



न्यायालय मुख्य आयुक्त

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/15024/1121/24

Dated: 14/01/2026

In the matter of-

Shri Tejas Kathpalia

...Complainant

Versus

Medical Superintendent,

Ram Manohar Lohia Hospital,

Connaught Place,

New Delhi

...Respondent

1. Gist of the case:

1.1 Mr. Tejas Kathpalia, a person with Mental Illness (39%) filed his complaint dated 13-12-2023 and submitted that Complainant has been diagnosed by the RML Hospital with Schizotypal traits, Emotionally Unstable Personality traits, and severe depression. His application for a UDID was rejected on the grounds that his disability percentage is below 40%, with an IDEAS scale score of 6/20.

1.2 The Complainant believes that the medical officers intentionally underestimated his disability percentage and did not follow the Government of India (GOI) guidelines for proper assessment. It appears they pre-decided his disability to be below 40% and manipulated the scoring to fit that decision.

1.3 The Complainant requested that the concerned medical authority be directed to reassess his condition strictly as per GOI guidelines and assign the correct IDEAS score, or alternatively, refer his case to a different medical board for fair evaluation.

2. Notice issued to the Respondent:

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A Notice dated 04.01.2024 was issued to the Respondent for forwarding their comments within 30 days to this Court u/s 75 & 77 of the Rights of Persons with Disabilities Act, 2016 (hereinafter referred as "the Act"). Final reminder dated 03.09.2024 under Rule 38 (2) of Rights of Persons with Disabilities Rule, 2017 issued to the Respondent.

3. Submissions made by the Respondent:

3.1 Respondent filed their reply dated 18.09.2024 and submitted Mr. Tejas's complaint about the issuance and assessment of his Disability Certificate. The matter was referred by Mr. Mudgal, Nodal Officer (Disability), to Dr. Anshu, Director, Karkardooma, Delhi.

3.2 A possible error in the disability assessment and UDID Card was also communicated. Dr. Anshu responded via letter dated 10.02.2024 (Ref: 13-09/2023-ME1 RMLH/618).

4. Submissions made in Rejoinder:

4.1 The Complainant submitted that the Respondent has not addressed the core issue of denial of a disability certificate despite being eligible under the Government of India's IDEAS scale, as mandated by the Gazette notification dated 5 Jan 2018. They provided no justification for the unjustifiably low scores given to him, nor for the discrepancies Complainant have raised.

4.2 Despite being diagnosed and treated for Major Depressive Disorder with strong clinical evidence (including prescriptions, discharge summaries, and diagnostic codes), the respondent now falsely claims that Complainant have no mental illness. They have even forged medical documents, ignored his complaints, and dismissed GOI guidelines in favor of their own unaccountable discretion.

4.3 Complainant has provided substantial proof of long-standing illness and functional disability as per the IDEAS criteria. Their entire defense relies on authority, not facts, and their actions directly violate the RPWD Act and the Mental Healthcare Act.

5. Hearing:

5.1 A hearing in hybrid mode was conducted on 09.09.2025, wherein the following

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parties/representatives were present:

| Sl. No. | Name of Party | Appearing for | Mode |
|---------|--|---------------|--------|
| 1. | Mr Tejas Kathpalia | Complainant | Online |
| 2. | Dr Shipra Chaudhary, Chairman, Disability Board, RML Hospital | Respondent | Online |
| 3. | Dr Satyam, Head of Department, Department of Psychology, RML Hospital | Respondent | Online |

6. Record of Proceedings:

6.1 The Complainant alleged manipulation of medical records, derogatory remarks, unwarranted hospitalization, delay in grievance redressal, denial of a disability/UDID certificate, and retaliatory discontinuation of treatment by hospital doctors. The Respondent doctors denied wrongdoing and claimed standard procedures were followed.

7. Observation and Recommendations:

7.1 No person with a disability has a right to obtain a particular disability percentage in their certificate/UDID card or to lodge false allegations if the aforesaid demand is not met. However, every person with a disability is entitled to an objective, scientific and professional disability assessment that is free from biases and preconceived notions in an amicable environment. Failure to abide by the aforesaid mandate by the disability assessment board constitutes a clear and transparent breach of the RPwD Act.

7.2 The Court noted no proven personal agenda but acknowledged widespread grievances, warned that derogatory conduct could attract offences under the RPwD Act, and emphasized the need for seriousness, especially given the lack of inquiry and delayed response to the Complainant's grievances. The Court observes that the allegations raised by the Complainant are very serious and troubling. Without getting into the veracity of the allegations, suffice it to observe that the

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Respondent should have dealt with these allegations with much more seriousness and offered concrete evidence as to the basis for computing the Complainant's disability.

7.3 As a statutory body tasked with ensuring that the provisions of the RPwD Act are effectively implemented, this Court is constrained to observe that it is receiving a large number of complaints about the disability assessment processes and procedures being followed by the Respondent hospital. The instant complaint, therefore, is not an isolated incident but part of a broader pattern. The Respondent urgently needs to get its house in order.

