimination.	RPWD Act, 2016 Section: 47
16.	11670/1032/2019	**Facts:** Complainant filed a complaint contending that the Respondent Kendriya Vidyalaya Sangathan ('KVS') had a duty to provide free books, dress, shoes, and transport to his son, a child with 75% visual disability, which it wasn't fulfilling. **Issues:** Whether the KVS is duty-bound to provide free books, dress, shoes, and transport to children with disabilities. **Order:** CCPD, in view of the specific provisions of the RPWD Act, 2016, recommended to the Respondent to provide free education and books, learning materials, uniform etc. to all students with benchmark disabilities up to the age of eighteen years.	Reasonable Accommodation, Visual Disability, Education	• Right to accessibility, • Right to education.	RPWD Act, 2016 Section:17(g), 31(1) & (2)

17.	11632/1014/2019	**Facts:** Complainant submitted that he had qualified a written test for the post of Staff Nurse and was called for document verification by the Respondent. His grievance was that at that stage he was declared medically unfit on account of being affected with hemophilic arthritis. **Issues:** Whether the rejection of candidature on the ground of being affected with haemophilia amounts to discrimination and violation of rights. **Order:** CCPD concluded that rejection of candidature of the Complainant violated his rights and recommended that the candidature of the Complainant be accepted and he be appointed to the post of staff nurse.	Haemophilia, Employment, Discrimination	• Right against discrimination. • Right to employment. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 20, 75
18.	11860/1011/2020	**Facts:** Complainant, a person with 50% locomotor disability submitted that he appeared for an interview for the post of Assistant Professor in an institute which had reserved 7 posts for candidates with disabilities. He contended that despite this, the institute did not appoint any persons with disabilities against the said reserved posts. **Issues:** Whether the non-appointment of persons with disabilities against the posts reserved for them violated their right to reservation and employment. **Order:** CCPD noted that in the recruitment process, the Respondent institute ought to give pre-employment training to the candidates shortlisted for the interview process. Further, CCPD also recommended that the Respondent institute include a person with disability in the selection committee who can be more understanding towards the challenges faced by them. CCPD also recommended that the Respondent institute reconsider the minimum criteria for selecting candidates and consider providing relaxation for persons with disabilities.	Relaxation of Standards, Locomotor Disability, Employment, Reasonable Accommodation	• Right to reasonable accommodation. • Right to employment.	RPWD Act, 2016 Section: 20

19.	12149/1141/2020	**Facts:** A person with 50% visual disability filed a complaint regarding discrimination against persons with disabilities in regard to Goods and Services Tax ('GST') concession benefits on purchase of vehicles which was only provided to persons with orthopaedic disability. **Issues:** Whether limiting the provision of GST concession benefits on the purchase of vehicles exclusively to persons with orthopaedic physical disability, while excluding persons with other forms of disability, constitutes discrimination against persons with disabilities. **Order:** CCPD held that travel concessions must be given to all persons with disabilities irrespective of the type of disability. Orthopaedic disability does not form a class in itself and giving GST concession to persons with orthopaedic disability only cannot be said to be proportionate means of achieving a legitimate aim. CCPD recommended that the Respondents, Department of Heavy Industries, Ministry of Heavy Industries and Public Enterprises and Department of Revenue, Ministry of Finance, Union of India amend necessary rules in order to give concessions in GST, Road Tax, Toll Tax to all persons with disabilities, irrespective of the type of disability.	Visual Disability, Vehicles, Concession, Transport, Reasonable Accommodation	• Right against discrimination. • Right to accessibility. • Right to transportation.	RPWD Act, 2016 Section: 41.

20.	11928/1023/2020	**Facts:** Complainant, a person with 100% locomotor disability submitted that despite several requests for being allowed to do the duty of external examiner through use of his own private vehicle, he was not granted the same and instead the orders appointing him as external examiner were withdrawn. **Issues:** Whether the withdrawal of the complainant's appointment as an external examiner due to his request to use his private vehicle for official duty constituted discrimination and a failure to provide reasonable accommodation. **Order:** CCPD recommended that a person with disability who travels in his own vehicle on specified official duty should be granted double of the admissible railway or bus fare as applicable for the travel. The Respondent i.e., Central Board of Secondary Education (CBSE) was also directed to ensure that the persons with disabilities are reasonably accommodated as opposed to cancellation of their appointment orders in between.	Locomotor Disability, Employment, Reasonable Accommodation	• Right to reasonable accommodation and accessibility. • Right to employment.	RPWD Act, 2016 Section: 2(y), 41, 75.

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Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	11968/1011/2020	**Facts:** The Complainant contended that the Respondent, Chief Postmaster General refused to verify the documents of the Complainant for the post of gram sevak even after he was selected for the post. It was also alleged that the Respondent told him that he was unsuitable for employment because he was a person with 100% visual disability even though there were people with similar disabilities who had been appointed for the same post. . **Issues:** Whether the Complainant was excluded from appointment as a gram sevak on account of discrimination based on his disability. **Order:** CCPD held that the right to employment and/or being economically independent is a fundamental right of every citizen of this country. Moreover, for better inclusion of persons with disabilities in the society, employment/earning is indispensable. Hence, denial of such opportunities to any person with disability is equivalent to making hindrance in their assimilation in the society. CCPD further held that if the Complainant is able to perform his duty properly then the Respondent shall revise the notification for the employment of gram sevaks and shall include the category of 100% visual disability for appointment to the post.	Visual disability, Employment, Discrimination	• Right to employment. • Right to accessibility and reasonable accommodation.	RPWD Act, 2016 Section: 20

2.	12217/1024/2020	**Facts:** The Complainant who was employed with Employees' State Insurance Corporation met with an accident which led to him being affected with 60% locomotor disability. He was refused to be paid any pension on the grounds that he met with the accident while travelling for private purposes, as opposed to employment purposes. He eventually quit office owing to the pressure from senior officials. **Issues:** Whether the denial of pension benefits to the complainant, who sustained a 60% locomotor disability during the course of employment, constitutes a violation of his rights under the RPWD Act, 2016. **Order:** CCPD court concluded that the employer of the Complainant violated employment rights of the Complainant as guaranteed under RPWD Act, 2016. Section 20(4) of the Act lays down that if any employee acquires disability during the course of his employment, he shall not be dispensed with his services; further, such employee cannot be even reduced in rank or pay scale. The CCPD also recommended that the effect of Section 20(4) must also be extended to non-government establishments. It further added that if private establishments are left out of scope of Section 20(4) it may amount to creating hindrance in the path of achieving aims and objectives sought to be achieved by RPWD Act, 2016.	Discrimination, Employment, Harassment, Pension, Locomotor Disability, Private Establishment	• Right to accessibility. • Right to pension and social security.	RPWD Act, 2016 Section:20(4), 75

3.	12140/1021/2020	**Facts:** The Complainant who was employed with the SBI had 60% locomotor disability. He contended that he was not considered for a promotion by the Respondent SBI under persons with disabilities quota even though he qualified the written examination. **Issues:** Whether reservation in promotion to Group 'A' and 'B' is applicable for Persons with Benchmark Disabilities and can be implemented being a horizontal reservation as against vertical reservation for other categories. Whether Government instructions are mandatory to be issued before implementation of reservation for promotion of Persons with Benchmark Disabilities to Group 'A' and 'B'. **Order:** CCPD held that reservation to persons with benchmark disability in promotion is to be given in all groups of posts including Group 'A' and Group 'B' posts. Statutory right of reservation in public employment to persons with benchmark disabilities cannot be denied due to the inaction of the government in issuing directions.	Locomotor Disability, Employment, Promotion	• Right to reservation. • Right to promotion in employment.	RPWD Act, 2016 Section:32, 33, 34(1), 75.
4.	12363/1021/2020	**Facts:** The Complainant requested a prosthetic leg from his employer, SBI which was rejected on the ground that the Complainant had already exceeded SBI's reimbursement cap as per their ceiling policy. **Issues:** Whether the reimbursement ceiling policy of SBI discriminated against persons with disabilities. **Order:** The CCPD held that the objective of providing reimbursement to persons with disabilities for assisting aids and devices is to make physical infrastructure accessible to them. Ultimate aim of the reimbursement policy was to promote physical rehabilitation of persons with disabilities and their capacity to participate in economic activities. CCPD recommended that any policy which tends to restrain the development of persons with disabilities must be amended with a forward looking approach.	Artificial Limbs, Promotion, Aids and Devices, Mobility	Right to accessibility and reasonable accommodation.	RPWD Act, 2016 Section: 38, 75

5.	12446/1092/2020	**Facts:** The Complainant filed a complaint regarding denial of health insurance policy by Aditya Birla Health Insurance Co. Ltd. to him and his wife, both of them being persons with 100% visual disability. **Issues:** Whether Insurance Regulatory and Development Authority of India ('IRDAI') was empowered to direct any insurance company to formulate any specific policies for persons with disabilities. **Order:** CCPD held that a reading of Section 24 of RPWD Act, 2016 with Section 14 of IRDAI Act, 1999, makes it certain that IRDAI is under statutory mandate to ensure that comprehensive insurance policy is made for people with disabilities. The CCPD noted that IRDAI should, through a consultative and advisory role, proactively ensure that insurance companies, private as well as public form separate pools for higher risk people and design dedicated insurance products for persons with disabilities. It further added that IRDAI ought to ensure that its guidelines are effectively followed and insurance companies are disclosing the underwriting policies which are available on their websites for easy access to persons with disabilities.	Insurance, Visual Disability, Health	• Right to health care Insurance . • Right to social security.	RPWD Act, 2016 Section: 24

