

**Minutes of the 6th Meeting of Central Advisory Board on disability held on
27.12.2023.**

List of participants is at **Annexure I**.

2. The 6th meeting of Central Advisory Board on disability started with National Anthem followed by lighting of lamp by the dignitaries.

3. Shri Rajesh Aggarwal, Secretary, DEPwD welcomed Dr. Virendra Kumar, Hon'ble Union Minister for Social Justice and Empowerment cum-Chairperson of the Central Advisory Board. He also welcomed other members of the Board including Hon'ble Ministers from Goa, Odisha, Tamil Nadu and Uttar Pradesh, representatives from various Central Ministries/Departments/organizations and non-official members.

4. In his introductory remarks, the Secretary highlighted the significance of inclusive education, special education, vocational training, and initiatives in the health and pharmaceutical sectors for overall rehabilitation of PwDs. He elaborated on the ongoing efforts led by the State of Odisha, particularly in early intervention through Aanganwadi workers. The Secretary emphasized the anticipation of comprehensive discussions encompassing a spectrum of topics, including disability pension schemes and the dissemination of best practices across diverse sectors. Moreover, he highlighted the priority of soliciting insights from the Board members and engaging in practical discussions concerning entrepreneurship, customized courses for Persons with Disabilities (PwDs), and employment opportunities for PwDs. Attention was also drawn towards various aspects of life, such as tourism, entertainment, religious tourism, and sports, which necessitate inclusion in mainstream discourse and action. A special reference was made to the upcoming Purple Fest scheduled to take place in Goa, coinciding with the presence of the Goa Minister at the Board meeting. Emphasizing the potential of such events, the Secretary underscored their capacity to provide opportunities for individuals with disabilities to showcase their talents, concurrently fostering broader awareness about persons with disabilities and their role in society.

5. Dr. Virendra Kumar, the Honorable Minister for Social Justice and Empowerment, extended a warm welcome to the Honorable Ministers representing various States/UTs and expressed appreciation for the efforts

dedicated to the empowerment of Persons with Disabilities by various States/UTs. Additionally, he highlighted the role of Central Advisory Board meetings in fostering inspiration among other States and Union Territories and serve as a platform for sharing exemplary practices showcased by different States/UTs, providing an invaluable opportunity for learning and implementing similar initiatives in their respective jurisdictions by other States/UTs. Emphasizing the forward-looking approach of the Honorable Prime Minister's vision - "Sabka Saath, Sabka Vikas, Sabka Vishwas, aur Sabka Prayas," the Honorable Minister for Social Justice and Empowerment further discussed the vision for 2047, aiming to make India Aatmanirbhar (self-reliant). He highlighted the imperative need for sincere efforts to empower Persons with Disabilities, enabling their active participation in social services, which, in turn, will contribute to the country's promising future. Further highlighting that, he deliberated on importance of the employment opportunities which open doors towards realizing empowerment, the Minister emphasized that "Karmaveer" Divyangjan would not only foster development of nation but also support oneself and their families. He also urged that states need to further boost their efforts towards implementing the provisions of the Rights of Persons with Disabilities Act, 2016 by referring to "Pathways to Access". Further, underscoring the importance of Central Advisory Board meeting, Hon'ble Minister emphasized upon bringing together all stakeholders to share best practices which can be replicated across states for empowerment of persons with disabilities. He stated that persons with disabilities being important stakeholder towards nation building are going to play pivotal role in accelerating towards Atmanirbhar Bharat@ 2047. Furthermore, HMSJE set the tone of the meeting by highlighting key concerns which need to be brought into action at earliest which are as follows;

- All provisions of the Right of Persons with Disabilities Act, 2016 (RPwD Act, 2016) should be considered by all stakeholders/States/UTs/Ministries etc.
- Unsatisfactory work report from various States/UTs despite of granting the extension to complete the retrofitting of the buildings within a period of 5 years as per the act.
- Generation of UDID cards needs to be expedited; as on date more than 1 Cr UDID cards have been generated. States/UTs should consider this on priority.

- Unsatisfactory performance recorded by various States/UTs in claiming the benefits of DDRS/DDRC scheme etc.

6. The following agenda items were placed for discussion for the Central Advisory Board:-

- i. Confirmation of the Minutes of last meeting held on 24.06.2022 and action taken report on its recommendations.
- ii. Identification of posts for persons with benchmark disabilities in State Government Establishments by States/UTs.
- iii. WP 29329 of 2021 Seema Girija Lal vs Union of India.
- iv. Contempt Petition No. 1653 of 2018 arising out of W.P. (C) No. 412 of 2016 - Shri Gaurav Bansal Vs Shri Dinesh Kumar & Others.
- v. Status of implementation of Accessible India Campaign including notification of sector specific accessibility standards.
- vi. Status of implementation of the UDID project including linkage of UDID to various schemes and programmes of Central Ministries/Departments and States/UTs.
- vii. Review of the major Schemes/Programmes of the Department.
- viii. Review of the National Institutes under Department.
- ix. Organizing 'Purple Fest' by all States/UTs on annual basis for inclusion and empowerment of persons with disabilities.
- x. New initiatives by DEPwD.
- xi. Developing dedicated schemes to provide high support to persons with benchmark disabilities having such needs in terms of RPwD (Amendment) Rules, 2019.
- xii. Use of the provision of 'Biometric Exception' for Aadhaar Card in case of such PwDs who are unable to provide their finger prints.