7.4 In W.P. (C) No. 3246 of 2024, **Shreyus Sukhija v. Union of India and Ors.**, the Hon'ble Delhi High Court dealt with a similar case where a person with mental illness claimed that he had been denied disability certification due to a wrong perception about the nature and extent of his disability. The High Court had accordingly ordered a reassessment of the Petitioner on 13.03.2024 pursuant to which the Petitioner was given a disability certificate [please see order dated 30.07.2024].

7.5 Accordingly, this Court recommends that the Respondent reassess the Complainant to ascertain the nature and extent of his disability and, accordingly, take further steps. The aforesaid exercise must be completed within 3 months from the date of the issuance of this order.

7.6 The Department of Empowerment for Persons with Disabilities had, vide Gazette Notification No. S.O. 1338(e), dated 12th March 2024, issued "Guidelines for Assessment of Specified Disabilities." Clause 24.2 of the same deals with the assessment of mental illnesses. The same is reproduced here, for ease of reference:

"24.2. Diagnosis:

A. The examination process will consist of components as required namely, clinical assessment, IDEAS scale and/or IQ assessment.

B. Indian Disability Evaluation and Assessment Scale (IDEAS) administration (Appendix- XIII) is to be used for mental illness (If required).

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C. In some cases, where there is suspicion of intellectual deficits or additional intellectual evaluation is required for any reason, Standardised IQ test may be carried out as per prescribed standards in Intellectual Disability Guidelines.

D. In cases where the mental behavioural condition requires only IDEAS, then only IDEAS can be administered, and degree of disability certified.

E. In cases wherein, there is both intellectual disability and mental illness disability, the person may be classified as having multiple disability and certificate issued accordingly by the responsible Medical Board.

F. The duration of the mental illness should be determined from the onset of the mental illness. For certifying permanent disability, a minimum duration of at least two years of mental illness is required.

24.4. MEDICAL AUTHORITY:

The Medical Superintendent, Chief Medical Officer, Civil Surgeon, or any other equivalent authority, as notified by the State Government, shall be the head of the Medical Board. The Board shall comprise:

I. Medical Superintendent, or Chief Medical Officer, or Civil Surgeon or any other equivalent authority as notified by the State Government

II. Psychiatrist

III. Psychiatrist/Physician or RCI registered Clinical Psychologist/Rehab Psychologist/Psychiatric social worker (wherever required Psychological Assessment report from RCI registered Psychologist obtained in the last three months)."

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7.7 The Respondent must ensure that the Complainant's reassessment is conducted strictly in accordance with the aforesaid guidelines.

7.8 The Court further recommends to the Respondent to ensure that the Complainant is not subjected to any retaliation/victimisation for having raised his voice and that his reassessment is done in a purely objective and scientific manner. The Court further recommends to the Respondent to submit a report on the Complainant's grievance that his medical treatment at the Respondent hospital has been wrongly stopped.

7.9 Further, the Court also recommends to the Respondent that they conduct periodic workshops for their disability assessment boards and support staff on the disability assessment guidelines, the RPwD Act framework and best practices for conducting a correct disability assessment. Such a workshop must be conducted within the next 3 months and thereafter once every quarter. It must be ensured that persons with disabilities are invited as resource persons for such workshops, so that the Respondent's staff is familiarised with their lived experiences. Further, the Respondent must evolve clear-cut protocols for dealing with persons with disabilities coming for disability certification. Due importance must be given to the certification of invisible disabilities in such workshops.

7.10 Lastly, Section 59 (1) of the RPwD Act contemplates the setting up of Certification Appellate Tribunals to whom any aggrieved person can appeal any certification decision. Vide order dated 04.02.2025, the Government of NCT of Delhi has notified the Director General of Health Services, GNCTD, as the Certification Appellate Tribunal, within the meaning of S. 59(1). The notification can be accessed through the following link: <https://dgehs.delhi.gov.in/sites/default/files/inline-files/rp.pdf>

7.11 To conclude:

- A. The Respondent is recommended to reassess the Complainant's disability within a period of 3 months from the date of issuance of this order;
- B. The reassessment must be conducted strictly in accordance with guidelines dated 12.03.2024 [extracted, in relevant part, at para 7.5 above];

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C. The Complainant must not be subjected to any retaliation, either during the reassessment or in terms of his further treatment;

D. The Respondent must conduct a workshop on disability certification within 3 months from the date of issuance of this order and thereafter at least once every quarter, with particular reference to certification of invisible disabilities; and

7.12 Any person aggrieved by a disability certification is entitled to approach the Certification Appellate Tribunal u/s 59(1), RPwD Act.

7.13 In terms of Section 76 of the Act, the respondents are recommended to submit the Action Taken Report on this Order within 3 months from the date of this Order.

8. Accordingly, the case is disposed of.

Yours faithfully,

**(S. Govindaraj)
Commissioner**

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