6.	12600/1023/2021	**Facts:** A person with 75% locomotor disability alleged that the Respondent organisation, Employee Provident Fund Organisation violated the provisions of RPWD Act, 2016 as they audio and video recorded him to review his performance. **Issues:** 1. Whether the performance of an employee with disability could be reviewed or screened. 2. Whether the act of installing dedicated CCTV cameras for monitoring the Complainant violated the right of non-discrimination against persons with disabilities. **Order:** CCPD held that the criteria for reviewing the performance of employees with disabilities cannot be at par with non-disabled employees. While reviewing the performance of the employee with disability, the employer must give space to principles of reasonable accommodation and evaluate the performance on relaxed standards. Additionally, the CCPD also held that every employee with a disability has reasonable expectations of privacy.	Locomotor Disability, Employment, Discrimination, Privacy	• Right to reasonable accommodation. • Right to privacy. • Right against discrimination. • Right to life with human dignity.	RPWD Act, 2016 Section: 2(y), 3, 6(2), 20, 75.
7.	12603/1023/2021	**Facts:** A person with 60% locomotor disability was denied employment after a medical examination conducted by the Respondent found out that the Complainant had no disability. It was alleged that he made false statements regarding his disability, despite having a disability certificate. **Issues:** Whether the Respondent had a valid ground for invalidating Complainant's disability certificate. **Order:** CCPD noted that though the certificate did not mention the Complainant's disability, it could not be interpreted as 'false statement'. Complainant's Certificate declared him to be fit for discharging duties in the office of the Respondent establishment, the certificate was not of general nature and hence, the certificate must be interpreted liberally.	Locomotor Disability, Disability Certificate	Right to employment.	RPWD Act, 2016 Section:20(1), 20(2), 75

8.	12562/1023/2021	**Facts:** A person with 40% locomotor disability was denied family pension by the Respondent. After an assessment of the Complainant's old disability certificate, the Respondent found him to be fit to earn livelihood and therefore not eligible for the family pension. **Issues:** 1. Whether a certificate declaring the disabled daughter/son as 'unable to earn livelihood' was necessary and which authority issued such certificates. 2. If the employee/pensioner or her/his spouse did not furnish or intimate the details of a child with disability to the Pension Sanctioning Authority, whether benefit of family pension can be extended to a child with disability in such a case. **Order:** The CCPD noted: a certificate declaring the disabled daughter/son as 'unable to earn livelihood' is necessary according to Rule 54 of Central Civil Services (Pension) Rules, 1972. Competent authority to issue disability certificate for the purpose of family pension would be: Medical Board in case of 'Multiple Disabilities' only; Authorities specified in guidelines issued by the Ministry of Health & Family Welfare; or Any hospital or institution specified as Medical Authority by state or central government for the purpose of issuing disability certificates. The CCPD further noted that: even if a child with disability has a disability certificate after death of employee/pensioner or her/his spouse, benefits of family pension can be extended to the child on the basis of such certificate if a) the authority is satisfied that the child is unable to earn his livelihood and b) the child affected by a disability on the date of death of employee/pensioner or her/his spouse. In case the pension is granted to the guardian of a child with disability the guardian has to produce a certificate issued under National Trust Act, 1999 for his nomination/appointment for grant of family pension.	Locomotor Disability, Family Pension	• Right to social security and pension. • Right to livelihood.	RPWD Act, 2016 Section: 24, 75

9.	12504/1031/2020	**Facts:** A person with 80% locomotor disability was denied admission under the disability quota to the Executive Ph.D Programme, 2020 offered by the Indian Institute of Management, Ranchi which was in violation of RPWD Act, 2016. **Issues:** Whether the Respondent, Indian Institute of Management, Ranchi, was bound by the mandate of Section 32 of RPWD Act, 2016 which provides for reservation in higher educational institutions. **Order:** CCPD held that Section 32 was applicable on the Respondent and it was bound by the mandate of the provision. It further recommended that Respondents give reservation as per the provisions of RPWD Act, 2016 in all higher education programmes.	Higher Education, Reservation, Locomotor Disability	• Right to higher education. • Right to reservation in higher educational institutions.	RPWD Act, 2016 Section:32
10.	12667/1023/2021	**Facts:** Complainant who had schizophrenia complained that his wages were deducted owing to the leaves he had taken for treatment of his disability. **Issues:** Whether leaves taken by an employee for the treatment of disability could be treated as 'paid medical leave'. **Order:** CCPD held that an employee who acquires disability during service, cannot be discriminated against. It noted that it is certain that any person with the medical condition schizophrenia needs rehabilitation and support. CCPD recommended that the leave taken by the Complainant which were marked as 'unauthorised absent leave' be treated as 'paid medical leave'.	Schizophrenia, Employment, Discrimination, Health	• Right to paid medical leave for persons with disabilities. • Right against Discrimination.	RPWD Act, 2016 Section: 20, 75

11.	12698/1024/2021	**Facts:** The Complainant, a person with 40% locomotor disability was not considered for compassionate appointment after the death of his father on account of the fact that he had a benchmark disability. **Issues:** Should 'benchmark disability' be a criteria while considering someone for 'compassionate appointment'. **Order:** CCPD noted that the objective of the 'compassionate appointment' scheme is to provide a helping hand to a family which is shaken up because of the death of the member who is the bread earner of the family. In case when the surviving member is a person with disability, the scheme of compassionate appointment becomes even more important. CCPD recommended that the Respondent consider 'benchmark disability' as one of the criteria, in addition to other criterions which are considered to determine eligibility of candidates for compassionate appointment.	Persons with Benchmark Disabilities, Compassionate Appointment, Employment, Locomotor Disability	• Right of persons with benchmark disabilities to be considered for compassionate appointment.	RPWD Act, 2016 Section: 35, 75.

12.	12776/1011/2021	**Facts:** A person with 42% locomotor disability complained against the cancellation of his candidature by the Food Safety and Standards Authority of India ('FSSAI') for the post of Central Food Safety Officer wherein there was no option for 'both arms affected' so he had filled the option for 'one arm affected'. **Issues:** Ineligibility of persons with disability in both arms for the post of Central Food Safety Officer. **Order:** CCPD noted that modifications must be made in every aspect of the job which can otherwise cause substantial disadvantage to employees with disabilities in comparison with non-disabled employees. CCPD further recommended that in addition to modification in physical features of infrastructure, modification can also be made in working hours, assessment of employees with disabilities, pre promotion training, providing assistive aids and devices etc. CCPD concluded that the concept of 'reasonable accommodation' and 'identification of jobs suitable for persons with benchmark disabilities' cannot be read in exclusion of each other. Exclusion of 'both arms affected' category of Disability is a regressive approach of the Respondent (FSSAI).	Locomotor Disability in both arms, Employment, Discrimination	• Right to reasonable accommodation in employment. • Right against discrimination in the workplace.	RPWD Act, 2016 Section: 2(y), 33.

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Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	12893/1024/2021	**Facts:** An Amazon employee with 100% locomotor disability was terminated from service because he could not perform the job which involved packing work, while standing up like other employees. **Issues:** Whether the termination of the Complainant was in violation of the RPWD Act, 2016, specifically the right to reasonable accommodation. **Order:** CCPD noted that it was unjust to dismiss the Complainant because he could not perform some functions because of his disability. If the Complainant was not able to perform his assigned job because of his disability, for instance, if the Complainant was not able to perform his job while standing, either he may be provided necessary facility to sit and perform his job or else he may be assigned some other duties which can be performed while sitting.	Locomotor Disability, , Termination, Reasonable accommodation, Employment	• Right to reasonable accommodation. • Right to employment.	RPWD Act, 2016 Section: 2(y), 20(2), 75.

2.	12986/1021/2021	**Facts:** An employee with 86% locomotor disability fell short of 0.5 marks in the evaluation process for promotion and therefore he was not considered for the same. **Issues:** Whether grounds of evaluation for promotion can be relaxed for persons with disabilities. **Order:** CCPD noted that the Respondent can apply the concept of reasonable accommodation and make some changes to accommodate any candidates with disabilities who might have qualified all the stages of the recruitment process but failed to get selected because of failing to secure 'qualifying marks' in the last round. CCPD noted that the Complainant had to put extra efforts because of his disability hence it is unfair to evaluate him on general standards. CCPD thus recommended that the Respondent relaxed the standards and promoted the Complainant.	Locomotor Disability, Relaxation of Standards, Employment, Promotion, Reasonable accommodation	• Right to reasonable accommodation. • Right to promotion in employment. • Right to relaxation of general standards.	RPWD Act, 2016 Section: 2(y), 3, 20(2), 75

3.	13145/1023/2022	**Facts:** Complainant who had acquired 'amyotrophic lateral sclerosis' during employment was put on 'leave without pay' by the Respondent establishment (Oriental Insurance Company Ltd.) when he was absent from the job because of his condition. **Issues:** 1. Whether the General Insurance Business (Nationalisation) Act, 1972 superseded RPWD Act, 2016; 2. Whether an employee who has become totally incapacitated was not covered under the protection of Section 20(4) of RPWD Act, 2016. **Order:** CCPD noted that : 1. It is clear that when issues related to disability rights need to be resolved, only the RPWD Act, 2016 can be considered as the special statute and the other statute, namely General Insurance Business (Nationalisation) Act, 1972 would only be considered the 'general' statute. 2. Section 20(4) of RPWD Act, 2016 provides that in a situation where the employee becomes totally incapacitated, the employee cannot be terminated from the services. Respondents shall have to adjust such an employee against supernumerary posts.	Amyotrophic Lateral Sclerosis, Termination, Supernumerary Posts, Employment, Chronic Neurological Conditions	• Right to employment. • Right to paid leaves for persons with disabilities.	RPWD Act, 2016 Section: 20(4), 75
4.	13023/1102/2021	**Facts:** Complainant with 100% visual disability was not allowed to withdraw money from the bank without a witness. **Issues:** Whether presence of witness is essential for withdrawing money by a person who has 100% visual disability. **Order:** CCPD noted that if a person with disability is not able to get his own witness because of security reasons, then one of the bank staff should act as witness to ensure that money is given to such person with disability without delay. Similarly, at the time of issuance of ATM cards, undertaking has to be given by the customer which requires signature of a witness. CCPD observed that presence of a witness is an essential measure for checks and balances so that such persons with disabilities are not deceived.	Visual Disability, ATM, Accessibility	• Right to reasonable accommodation. • Right to access banking services.	RPWD Act, 2016 Section: 40, 75.