7. Shri Rajesh Yadav, Joint Secretary, DEPwD and Member-Secretary of the Central Advisory Board made a brief presentation on each of the above agenda points for deliberations of the Central Advisory Board. A copy of the presentation is at **Annexure II**.

8. Gist of submissions made by Members of the Board are as under:

i. Shri. Ashok Chandra Panda, Hon'ble Minister for Social Security and Empowerment of Persons with Disabilities, Odisha

Providing insights into the proactive measures undertaken by the State of Odisha in alignment with the agenda items, Shri. Ashok Chandra Panda, Hon'ble Minister offered a comprehensive overview. He emphasized the State's commitment to empowerment through their State institute for Persons with Disabilities, detailing the array of services offered. Notably, Odisha currently has 08 District Disability Rehabilitation Centers (DDRCs) and expressed a readiness to establish additional DDRCs within the state.

Drawing attention to the noteworthy Purple Fest held in Bhubaneswar, the Hon'ble Minister highlighted the State's dedication for creating inclusive and engaging events. Furthermore, he highlighted the effective distribution of disability pension to persons with disabilities within the state, ensuring accessibility and support.

In a plea to the Board, the Hon'ble Minister sought increased sports opportunities for Persons with Disabilities in Odisha, emphasizing the transformative impact such initiatives can have on the community's well-being and inclusion.

ii. Subhash Phal Desai, Hon'ble Minister of State Welfare, Goa.

Affirming their commitment to being a leading state in providing facilities to Persons with Disabilities, the Hon'ble Minister of State Welfare, Goa, described the steps undertaken by them in this regard. The Hon'ble Minister expressed enthusiasm about the upcoming Purple Fest scheduled from 8th to 13th January in Goa and highlighted the inclusive and vibrant nature of the event.

Hon'ble Minister from Goa expressed concern over obstacles such as a shortage of doctors, inadequate health support, difficulty in availing the Unique Disability ID (UDID) etc.

Further, the Hon'ble Minister requested the CAB to explore the idea of matchmaking of persons with disabilities based upon available skill set in the employment sector. It was further requested that wider public awareness could be brought in through introduction of dedicated broadcasting channel for persons with disabilities on television networks.

iii. Dr. M. Mathiventhan, Hon'ble Minister of Forest, Tamil Nadu

The Hon'ble Minister highlighted the establishment of a dedicated directorate for the welfare of Persons with Disabilities (PwDs) in 1993, showcasing the state's long-standing commitment to inclusive policies. With a State fund budget of Rs. 10 crore, Tamil Nadu has implemented various initiatives, including special courts for PwDs and a monthly provision of Rs. 2000/- benefitting approximately 2.3 lakh beneficiaries. Additionally, a disability pension of Rs. 1,500/- per month has been extended to support 1.5 lakh PwDs.

The State has identified 23 categories of assistive devices and established a Welfare Board with 11 lakh registered PwDs. Notable initiatives include 100% travel concession for PwDs on government buses, scholarships spanning from primary to postgraduate levels, and the distribution of grocery kits during the pandemic and recent flood crisis in Tamil Nadu. The Minister brought attention to the "Rights" project funded by World Bank, focusing on doorstep delivery of rehabilitation and welfare services.

The Hon'ble Minister requested support from the Board, mainly sought grants under the Accessible India Campaign (AIC) for 17 government buildings. Additionally, appeals were made for the inclusion of remaining beneficiaries under the Indira Gandhi Pension Scheme, allocation of funds for awareness generation programs, and ensuring the timely release of grants-in-aid to NGOs under the Deendayal Disabled Rehabilitation Scheme (DDRS). The Hon'ble Minister raised concerns about the challenges faced by NGOs due to the consistently unavailable E-Anudaan portal, leading to a request for the central government to accept offline proposals.

iv. Shri. Narendra Kashap, Hon'ble Minister of State, U.P.