5.	13244/1092/2022	**Facts:** The complainant submitted that persons with disabilities are eligible for exempted FASTag. Being a person with disability, he applied for the same, but his application was rejected by the Regional Office ('RO') Kerala. The RO stated that such a FASTag is only provided to vehicles tagged as an invalid carriage ('adapted vehicle') in Registration Certificate or vehicles owned by a person with disability, according to the directions issued by the National Highway Authority of India (NHAI). **Issues:** Whether the NHAI guidelines and procedure for issuance of FASTag have resulted in arbitrary denial of FASTag to persons with disabilities. **Order:** While the Complainant was able to receive the FASTag, the CCPD noted that applicants endure hardship to prove the ownership of vehicles. Therefore, the CCPD recommended that Ministry of Roads, Transport & Highways ought to give access of 'Parivaahan' online portal to NHAI so that ownership type of vehicle of persons with disabilities may be verified online for the purpose of issuing exempted category FASTag and they need not be compelled to run from one office to another to prove the ownership type of their vehicles.	Transport, Accessibility, Discrimination	• Right to transportation. • Right of persons with disabilities to access FASTag for their personal vehicles.	RPWD Act, 2016 Section: 41, 75

6.	13103/1092/2022	**Facts:** Complainant was affected by 60% locomotor disability, complained that his claim for accidental insurance under the Pradhan Mantri Suraksha Bima Yojana was rejected because the claim under the said insurance policy was only admitted in the case of total disablement. **Issues:** Whether the Complainant was entitled to claim benefits under the said insurance scheme. **Order:** While CCPD was of the opinion that the insurance company did not discriminate against the Complainant, it recommended that the insurance company and the bank must always explain the terms and conditions as well as the drawbacks and the benefits of the insurance policy to the satisfaction of the persons with disabilities before selling their policies to them. Further, the CCPD directed the insurance company and the bank to explain such drawbacks of the policy which are specifically connected with the fact of disability and may cause hindrance in making claims later on to them.	Locomotor Disability, Insurance	• Right to social security. • Right of persons with disabilities to be informed about the benefits and drawbacks of insurance policies.	RPWD Act, 2016 Section: 24
7.	13303/1011/2022	**Facts:** The Complainant who had visual disability and nystagmus high myopia submitted that the post of Assistant Director (Cost) at the Respondent, Department of Expenditure was not identified as suitable for persons with visual disability. **Issues:** Whether the Respondent's exclusion of persons with visual disabilities from consideration for the post of Assistant Director (Cost) was based on reasonable and legal grounds. **Order:** CCPD concluded that the Respondent's decision to exclude people with disabilities in the 'blind' and 'low vision' category was deprived of logic, reason and legality. The CCPD further noted that the final decision to exempt people with disabilities shall be taken by the DEPWD after consultation with the office of the CCPD.	Nystagmus High Myopia, Identification of post, Arbitrary, Employment	• Right to reservation. • Right to employment.	RPWD Act, 2016 Section: 3, 20

8.	13348/1021/2022	**Facts:** Complainant challenged the promotion policy issued by SBI alleging that the said policy referred to marks for branch experience, mandatory branch manager assignment, and credit assignments etc. for officials with visual disabilities thereby discriminating against officials with visual disabilities on the basis of their disability. **Issues:** Whether the said promotion policy was discriminatory towards officials with visual disabilities. **Order:** CCPD noted that criteria mentioned in the promotion policy would exclude officials with visual disabilities because these functions (as mentioned in the policy) cannot be performed by such employees in independent capacity. Therefore, the CCPD recommended that in case of officials with visual disabilities similar weightage in marks should be given to them for performing some other functions which can be easily performed in individual capacity and without exposing themselves to unnecessary risk.	Visual Disability, Promotion, Reasonable accommodation, Employment	• Right to reasonable accommodation. • Right to equal opportunity. • Right to promotion in employment.	RPWD Act, 2016 Section: 20, 75

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Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	13373/1101/2022	**Facts:** The Complainant, a person with 40% locomotor disability stated that it was hard to board or de-board the local trains due to the heavy crowd of the general public in the compartment reserved for persons with disabilities in Howrah division. He further stated that there was no separate compartment for persons with disabilities in the local trains of East Zone Railway, no security personnel were deployed to escort the persons with disabilities, and as a result, the general public harassed passengers with disabilities as they obstructed their entrance and exit. **Issue:** Inaccessibility of local trains in Howrah Divison, East Zone Railway. **Order:** CCPD recommended the Respondent Indian Railways to undertake a 2-week special drive on the route between Belur and Howrah in which various measures such as public announcements, putting up boards, deployment of volunteers etc. be taken with purpose of impacting the conscience of non-disabled commuters so that they voluntarily stop occupying the coaches reserved for persons with disabilities.	Locomotor Disability, Railway, Discrimination	• Right to access public transport. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 78

2.	13106/1031/2022	**Facts:** The Complainant alleged that candidates with disabilities in medical education had to undergo multiple assessments and were asked to travel to different parts of the country to prove their disability despite having a permanent Unique Disability Identity Card. **Issue:** Whether the Respondent, DGHS and National Medical Commission, by subjecting candidates with disabilities in medical education to multiple assessments and requiring them to travel to various locations to prove their disability engaged in discriminatory practices. **Order:** CCPD held that the act of examining twice itself does not amount to discrimination. However, CCPD recommended that disability evaluation centres be increased from 16 to many more so that candidates with disabilities do not have to face unnecessary problems in evaluation, and till centres cannot be increased, government medical colleges can be authorised to conduct such evaluations.	Education, Medicine, Disability Certificate, Examination	Disability Evaluation Centres centres should be increased for easy evaluation of disabilities.	RPWD Act, 2016 Section: 78
3.	13239/1141/2022	**Facts:** The Complainant, a wheelchair user, was disallowed from taking his battery operated wheelchair in an Air India flight due to categorization of batteries as dangerous goods by the Directorate General of Civil Aviation ('DGCA'). He faced serious problems and was deboarded from the flight. **Issue:** Whether there was a requirement for guidelines regarding carrying battery operated wheelchairs in flights. **Order:** CCPD recommended that the DGCA should frame clear guidelines, without violating International Civil Aviation Organisation guidelines, so that various airlines operating in India and all persons with disabilities who use air travel as a mode of transport can have clarity regarding use and carriage of battery operated wheelchairs in flights.	Wheelchair, Transport, Locomotor Disability	• Right to accessible transport. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 78

4.	13340/1032/2022	**Facts:** The Complainant alleged that the Respondent failed to reserve 5% seats for students with benchmark disabilities. The reservation that existed for persons with disabilities was further subdivided into categories such as SC, ST, and OBCs. **Issue:** Whether the lack of reservation as given under Section 32 of the PWDs Act and the subdivision of such reservation violated the rights of persons with disabilities. **Order:** CCPD recommended that in all future notifications, the Respondent shall strictly reserve 5% of total vacancies and such reservation shall not be bifurcated vertically on the basis of caste or other categories.	Education, Reservation	Right to reservation.	RPWD Act, 2016 Section: 32, 78
5.	13400/1040/2022	**Facts:** The Complainant alleged discrimination with respect to age criteria amongst persons with visual disability in the training program of National Institute for the Empowerment of Persons with Visual Disabilities. He submitted that he wanted to enrol himself in the training program but could not as he was 50 years old and the program had an age criteria of 18-40 years. **Issue:** Whether the Complainant was entitled to enrol in the training program despite exceeding the specified age criteria. **Order:** Considering the Complainant's keen interest to learn computer related skills, CCPD recommended the Respondent to make and offer the Complainant a special package in which more focus will be put on computer related skills, irrespective of age.	Visual Disability, Relaxation of Standards	• Right to reasonable accommodation. • Right to relaxation of standard.	RPWD Act, 2016 Section: 78

6.	13427/1011/2022/15427	**Facts:** The Complainant who was a person with disability ranked 446 in Civil Services Examination 2021 but was not allocated any service in the service allocation list. He contended that his rank made him eligible for Indian Revenue Service and he also fulfilled the physical requirements as evidenced by his medical report for that particular service. **Issue:** Whether the Complainant who was eligible for appointment to the Indian Revenue Service. **Order:** CCPD concluded that while there exists some weakness in the arms of the Complainant, it may be of very minor nature and may not interfere with discharging duties. The CCPD also recommended that the Respondent should conduct another medical examination of the Complainant to find the scale of weakness in both arms of the Complainant and allocate Indian Revenue Services to the Complainant accordingly, if found suitable.	Revenue Services, Civil Services, Examination	• Right to employment. • Right against discrimination.	RPWD Act, 2016 Section: 78

7.	13242/1101/2022	**Facts:** The Complainant raised concerns about the inaccessibility of the website of the private travel company, Make My Trip. The accessibility barriers she highlighted included difficulties in signing in when multiple email IDs are present, undefined control roles on the home page, absence of headings causing confusion, missing labels for buttons like the hamburger menu, and inaccessible calendar pickers, making the website unusable for those relying on screen readers. **Issue:** Whether the accessibility barriers identified on the Make My Trip website resulted in a violation of the RPWD Act. **Order:** The CCPD noted that the Respondent website followed all of CCPD's recommendations to make its website accessible, except for the requirement of Captcha. The CCPD recommended that the Respondent shall remain vigil and inform about the issues related to accessibility of its app and other online platforms and shall keep incorporating the changes related to accessibility as and when needed.	Accessibility, Application, Technology	• Right to access ICT. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 46, 78

8.	13506/1102/2022/158497	**Facts:** The Complainant, a person with visual disability, submitted that the Respondent installed display devices within the community apartment, which was the residence of the Complainant, to share various notices, circulars, information, and advertisements. However, these devices lacked accessibility features for individuals with visual disabilities. **Issue:** Whether the residential society had an obligation to ensure that public information shared through display devices within the community apartment is made accessible to persons with visual disabilities. **Order:** CCPD recommended that the Respondent email the Complainant all notices and other public information, which is published for view on display screens in the residential complexes. Furthermore, the CCPD also recommended that the Ministry of Housing & Urban Affairs shall ensure that necessary steps are taken in all residential societies across the country to share public information with persons with disabilities of all categories.	Visual Disability, Access to Information	• Right to Public Information. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 3, 5, 40, 42, 46
9.	13707/1144/2023	**Facts:** The Complainant submitted that Kochi Metro Rail Limited ('KMRL') had not yet earmarked any seat for persons with disabilities or senior citizens in their coaches deliberately. As a result of this, persons with disabilities have had to request for seats while travelling and despite several reminders, KMRL has not yet taken any action. **Issue:** Failure of KMRL to reserve seats for persons with disabilities. **Order:** CCPD recommended that the Respondent survey and review the signages inside the Metro Coaches and Metro Station and at other public spaces situated within the premises of the KMRL and also reserve seats for persons with disabilities separately.	Transport, Reasonable Accommodation	• Right to transport. • Right to reasonable accommodation.	RPWD Rules, 2017 Rule: 15

10.	13680/1141/2023	**Facts:** The Complainant who was a senior journalist, took a flight operated by Vistara Airlines from Hyderabad to Mumbai. Initially, the airline refused to register his request for a wheelchair and aisle seat facility. Then after some reluctance, the airline gave him the wheelchair and a seat. **Issue:** Reasonable accommodation to persons with disabilities travelling in aircrafts. **Order:** CCPD held that the Civil Aviation Requirements guidelines are mandatory for all airlines in India. Furthermore, the CCPD recommended the airline to train its staff so as to sensitise them with respect to needs and rights of persons with disabilities so as to reduce the possibility of recurrence of similar instances.	Civil Aviation, Wheelchair, Sensitisation	• Right to transport. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 46, 78
11.	13623/1014/2023/174322	**Facts:** The Complainant, a candidate in the Economically Weaker Sections ('EWS') category who had a 50% visual disability filed a complaint regarding his non-selection to the post of 'Probationary Officer' despite outscoring the last EWS candidate in the merit list. The SBI denied him the position on the ground that he used relaxed standards such as compensatory time and fee exemption in the exam, so he would be treated as a person with disability and under that and not an EWS candidate. **Issue:** Whether the SBI's decision to categorise the Complainant as a PWD rather than EWS candidate, and subsequently rejecting him for the post constituted misapplication of reservation policies. **Order:** CCPD noted that both compensatory time and fee exemption provided to the Complainant cannot be considered as relaxation of standards, and concluded that rejection of the Complainant against EWS category is against the tenets of equality as enshrined in Constitution and various guidelines issued by DoPT on issues of recruitment and promotion of persons with benchmark disabilities.	Visual Disability, Examination, Benchmark Disabilities	• Right to employment. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 3, 46, 78

12.	13521/1024/2022	**Facts:** The Complainant, a person affected with general anxiety disorder and obsessive compulsive disorder filed a complaint alleging non-sanction of half pay leave by his department despite recommendation of his controlling officer. The Complainant further alleged that some officers also threatened to initiate proceedings for early retirement of the Complainant. **Issue:** Whether the department's refusal to grant half pay leave to the Complainant and conduct of its officers amounted to violation of the rights of the Complainant. **Order:** CCPD established that as per Section 20(4) of the RPWD Act, no government establishment shall reduce in rank or dispense with the services of an employee who acquires disability during service and further recommended that whatever leaves were admissible must be granted to the Complainant as per the relevant rules.	General Anxiety Disorder, Obsessive Compulsive Disorder	Right to employment.	RPWD Act, 2016 Section: 20(4)
13.	13533/1141/2022	**Facts:** The Complainant, a person with 42% locomotor disability complained regarding unauthorised fetching of his mobile call record details in violation of his fundamental right to privacy under Article 21 of the Constitution. The Respondent submitted that the call details were obtained to verify the attendance of the Complainant at his place of duty, on receiving a complaint of unauthorised absence. **Issue:** Whether the retrieval of the Complainant's mobile call record details constituted a violation of the Complainant's fundamental rights. **Order:** CCPD recommended that the Respondent conduct counselling and training programs of all its employees to sensitise them towards the needs of employees with disabilities. Further the CCPD also recommended the Respondent to conduct an inquiry to investigate whether proper permission/approval was obtained before fetching the call detail records of the Complainant.	Locomotor Disability, Privacy	• Right to privacy. • Right to live with human dignity.	RPWD Act, 2016 Section: 78

14.	13622/1101/2023/174524	**Facts:** The Complainant, a person with 50% locomotor disability filed a complaint against the railway board for not providing barrier free access at Chandkheda and Chandlodiya Railway Stations. **Issue:** Whether the Respondent was obligated to ensure barrier free access at railway stations. **Order:** CCPD recommended the Respondent to indicate a date by which the grievance will be redressed and ordered them to ensure that the said railway stations are made accessible and barrier free for persons with disabilities in compliance with the RPWD Act, 2016.	Locomotor Disability, Railway Stations, Transportation	Right to access public transportation.	RPWD Act, 2016 Chapter: VIII, RPWD Rules, 2017 Rule: 15
15.	13708/1141/2023	**Facts:** The Complainant submitted that in episodes of the show 'Crime Patrol' on Sony Television, the expression "handicapped" was used multiple times to describe a person with 100% visual disability. He submitted that the usage of this term has caused insult, offence, embarrassment and abuse to persons with disabilities. **Issue:** Whether use of the term "handicapped" by the Respondent in a television show was disrespectful and violative of the rights of persons with disabilities. **Order:** CCPD referred to Article 19 and Article 21 of the Constitution, and noted that it is the collective responsibility of all individuals to use respectful language while referring to persons with disabilities in literary and artistic works. The CCPD further recommended the Respondent to ensure that disrespectful language is not used while making reference to persons with disabilities in artistic works also invited the Respondent's attention to Section 92 (a) read with Section 90 of the RPWD Act, 2016, which provides for imposition of penalty on companies for intentionally insulting persons with disabilities.	Visual Disability	• Right against discrimination. • Right to be treated with dignity and respect.	RPWD Act, 2016 Section: 90, 92(a)

16.	13746/1041/2023/181612	**Facts:** The Complainant, a person with 90% multiple disabilities required large magnified font text only on black background with requisite contrast to read text. He filed a complaint regarding denial to accessible means to appear in the online Pre-Exam of SBI-PO, 2022-23. **Issue:** Whether the Respondent was obligated to permit the use of screen magnifier devices during examination to provide reasonable accommodation to the Complainant. **Order:** CCPD recommended the Respondent to analyse the Complainant's device and make reasoned decision on whether the device could be used for cheating, and additionally demonstrate their own screen magnifier device to the Complainant and evaluate if it fulfils the requirements of the Complainant.	Visual Disability, Examination	Right to use screen magnifier devices during examinations.	RPWD Act, 2016 Section: 3, 20(2), 78
17.	13605/1022/2022	**Facts**: The Complainant, who was employed in the railway department in Delhi had 100% visual disability. She filed a complaint seeking transfer of her husband, who worked at a KV in Pathankot, Punjab, to a KV School in Delhi The Complainant contended that she lived alone in Delhi and faced challenges due to her disability. **Issue:** Whether an employee could be exempted from transfers if he was intimated about the transferable nature of the job before joining, on the grounds of being the caregiver of a person with disability. **Order**: CCPD observed that the government employee who is the primary caregiver of a dependent daughter/son/parents/spouse/brother/sister may be exempted from exercise of routine transfer. CCPD further recommended that the husband of the Complainant be transferred back to Delhi and be exempted from routine transfer.	Visual Disability, Transfer, Caregiver of a PWD	Government employees who serve as the main caregiver may be exempted from exercise of routine transfer.	RPWD Act, 2016 Section: 4, 20(2), 20(5)

18.	13476/1102/2022	**Facts**: The Complainant, a person with 90% hearing disability, applied for an Axis Bank Credit Card and a video Know Your Customer ('KYC') was taken to complete the process online. She asked the agent to type her questions in addition to talking. But the agent refused this even though the chat facility was available during the KYC. This led to an incomplete banking process for the Complainant. **Issue:** Whether the Respondent, Axis bank was obligated to make its KYC format accessible. **Order:** CCPD noted that the Respondent is bound to take measures and make guidelines to make banking services more accessible to persons with disabilities in accordance with the RPWD Act, 2016. CCPD further recommended the Respondent to conduct KYC in a format which is accessible for persons with disabilities of all categories.	Hard of Hearing, Discrimination, Banking Services	• Right to accessible banking services. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 43

Framework and Approach- Notable Orders of State Commissioners for Persons with Disabilities

This resource document captures the daily implementation of the law on rights of persons with disabilities in India to secure the rights guaranteed by the law. This is done through collation and summarising of notable orders of the various State Commissioners for Persons with Disabilities ('SCPDs'), with respect to the primary legislation on the subject, i.e., the Rights of Persons with Disabilities Act, 2016. This legislation being fairly recent, noteworthy orders passed under the preceding law, i.e., Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 have also been included. The orders were included based on their evaluation against the following criteria:

a) The order substantially details a significant point of law or the scope or nature of a right, bringing out an important intervention at the level of the SCPD
b) The order is one where the particular SCPD clarifies aspects pertaining to implementation of a law; clarifies the contours and avenues for implementation of a law, or otherwise undertakes measures for safeguarding rights of persons with disabilities through Government functionaries in that State(such as data collection, awareness generation, etc.).

Only those orders which meet any one or more of the aforesaid criteria have been included in the present document.

This document has been prepared in plain English with due care to ensure that the essence of the SCPD's orders is not compromised. It has been prepared as such to serve as a primer for the public at large, particularly persons with disabilities in providing a collated, summarised understanding of the law, and the status and efforts made towards realising the rights and duties pertaining to persons with disabilities.

Please note, this document contains and compiles only those orders which had been passed, uploaded and were available on the website of the respective SCPD, in English language, on or before July 31, 2023. The orders were identified through the website of the Office of Commissioner for Persons with Disabilities, Government of NCT of Delhi (https://discomm.delhi.gov.in/orders), Office of Commissioner for Persons with Disabilities, Government of Haryana (https://scpd.haryana.gov.in/order/), Office of Commissioner for Persons with Disabilities, Government of Nagaland (https://scpd.nagaland.gov.in/orders-of-the-scpd-court/), and Office of Commissioner for Persons with Disabilities, Government of Goa (https://scpwd.goa.gov.in/orders/). The order number provided in the table containing the summaries below is hyperlinked to the document containing that order on the said websites. Such links are only for the convenience of the reader.

To allow easy navigation for readers interested in knowing the position of law on disability rights in different fields, a set of tags for each entry is provided in the fourth column of the database. Appropriate tags have been identified for each entry by taking into account the following aspect of the order each entry is referring to:

a. The nature of subject matter of the case(indirect discrimination, discrimination, reasonable accommodation, universal design, etc),
b. The disability involved,
c. The relevant sector involved (education, public employment, school education, etc).

Disclaimer: The information contained in this compilation is taken from the websites of the relevant SCPDs, published and readily available, as on July 31, 2023. Information regarding current status and further developments of the orders mentioned, as well as orders, though dated July 31, 2023 or a date prior to the said date, but published on these website(s) subsequent to July 31, 2023 have not been incorporated in this compilation. This compilation is for general informational purposes only and is not intended to serve as an official record of the orders. If readers wish to obtain any information about the orders mentioned in this compilation, including their compliance and implementation status, relief sought, etc., they are requested to verify the same from the relevant primary sources.

Compilation of Notable Orders of State Commissioners for Persons with Disabilities

DELHI

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	Case No. 235/1101/2018/05/9969-72	**Facts:** A person with 65% locomotor disability filed a complaint against Shan-e-Awadh restaurant for violation of the provisions of the RPWD Act, 2016 as the restaurant lacked accessible facilities for visitors with disabilities. There were no ramps/handrails at the entrance, no disability-friendly toilets and rooms, no tactile tiles/Braille-enabled sign boards etc. or reserved parking space for persons with disabilities at the restaurant. **Issue:** Whether the lack of accessibility features in the private restaurant constituted a violation of the RPWD Act, 2016, in particular Sections 46 and 40. **Order:** SCPD recommended that the Government of NCT of Delhi to issue directions to authorities/departments to take action for making public buildings and services, which include private establishments and services, according to Section 2(w) and Section 2(x) of the RPWD Act, 2016, accessible for persons with disabilities within the time frame prescribed in RPWD Act, 2016.	Locomotor Disability, Accessibility	Right to accessibility and reasonable accommodation.	RPWD Act, 2016 Sections: 40, 45, 46

2.	Case No. 588/1101/2018/11/1578-1583	**Facts**: Complainant, a person with 65% locomotor disability, contended that there existed a number of accessibility concerns for persons with disabilities at Khadi India Outlets and Hotel Alka Classic. **Issues**: Whether the inaccessibility of Khadi India Outlets and Hotel Alka Classic was in violation of the provisions of the RPWD Act, 2016. **Order**: SCPD held that persons with disabilities must be provided with assistance whenever required as per provisions of the Act. In light of this, it was directed that there should be a ramp and parking spots with signages at these places. Additionally, the owners of the Alka Classic Hotel were advised to have an accessibility audit of the hotel done and carry out the requisite necessary modifications.	Locomotor Disability, Accessibility, Reasonable Accommodation	Right to accessibility, and reasonable accommodation.	RPWD Act, 2016 Sections: 40, 45, 46, 81
3.	Case No. 996/1108/2019/06	**Facts:** SCPD took suo-motu cognizance of an incident where an Uber driver refused to load the wheelchair of a person with 80% locomotor disability and further cancelled the ride without adequate refund. **Issue:** Whether the person with a disability was entitled to compensation from Uber India for the discriminatory behaviour of its driver. **Order:** SCPD held that Uber as a platform aggregator, is liable for the discriminatory behaviour of its 'driver partners' and must provide the aggrieved individual compensation for the loss incurred, taking into account the stress caused to the customer. It further recommended Uber to introduce a training module for its drivers with respect to riders with disabilities and to the Ministry of Heavy Industries and Ministry of Road Transport and Highways to frame a policy for manufacturing disability-friendly cars.	Locomotor Disability, Assistive devices, Transport	• Right to transportation. • Right to accessibility and reasonable accommodation. • Right to compensation on account of discrimination.	RPWD Act, 2016 Sections: 2(h), 2(x), 3, 40, 46

4.	Case No. 2682/1109/2022/07/6773-6774	**Facts:** A person with a disability alleged that she was denied entry inside the Uttara Guruvayurappan Temple in Mayur Vihar, New Delhi because of her wheelchair. She felt disheartened and insulted and submitted that this was a violation of provisions of the Constitution of India and the RPWD Act, 2016. **Issue:** Whether a religious institution could be exempted from the provisions of the RPWD Act, 2016 on the ground that it affects the cultural and religious beliefs. **Order:** SCPD held that irrespective of the structure of the temple, and the beliefs followed, the provisions of the RPWD Act, 2016 shall apply to the management of temples. Hence, it must be made accessible to all, and changes must be made to ensure that. It further held that management and secretary are responsible to ensure that each and every staff member, including security staff of the temple are sensitised towards persons with disabilities and their needs, besides being made aware of the RPWD Act, 2016 and the rights of the persons with disabilities enumerated therein.	Assistive devices, Discrimination, Sensitisation, Reasonable Accommodation	• Right to accessibility and reasonable accommodation. • Right against discrimination. • Right to worship. • Right to life with human dignity.	RPWD Act, 2016 Sections: 40, 45, 46

5.	Case No. 411/1121/2018/08	**Facts:** The Complainant, a person with 80% locomotor disability, submitted that his name was spelt wrong in his disability certificate issued by Hindu Rao Hospital ('HRH'). He wanted to get his certificate corrected in order to avail benefits from the same hospital, however, HRH contended that they no longer had the requisite jurisdiction to make such a correction. **Issue:** Whether the hospital was authorised to make corrections to a disability certificate issued by the same hospital. **Order:** SCPD held that a mere correction in the disability certificate could be made by the issuing hospital irrespective of the change in jurisdiction. The SCPD further recommended HRH to re-issue the corrected certificate without any reassessment. SCPD also advised the Health & Family Welfare Department to issue advisory to all hospitals for ensuring facilitation of assessment and issuance of disability certificates and preference in attendance and treatment of persons with disabilities as per RPWD Act, 2016.	Locomotor Disability, Healthcare, Disability Certificate, Disability Assessment	• Right to identity. • Right to healthcare. • Right to reasonable accommodation. • Right to priority in attendance and treatment in providing healthcare.	RPWD Act, 2016 Section: 25(1)(c), 49

6.	Case No.722/1121/2019/02/1306-1308	**Facts:** The Complainant submitted that when she approached Pt. Madan Mohan Malviya Hospital for the re-issue of the disability certificate of her son with 50% permanent disability due to neurological disorder, she was told that the same would be issued by AIIMS. When she went to AIIMS, she was told that the certificate would be issued by Pt. Madan Mohan Malviya Hospital only. **Issue:** In cases requiring the re-issuance of a Disability Certificate, should the responsibility for issuing the updated certificate lie with the hospital that initially issued the certificate or should the jurisdiction of the hospital entitled to issue the certificate be determined based on or location of the certificate recipient. **Order:** SCPD held that the Secretary of Department of Health & Family Welfare should issue a circular directing the certifying authorities in NCT of Delhi that the hospital / authority which issued the original certificate shall re-assess/re-issue the disability certificates irrespective of change in jurisdiction. In case of unavailability of a specialist doctor for assessment in such a hospital, assessment should be done by a specialist doctor of the nearest neighbouring hospital and the disability certificate should be reissued within one month of application for the same.	Disability Certificate, Healthcare, Disability Assessment	• Right to identity. • Right to healthcare. • Right to reasonable accommodation.	RPWD Act, 2016 Section: 25, 40, 49

7.	Case No. 46/1031/2017/11	**Facts:** The Complainant, a person with 60% hearing disability, applied for the 'Master of Physiotherapy' programme at Guru Gobind Singh Indraprastha University ('GGSIPU'). However, due to the limited number of seats under several specialisations and domicile reservations, there was not even a single reserved seat for persons with disability under the specific specialisation. **Issue:** Whether the lack of reservation of seats for persons with disabilities at GGSIPU constituted a violation of Section 32 of the RPWD Act, 2016. **Order:** SCPD recommended two alternatives for GGSIPU to ensure fair access and representation for persons with disabilities in accordance with Section 32 of the RPWD Act, 2016- it could either consider setting aside a predetermined and fixed number of seats specifically designated and reserved for persons with disabilities in each admission session. Alternatively, it could maintain a 100-point roster where 5 points are specifically reserved for persons with disabilities. Under this system, each year's admissions should be recorded in the roster, and when the roster point reaches the earmarked 5-point threshold, a seat should be reserved for a person with a disability in the respective admission session.	Hearing Disability, Higher Education, Reservation	• Right to higher education. • Right to reservation.	RPWD Act, 2016 Section: 32(1) PWD Act, 1995 Section: 39

8.	Case No. 441/1031/2018/08	**Facts:** A person with thalassemia major (benchmark disability) submitted that she applied for 'Diploma in Elementary Education' through State Council of Educational Research and Training ('SCERT') in 2018, however the new categories of disabilities included in RPWD Act, 2016 were not included in the prospectus of SCERT. As a result, she had to apply under the general category. She requested through an application to SCERT that her candidature be considered under the category of persons with disabilities. **Issue:** Whether the omission of thalassemia major which is recognised under the RPWD Act, 2016, from the prospectus of SCERT, and the subsequent denial of admission under the persons with disabilities category to her constituted a violation of the Complaint's rights as a person with disability. **Order:** SCPD held that in view of the provisions of Section 32 of RPWD Act, 2016 the SCERT should consider the Complainant as a person with benchmark disability for admission to diploma in elementary education against one of the reserved seats for persons with benchmark disabilities, preferably in an institution closer to her residence. The SCERT was further directed to ensure that not less than 5% of the seats are reserved for persons with benchmark disabilities in accordance with Section 32 of the RPWD Act, 2016 in all higher education courses.	Higher Education, Benchmark Disability, Thalassemia Major	• Right to higher education. • Right to reservation.	RPWD Act, 2016 Sections: 2(zc), 32

9.	Case No. 514/1032/2018/09/1709-1714	**Facts:** Complainant submitted that the parents of a 9 year old boy with autism were being harassed by the Respondent school and forced to shift their child to a special school, despite the fact that the doctors of AIIMS, New Delhi advised that the child should be in a mainstream school. **Issue:** Whether all schools are required to be professionally equipped and have necessary infrastructure and expertise to handle and impart education to children with disabilities. **Order:** SCPD recommended Government of NCT of Delhi and Government of India to issue a list of guidelines mentioning the requirement for a clear policy for children with disabilities, training of the various stakeholders, awareness and sensitisation programs to ensure inclusivity for children with disabilities.	Autism, Education, Discrimination, Harassment	• Right to education. • Right to reasonable accommodation and accessibility. • Right to equality. • Right against discrimination.	RPWD Act, 2016 Section: 31
10.	Case No. 2612/1101/2022/05/6114-6117	**Facts:** The Complainant submitted that the toilets at a MCD school were not accessible for children with disabilities and often the toilet for children with disabilities remained locked. It was further submitted that this was the main cause of absenteeism and school drop out for children with disabilities. **Issue**: Whether the schools are obligated to ensure that the toilets are accessible to all times for children with disabilities. **Order**: SCPD recommended that western commodes must be provided in the toilets of the school and in all other MCD schools to facilitate inclusion and accommodation for children with disabilities and secure their basic needs without much difficulty, at the earliest.	Accessibility, Education, Sanitation, School	• Right to accessibility. • Right to education. • Right to Reasonable Accommodation.	RPWD Act, 2016 Sections: 16

11.	Case No. 809/1081/2019/03	**Facts:** Complainant submitted that the Delhi Development Authority ('DDA') failed to provide reservation to persons with disabilities in the e-auction of commercial and residential property in Delhi as required under Section 37 of the RPWD Act, 2016. **Issue:** Whether persons with disabilities are entitled to reservations in the e-auction of commercial and residential property. **Order:** SCPD observed that Section 37(c) provides for 5% reservation for persons with benchmark disabilities where such land is to be used for the purpose of promoting housing, shelter, and setting up of occupation, business, enterprise, recreation centres and production centres. SCPD recommended DDA to make a scheme/ incorporate in its existing scheme, a policy of 5% reservation for persons with benchmark disabilities with appropriate priority to women with benchmark disabilities, wherever mandated.	Benchmark Disabilities, Reservation, Property	• Right to reasonable accommodation. • Right to reservation in auctioning of commercial property.	RPWD Act, 2016 Sections: 37, 47

12.	Case No. 2391/1021/2021/10/4932-4934	**Facts:** The Complainant, a person with 40% visual disability who worked as a senior teacher at a school for 19 years, submitted that he was deprived of his rights and benefits such as regular promotion to the post of principal and ad-hoc promotion to the post of school inspector. The Complaint also contended that he was overworked due to non-recruitment of teachers at the school. **Issue:** Whether the anomaly in pay, lack of promotion and excessive workload amounted to discrimination against the Complainant on account of his disability. **Order:** It was observed by the SCPD that the Respondent was not sensitive and accommodative towards persons with disabilities. SCPD urged the Commissioner, MCD to immediately pay attention to this aspect. It also directed the Commissioner, MCD to initiate the recruitment process to fill up the vacant posts of School Inspectors and address the grievances of the Complainant regarding anomalies in pay and promotion in light of RPWD Act, 2016 that mandates non-discrimination in employment.	Visual Disability, Promotion, Discrimination, Employment, Reasonable Accommodation	• Right to employment. • Right against discrimination. • Right to a conducive work environment. • Right to promotion and fair pay.	RPWD Act, 2016 Section: 3,20 81

13.	Case No. 57/1111/2017/12/	**Facts:** The Complainant's wife, who had a 40-70% disability, closed her account with Union Bank of India and subsequently opened a new savings account with the same bank. However, the bank failed to link her new account to her Aadhaar which is why she could not receive her disability pension. Consequently, she requested the bank to provide compensation for the resulting hardships and inconvenience. **Issue:** Whether the Complainant was entitled to receive compensation from the bank owing to the failure of the bank to link her account to Aadhaar under the RPWD Act, 2016. **Order:** SCPD held that there was no provision for compensation under the RPWD Act, 2016. However, SCPD recognised that a number of beneficiaries with disabilities were facing hardships due to issues concerning linking of their Aadhaar to their bank accounts. In view of this, the Regional Director, Reserve Bank of India, New Delhi was directed by SCPD to identify possible areas of difficulties and issue an advisory to all the banks in NCT of Delhi to ensure smooth release of social security amounts to persons with disabilities.	Banking Services, Aadhaar, Compensation, Disability Pension	• Right to reasonable accommodation. • Right to pension. • Right to access banking services without difficulties.	RPWD Act, 2016 Section: 24

14.	Case No. 974/1141/2019/06/6712-6713	**Facts:** A person with 80% locomotor disability in both lower limbs complained of negligence and insensitivity by the police in filing an FIR and investigating the complaint of assault. **Issue:** Insensitivity of Delhi Police officers towards persons with disabilities and inaccessibility of police stations and Delhi Police offices resulted in discrimination against persons with disabilities. **Order:** SCPD noted that workshops and sensitisation programmes for functionaries of Delhi Police, particularly North East District must be conducted from time to time for generation of awareness about the provisions of RPWD Act, 2016 and for sensitisation. Additionally, the Deputy Commissioner of Police, North East District should monitor implementation of the action plan in respect of making police stations of their district accessible for the persons with disabilities.	Locomotor Disability, Sensitisation, Discrimination, Police	• Right against discrimination. • Right to life and liberty. • Right to reasonable accommodation and accessibility.	RPWD Act, 2016 Section: 7, 92

15.	Case No. 807/1141/2019/03/8990-8996	**Facts:** The Complainant alleged that the teachers at Sparsh Special School did not have appropriate RCI approved qualifications. As a result, the students were not receiving proper education, and thus, the rights of children with disabilities were infringed. **Issue:** Whether teaching children with disabilities without/or with expired RCI licence amounted to violation of rights of children with disabilities besides Section 13 of the RCI Act, 1992. **Order:** SCPD refrained from penalising the school but held that the feasibility of Section 13 needs to be re-examined and issued directions to the Department of Social Welfare ('DSW') to check if children at Sparsh school were being taught properly and in an appropriate environment. It further directed DSW to fix norms/standards/guidelines for teachers of children with disabilities, survey all special schools/institutions and identify the deficiencies. SCPD further directed the Department of Empowerment of Persons with Disabilities to develop model guidelines for special schools and the requirements for an appropriate environment in the light of Section 31, RPWD Act, 2016. Lastly, the SCPD directed the RCI to frame guidelines for implementation of Section 13(3) of the RCI Act, 1992 read with Section 25 and put in place a robust mechanism for effective implementation.	Special Schools, Education, Special Educators	• Right to quality education. • Right to reasonable accommodation and accessibility.	RPWD Act, 2016 Section: 16 17, 31 RCI Act 1992 Section: 13

16.	Case No. 279/1143/2018/05/9576-80	**Facts:** The Complainant's wife was a person with 90% dementia and had a bank account with Syndicate Bank where she received her pension, which was the sole source of income of the couple. The Complainant asked the bank to make him the guardian of his wife's bank account in light of her intellectual disability. However, the bank in response suspended all operations of her bank account citing provisions of the Indian Contract Act, 1872, that contracts entered into with a person of 'unsound mind' are void. **Issue:** Whether the suspension of bank account on the ground of intellectual disability was reasonable or whether a guardian is to be temporarily appointed in such cases. **Order:** SCPD held that Reserve Bank of India, Indian Banks' Association and the concerned Department of the Syndicate Bank should provide for appropriate provision in the relevant rules, with adequate safeguards, to enable the branch manager to allow operation of the bank accounts of persons with disabilities for a limited period of time until the appointment of a legal guardian so as to ensure that immediate family members are able to withdraw money, operate and maintain bank accounts on behalf of persons with disabilities.	Intellectual Disability, Dementia, Banking, Discrimination, Contract	• Right to accessibility and reasonable accommodation. • Right to banking services with the help of a guardian.	RPWD Act, 2016, Sections: 40

17.	560/1111/2018/08/4124-4128	**Facts:** Complainant, a person with 85% locomotor disability, was the principal of a school. She claimed that other teachers at the school frequently subjected her to derogatory remarks because of her disability. She further alleged that she faced ongoing threats and harassment from the teachers. **Issue:** Whether the right of the Complainant, a person with disability to employment in a conducive work environment was infringed by discriminatory behaviour of the other teachers. **Order:** SCPD noted that a conducive environment that builds confidence in the mind of the Complainant about the protection of her rights and assures her respect and dignity on an equal basis with others must be secured and ensured. The relevant authorities were advised by SCPD to organise sensitisation programmes in sync with Sections 25(g) and 39(f) of the RPWD Act, 2016.	Abuse, Harassment, Dignity, Sensitisation, Locomotor Disability	• Right against discrimination. • Right to a conducive work environment. • Right to life with human dignity.	RPWD Act, 2016, Sections: 25(g), 89, 92, 39(f)

18.	907/1111/2019/05/3010-3014	**Facts:** The Complainant, a person with a 40% locomotor disability, lodged a complaint alleging interference in her marital life by relatives. She submitted that these relatives subjected her to mistreatment, insults, and intimidation on a regular basis. The Complainant further claimed that her complaints to the police regarding these incidents went unaddressed. In response, the police contended that no supporting evidence had been provided by the Complainant to substantiate her claims. **Issue:** Whether police officers had a duty to reasonably accommodate the Complainant who was a person with disability by relaxing the requirement of evidence and other legal procedures. **Order:** SCPD held that a person with disability may not always be able to provide evidence for such incidents, and therefore, the concerned police officers must use the best of their skills and resources to ensure that the rights and the dignity of persons with disabilities are well protected. SCPD ordered that if at any stage the Complainant is harassed and abused or assaulted, she shall immediately report to the Station House Officer who shall take requisite action immediately.	Locomotor Disability, Abuse, Police, Dignity	• Right against discrimination. • Right to reasonable accommodation. • Right to life with human dignity.	RPWD Act, 2016, Sections: 92

19.	2988/1141/2023/04/2058-2059	**Facts:** The Complainant, a wheelchair user, was refused entry to the Out-Patient department ('OPD') room for a medical consultation at Rajiv Gandhi Super Speciality Hospital. The hospital's administration contended that the OPD room lacked adequate space to accommodate a wheelchair, and it was a standard practice for the doctor to perform examinations outside the OPD room and provide prescriptions in such situations. **Issue:** Whether the denial of access to the OPD room at the Respondent hospital amounted to discrimination and was violative of RPWD Act, 2016. **Order:** SCPD ordered that persons with disabilities are entitled to barrier free access to the hospital, including the OPD room like any other person. SCPD further added that as per the mandate of Ministry of Housing and Urban Affairs- Harmonised Guidelines For Space Standards For Barrier Free Built Environment For Persons With Disabilities And Elderly Persons, 2016, the hospital was required to make retro-fitments to make it accessible to elderly and persons with disabilities. .	Healthcare, Accessibility, Reasonable Accommodation	• Right to accessibility. • Right to reasonable accommodation. • Right to healthcare.	RPWD Act, 2016, Sections: 25

20.	2827/1141/2022/11/7573-7575	**Facts**: The Complainant had a 70% visual disability. She was instructed by her hostel to provide a 'No Objection Certificate' (NOC) from her former hostel. However, due to an ongoing lawsuit against her previous hostel, obtaining the required NOC was not possible for her. As a result, she faced threats of eviction from her hostel and filing of FIR against her. **Issue:** Whether the demand for an NOC from the former hostel and subsequent harassment of the Complainant constituted a violation of her rights under the RPWD Act, 2016. **Order**: SCPD noted that the demand for additional documents, such as NOC was in violation of the RPWD Act, 2016. Accordingly, SCPD directed the Complainant's hostel to provide her accommodation, preferably on a single sharing basis, taking into consideration her disability. The hostel was also instructed by SCPD to ensure a cordial and congenial environment for her.	Discrimination, Reasonable Accommodation, Harassment, Visual Disability	• Right against discrimination. • Right to reasonable accommodation.	RPWD Act, 2016, Sections: 3

21.	2657/1016/2022/06/7017-7018	**Facts:** The Union Public Service Commission ('UPSC') invited applications for 131 posts, out of which 5 were reserved for persons with benchmark disability. Complainant who was a person in the category of 'both arm disabled' filed the complaint that UPSC had failed to provide reservation for all categories of disability, specifically both arm disabled. **Issue:** Whether the Complainant had a right to demand reservation to be specifically provided to each category of disability and failure to provide such reservation violated RPWD Act, 2016. **Order:** SCPD referred to Section 34(1) of RPWD Act, 2016 which mandates each category of disability mentioned therein to be provided with one percent reservation each. The failure of UPSC to advertise the reservation to each category of disability was in violation of the section. Hence, the SCPD ordered that the UPSC issue a corrigendum to include all category of disabled in reservation for the applications invited.	Reservation, Benchmark disability, Employment	• Right to reservation in public employment .	RPWD Act, 2016, Sections: 34(1)

HARYANA

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	CD-116/21	**Facts:** Complainant sought appointment of special educators in the Government schools of Haryana for promotion of quality education of children with disabilities under the RPWD Act, 2016. **Issue:** Whether Government schools in the state were required to have special educators under the RPWD Act, 2016, to meet the requirements of children with disabilities **Order:** SCPD recommended the Haryana Government to create regular posts of special educators instead of the existing contractual posts. SCPD further recommended the state to ensure every year, prior to the commencement of the education session, that an adequate number of special educators of all notified disabilities are appointed to regular posts well in advance so that the study of children with disabilities are not affected in any way.	Learning, special educators, accessibility, accommodation, sensitisation	• Right to quality education. • Right to accessibility and reasonable accommodation.	RPWD Act, 2016, Sections: 31, 32, 16, 17(c)

2.	CD-07/22	**Facts**: Complainant, an employee of the Haryana Government with a 40% hearing disability, sought a conveyance allowance from his department. However, his request was denied on the ground that his disability did not meet the minimum threshold of 60%, as specified in the notification issued by the Government of Haryana. **Issue:** Whether the imposition of a minimum threshold of 60% disability as a requirement to be eligible for conveyance allowance and other benefits for government employees constituted discrimination against persons with benchmark disabilities. **Order:** SCPD ordered that no discrimination be made with any category of persons with disabilities and all social security benefits including disability pension, free bus pass facility, etc. ought to be provided to all persons with benchmark disabilities, without any discrimination. However, SCPD added that the income of such beneficiaries must be below Rs.2,00,000/- per annum.	Hearing Disability, Conveyance Allowance	• Right employment. • Right to accessibility. • Right against discrimination.	RPWD Act, Sections: 24, 2(h), 80(2)

3.	CD-258/21	**Facts:** Complainant submitted that assessment camps for students with disabilities were not conducted properly by Government schools in Haryana. It was alleged that there was no proper management of such camps and both, responsible officers and team of doctors were absent from such camps. **Issue:** Whether the conduct of assessment camps for students with disabilities by Government schools was inadequate and therefore constituted a breach of responsibilities and rights under RPWD Act, 2016. **Order:** SCPD was informed that disciplinary action have been initiated against the public officials involved in conducting the camps and gave recommendations including the establishment of Inclusive Education of Disabled ('IED') centres at the cluster level, appointment of regular special educators at a ratio of 5:1 and adoption of modern techniques such as recording lectures and scanning documents at IED centres. It was further recommended that the state of Haryana should provide transportation facilities for these students. Finally, the SCPD suggested conducting joint awareness camps between special educators and general teachers of inclusive education at regular intervals and sensitization camps for special educators, Assistant Project Coordinators, and District Program Coordinators every three months.	Inclusive Education	• Right to accessibility . • Right to inclusive education.	RPWD Act, 2016, Sections: 80(b)

4.	CD-158/19	**Facts**: Complainant's wife, who had a 60% disability experienced severe chest pain, prompting the Complainant to take her to a hospital for a medical evaluation. However, they encountered a lengthy wait time at the hospital, during which the hospital staff and doctors charged exorbitant fees. Further, the Complainant reported experiencing verbal abuse and discrimination during this time, ultimately leading him to transfer his wife to another hospital. **Issue:** Whether the Complainant's wife who encountered discriminatory behaviour by hospital administration was entitled to compensation under the RPWD Act, 2016. **Order:** SCPD noted that the hospital staff's actions and behaviour violated Section 92(a) of the RPWD Act, 2016, which pertains to punishment for offences of atrocities, as the Complainant was intentionally insulted and intimidated with the intent to humiliate her while within the hospital premises. The SCPD imposed a penalty of Rs. 50,000 against the hospital staff.	Healthcare, Discrimination, Reasonable Accommodation, Compensation, Penalty	• Right to reasonable Accommodation. • Right against discrimination. • Right to life with human dignity.	RPWD Act, Sections: 3, 25, 92(a)

5.	CD-462/21	**Facts**: Complaint, a person with 40% visual disability appeared for the HCS examination but was not permitted to bring a magnifying glass into the examination centre. **Issue:** Whether denial of assistive devices (magnifying glass) to the Complainant by the staff at the examination centre was in violation of the provisions of the RPWD Act, 2016. **Order:** SCPD recommended the Chairman of Haryana Public Service Commission ('HPSC') to ensure an accessible environment to persons with disabilities in the forthcoming examinations under the provisions of RPWD Act, 2016. SCPD added that the use of magnifying glass does not give any undue advantage to candidates with visual disability, nor does it affect the secrecy of the conduct of the examination. SCPD directed the Chairman, HPSC, that it shall be a duty to ensure that applications are decided as and when they are received from, in accordance with a policy to be framed as per the provisions of RPWD Act, 2016.	Examination, Reasonable Accommodation, Assistive Devices	• Right to reasonable accommodation. • Right against discrimination.	RPWD Act, Sections: 38

6.	CD-180/21	**Facts:** A non-governmental organisation ('NGO') filed a complaint on behalf of four persons with disabilities. The NGO submitted that the applications of those four individuals for issuance of a vendor licence, were pending with the Municipal Corporation of Gurgaon ('MCG') for a period of two years without any action being taken. As a result of this inaction by the MCG, the NGO was not able to distribute carts to the affected applicants on the occasion of International Disability Day. **Issue:** Whether the delay by the MCG in processing vendor licence applications from persons with disabilities constituted a violation of the rights of the applicants under the RPWD Act, 2016. **Order:** SCPD recognised the rights of the persons with disabilities have been infringed and issued the following directions: Firstly, the SCPD noted that vending spaces should be allocated to persons with disabilities within the MCG territory, prioritising proximity to their residences and locations with substantial footfall. Secondly, the SCPD directed that 5% of carts and kiosks in every market must be reserved for persons with disabilities in accordance with Section 37(c) of the RPWD Act, 2016. Thirdly, the SCPD recommended increasing the standard cart size from 4' 6' feet to 5' 7' feet for meeting the unique requirements of persons with locomotor disabilities. Lastly, the SCPD recommended that vendors with disabilities should be allowed to include custom kiosks tailored to their specific disability requirements.	Reservation, Reasonable Accommodation, Livelihood, Vendors with Disabilities	• Right against discrimination. • Right to reasonable accommodation. • Right to livelihood.	RPWD Act, Section: 80(b)

7.	**SM-20/22 & 296/22**	**Facts:** The Complainant's father served as a Deputy Superintendent at Co-operative Societies, Gurugram. Post retirement the Complainant's father received pension and following his father's death, family pension was availed by the Complainant's mother. During this period the Complainant became disabled and came to rely on the family pension for sustenance and support. After his mother's death, the family pension ceased to be disbursed to the Complainant. Complainant obtained his disability certificate only after his mother's death. In light of these circumstances, the Complainant filed a complaint seeking the extension of the family pension to him, considering his disability and dependency on the family pension. **Issue:** Whether the Complainant was entitled to receive family pension following his mother's demise, even though he obtained his disability certificate after her death. **Order:** SCPD examined the Rule 63 of HCS (Pension) Rules 2016, and held that it was not a prerequisite to be dependent on the pensioner during their lifetime for availing pension as a dependent after their lifetime. SCPD ordered that the Complainant was entitled to family pension, to be paid along with arrears.	Family Pension, Livelihood, Disability Certificate	• Right to family pension. • Right to livelihood.	RPWD Act, Section: 24; HCS (Pension) Rules 2016

8.	CD-151/22	**Facts:** Complainant applied for paid child care leave, as his wife was severely ill and could not take care of his daughter, who was affected with 100% intellectual disability. His application was rejected as no provisions existed for paid child care leave for male employees. He contended that since the provision for paid child care leave for women employees existed, the same could be extended to male employees for care of their children under Rule 49 of HCS (Leave) Rules, 2016. **Issue:** Whether the Complainant was entitled to child care leave to take care of his child with disability, irrespective of gender and marital status. **Order:** SCPD held if the spouse of a Government employee is unable to take care of the disabled child, then male Government employee is entitled to such a leave. It also held that social legislation such as HCS (Leave) Rules, 2016 cannot be gender-biased.	Childcare Leave, Service Matters, Intellectual Disability	Right to child care leave regardless of gender and marital status.	RPWD Act Section 4; HCS (Leave) Rules, 2016.

9.	CD-614/22	**Facts:** The Complainant was an employee of the Haryana Board of Secondary Education (HBSE). She participated in the National Paralympic Games several times and won multiple medals. Subsequently, she claimed a special increment in salary as per the State Government's policy for rewarding sportspersons. However, her claim was denied as the policy was only applicable to civil servants working in the Haryana State Government departments. **Issue:** Whether the Complainant was entitled to receive a special increment under the Haryana Government's policy that provides such benefits to Government employees who win medals in sports competitions. **Order:** SCPD observed that despite being an employee of HBSE, the Complainant's employment was governed by HCS Rules, 2016. Therefore, she could not be deprived of such benefits that are extended to state civil servants. Further, the Complainant being a person with disability could not be discriminated against as per the provisions of the RPWD Act, 2016. SCPD further noted that RPWD Act, 2016 casts an obligation on the State to promote sports activities for persons with disabilities.	Service Matters, Sports, Locomotor Disability, Discrimination	• Right to eligible increment. • Right against discrimination.	RPWD Act Section :30; HCS Rules, 2016.

10.	CD-365/22	**Facts:** The Complainant, a person with a 70% disability had been receiving conveyance allowance from the Respondent. Subsequently, as per Respondent's instructions, Complainant underwent a re-evaluation of his disability status which resulted in his disability percentage being revised to 45%. Subsequently, the Respondent issued directives to recover the previously provided conveyance allowance from the Complainant. The basis for this action was the alleged failure to renew his disability certificate after the stipulated 5-year period, a decision that the Complainant alleged was neither legal nor justified. **Issue:** Whether conveyance allowance should be withdrawn/discontinued/recovered in case the disability certificate is not renewed within the stipulated time frame. **Order:** SCPD observed that there was no condition mentioned by the Finance Department, Government of Haryana to the effect that conveyance allowance shall be withdrawn/ discontinued/ recovered in case disability certificate is not renewed. Further, SCPD noted that the Complainant neither refused to be re-assessed nor did there exist any evidence contrary to the fact that he was a person with a disability. SCPD thus held that the recovery was illegal, and the order discontinuing conveyance allowance ought to be reversed. The illegally collected amount was ordered to be returned along with a compensation of Rs. 5000.	Service Matter, Conveyance Allowance, Transport, Disability Certificate	• Right to reasonable accommodation. • Right to receive conveyance allowance.	RPWD Act 2016: Section 3

11.	CD-632/22	**Facts:** The Complainant was a person with 100% locomotor disability who had appeared for the Haryana Staff Selection Commission Examination. He alleged that he was denied additional time in the examination, in violation of guidelines issued by the MSJE. He was informed that he was eligible for additional time, however was denied the same on the ground that additional time is only available to persons with visual disability. **Issue:** Whether the Complainant was entitled to additional time in the examination. **Order:** SCPD noted that in accordance with the MSJE Guidelines, persons with benchmark disabilities who do not require the assistance of a scribe are entitled to a minimum of one hour compensatory time. Consequently, SCPD directed that legal action be initiated against the offices or entities that failed to adhere to these guidelines, and ordered compensation for legal expenses to the Complainant.	Examination, Employment, Reasonable Accommodation, Locomotor Disability	• Right to compensatory time during examinations. • Right to reasonable accommodation.	RPWD Act Section: 17

NAGALAND

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	01/SCPD/2021-22	**Facts:** SCPD took suo-motu cognizance of Nagaland State Government's failure to implement the Office Memorandum that mandated preference and priority for persons with disabilities in the context of Covid-19 testing, treatment, and vaccination. **Issue:** Whether there was a right for persons with disabilities to receive priority in testing, treatment, and vaccination during a public health emergency. **Order:** SCPD noted that the Government took necessary measures by providing special priority for Covid-19 vaccination to persons with disabilities. However, considering the Covid-19 pandemic and potential future healthcare crises, the Government was once again recommended by the SCPD to ensure widespread publication and awareness in such situations. It was emphasised that priority and preference for persons with disabilities must be clearly specified and guaranteed.	Priority, Reasonable Accommodation, Healthcare	Right to priority in healthcare.	RPWD Act 2016, Sections: 25

2.	**04/SCPD/2021-22**	**Facts:** The Complainant encountered an accident and suffered electrocution while carrying out his official duties, and subsequently was diagnosed with a post-spinal cord injury, leading to quadriplegia. The Complainant contended that his employer replaced him with another person, and that person's salary was also deducted from the Complainant's own salary. **Issue:** Whether the employer had a legal responsibility to identify and provide an alternative role or duties that a person with disability, who became disabled during the course of employment could perform. **Order:** SCPD directed the employer to make the workplace accessible for the Complainant and find an alternative position which was suitable for him.	Reasonable Accommodation, Accessibility, Quadriplegia , Employment	Right to employment in alternative roles for persons who became disabled in course of employment.	RPWD Act 2016, Section: 33, 44

3.	02/SCPD/2021-22	**Facts:** The Complainant attempted to obtain a driving licence for which he underwent medical tests at the District Civil Hospital, Dimapur, Nagaland, to get a confirmation for his fitness to operate adapted vehicles. However, the Officer-in-charge disallowed the Complainant from taking the driving test due to his disability. Subsequently, when he approached the Motor Vehicle Officer ('MVO') seeking clarification, he was further humiliated as the MVO suggested that he should be dependent on others and implied that he should not have applied for a driving licence, being a person with a disability. **Issue:** Whether the Motor Vehicle Department was under an obligation to make reasonable accommodations for a person with disability who had been declared medically fit to drive. **Order**: SCPD noted that the hospital showed recklessness and negligence in issuing an incomplete and faulty certificate, and so did the District Transport Office, which issued an inadequate learner's licence. SCPD directed the Government of Nagaland to identify workshops suitable for modification of vehicles to make them accessible for persons with disabilities, in accordance with the guidelines of the Ministry of Roads, Transports, and Highways. Further, SCPD ordered awareness campaigns within various Government Departments to educate personnel about the rights outlined in the RPWD Act, 2016.	Reasonable accommodation, accessibility, transport, Discrimination	• Right to reasonable accommodation. • Right to accessibility. • Right to transportation.	RPWD Act 2016, Section: 41. 47.

GOA

Sr. No.	Case No.	Case Details	Tags	Right	Relevant Provisions
1.	31/SCPwDs/2021-22/638	**Facts:** The Complainant was an employee at Goa Shipyard Limited ('GSL') and had a benchmark disability. During the recruitment process, the Complainant submitted a disability certificate, successfully passed all required tests, and was subsequently hired by GSL. However, after commencing the job, the Complainant encountered difficulties in carrying out tasks, marking attendance, and faced additional challenges due to impact of the Covid-19 pandemic. The Complainant thus sought concessions and additional facilities from GSL that ought to be provided to persons with disabilities. **Issue:** Whether GSL was obligated to provide reasonable accommodation at the workplace to the Complainant. **Order:** SCPD noted that mere non-discrimination or certain measures for the sake of it do not fulfil the mandate of reasonable accommodation. SCPD cited the principle of reasonable accommodation and fundamental right to equality and right to life and liberty under Articles 14 and 21 of the Constitution respectively, and held that accommodation should be in such a way that is meaningful for persons with disabilities. It further held that reasonable accommodation could not be construed in a way that denies appropriate and requisite customisations.	Priority, Reasonable Accommodation, Healthcare, Concession, Discrimination	• Right to reasonable accommodation in the workplace as per person needs. • Right to accessibility	RPWD Act 2016, Sections:2(h),3 Constitution of India, Article:21

2.	GRIEV/93/2022	**Facts:** The Complainant operated a special school for children with disabilities. A mobile tower was installed within 100 metres of the school. The Complainant contended that children with disabilities have low immunity and would be affected by radiation from the mobile tower. **Issue:** Whether public authorities had the duty to exercise special caution to ensure that installation of infrastructure, such as mobile towers, would not pose harm to the well-being of persons with disabilities. **Order:** SCPD cited Section 4 and 8(4) of the RPWD Act, 2016 that mandates for special support to be provided to children with disabilities along with protection from any situation of risk. Hence, the Public Works Department was ordered to take note and ensure that the tower was relocated.	Children With Special Needs, Special School	Right to special care and attention in building infrastructure to ensure protection from risk/harm.	RPWD Act 2016, Sections:4 ,8(4)

3.	GRIEV/336/2022	**Facts:** The Complainants sought proper arrangements in school for their son who had locomotor disability and cerebral palsy. The Complainants stated that while they had informed the school about their son's condition and the school management had agreed to make necessary arrangements for him, subsequently, they turned around and asked them to shift their son to a special school. **Issue:** Whether the school was duty-bound to make necessary arrangements and to secure to children with disabilities the right to reasonable accommodation and access to schools in vicinity of their homes. **Order:** SCPD took note of Sections 3 and 16 of the RPWD Act, 2016, along with the judgement of the Hon'ble Supreme Court in *Rajneesh Kumar Pandey & Others* v. *Union of India* [(2016) 33 SCC 132] and ordered that all schools ought to ensure accessibility and reasonable accommodation to children with disabilities. Further, it held that as per the Inclusive Education Policy of Government of India, schools are required to make necessary arrangements in schools for children with disabilities. Hence, SCPD ordered the school to appoint RCI recognised teachers, ensure proper accessibility standards, and create a conducive environment for students with disabilities.	Inclusive Education, Accessibility, Locomotor Disability, Cerebral Palsy, Reasonable Accommodation	• Right to education with reasonable accommodation. • Right to accessibility.	RPWD Act 2016, Sections:3 ,16

4.	GRIEV/679/2022	**Facts:** Complainant, a person with disability, was employed at Goa Polytechnic, Panaji. Amid the Covid-19 pandemic, she submitted a request to her employer, seeking an exemption from physically attending office and requesting permission to work from home instead. However, her request was denied. **Issue:** Whether the denial of the Complainant's request for remote work during the Covid-19 pandemic violated her rights under the RPWD Act, 2016. **Order:** SCPD held that the Complainant had a disability certificate as mandated by the RPWD Act, 2016. Further, SCPD took note of Memoranda issued by the Chief Minister of Goa and several Office Memorandums of the Union Government, which stipulated that persons with disabilities and pregnant women should be exempted from physical presence at the workplace during Covid-19, allowing them to work from home. SCPD directed that the period of leave of absence taken by the Complainant should be treated as a work-from-home arrangement, aligning with the government directives and recognising the Complainant's rights as a person with a disability.	Reasonable Accommodation	• Right to work from home in case of pandemic • Right to reasonable accommodation • Right to a conducive work environment.	RPWD Act 2016, Sections:3 ,4, 47, 62

5th Floor, Pt. Deendayal Antyodaya Bhawan, CGO Complex, Lodhi Road
New Delhi - 110003
www.depwd.gov.in