Highlighting the initiatives taken by the State towards empowerment of persons with disabilities, Hon'ble Minister conveyed that a State Advisory Board on disability has been established in the State. Further, it was brought to the notice of the Board that the State was in the process of initiating Sugamya Bharat Abhiyan in three phases with a view to make the public infrastructure accessible for the Divyangjan. The Hon'ble Minister also informed about other measures taken by the State towards empowerment of Divyangjan which included multiple sittings of the Disability Assessment

Board, establishment of Kaushal Vikas Yojana Kendras for imparting vocational training to persons with disabilities, identification of posts for persons with disabilities in State Government establishments, an artificial limb centre in Shakuntala Mishra University, education centres with residential facilities, operations of two higher educational institutions specializing in services for persons with disabilities and provision of disability pension. The minister requested the Board to catalyze the process of releasing pending funds to expedite the state's endeavour towards empowerment of persons with disabilities. Further the State showcased its interest in hosting a fest in line with Purple fest being organized by the Govt. of Goa.

v. RCI chairperson highlighted the poor quality of professionals for which States/UTs needs to showcase a joint effort and help to procure the services of good professionals in this sector. Moreover, inclusive education in State Board should be made mandatory and syllabus including the disability should be taught.

vi. Suggestions made by other Members representing States/UTs and Central Ministries/Departments are as under:

- Talent hunt events may be organized as part of Purple Festival.
- Placing of orders outside GEMS Portal may be permitted to expedite the process of procurement and distribution of assistive devices to persons with disabilities.
- Linking of UDID with Railway Concession Passes so as to avoid multiple layers of passes and permission.
- Financial Assistance may be provided by the Central Government for establishing a Group Home.
- Ayushman Bharat Cards may be linked with UDID Cards.
- Early identification of children with disabilities may be expedited by introducing initiatives to involve medical interns in process of screening in addition to further capacity building of ANMs and ASHA Workers.
- State Government of Meghalaya informed the Central Advisory Board about implementation of “MegAbility” App launched for persons with disabilities.

- Further, suggested that job opportunities for rehabilitation professionals may be encouraged closer to their domicile states.
 - Introduction of the idea of inclusivity in early years of education for all children.
 - For economic empowerment, the role market relevant to skill development in addition to giving effective visibility to the talents of persons with disabilities.
 - Introduction of the post of nodal officer for implementation of Rights of Persons with Disabilities Act, 2016 in every government office.
 - States may be encouraged to perform effective needs assessment exercises and put forth their demands for skilled rehabilitation professional.
 - An untapped market for assistive devices worth 87,000 crores in the neighboring countries to India may be explored
 - The need to introduce effective regulatory practices to produce assistive devices of global standards.
 - The effectiveness of innovation, industry, research and funding to project India as global player in production, distribution, maintenance, repair and overhaul (MRO) practices in the assistive devices industry.
 - Training of DDRS/C staff should be done in National Institutes.
- vii. Furthermore, following submissions/suggestions were made by nominated members during the Board meeting:
- The creation of accessible build toilets in rural areas/slums for PwDs.
 - Diversifying the establishment of DDRCs among organizations.
 - Free coaching schemes should be explored.
 - There is a substantial lack of awareness about NI/CRCs to State officials.
 - To amplify the awareness programs about National Trust schemes.
 - Providing training to mothers of children with Hearing impairment and converting them into rehabilitation professionals.

- Provision for Compulsory Screening of hearing in Newborns (Universal Neonatal Screening).
- Need for enhanced awareness and increased publicity of UDID cards in rural areas.
- The provision of lift and escalator facility in Railways needs to be ensured considering the massive footfall of various categories of people at railway stations.
- Urgent need to address the improper and poor condition of toilets for PwDs in Railways.
- An effective monitoring of CRCs needs to be established.
- Collaboration between various sectors/NGO etc. should be explored in various sectors with the Govt. of India.
- More usage of technological devices and development of the same needs to be explored.
- Professional studies should be included in the UGC syllabus for the students to create a general awareness about the disability sector.
- Research in divyang friendly technology should be facilitated.
- A lot of work should be done in creating awareness and sensitization of RPwD, Act followed with the sensitization of bureaucrats and judicial services.
- Employment Opportunities through developing an application based program which incorporate profile based skill set and job matching.
- Creation of a livelihood opportunity based upon locally relevant skills and resources should be explored.
- ESIC reimbursement schemes should be restarted.
- Aadhar biometric which includes eyes and facial recognition should be considered.
- Appointing IAS Divyangjans as brand ambassadors and icons so as to inspire more PwDs.
- CSR funding for creation of small scale employment for PwDs may be explored such as a small business over a tricycle etc.

- Promoting insurance for Divyangjans, particularly at birth and proposed the establishment of a separate ministry
- Implementation of a self-employment scheme for Divyangjans, along with the establishment of a protection cell and ensuring clean washrooms.

9. After detailed deliberations, agenda wise recommendations of the Central Advisory Boards are as under:-

Agenda item 1(A): Confirmation of the Minutes of the last meeting of Central Advisory Board held on 24.06.2022

The minutes of the last meeting of the Central Advisory Board held on 24.06.2022 were confirmed.

Agenda item 2: Identification of posts for persons with benchmark disabilities in State Government Establishments by States/UTs

The following were the points highlighted in the presentation:

- i. Section 34 of the RPwD Act, 2016, provides reservation of 4% in vacancies in Government establishments to PwBDs.
- ii. Central Government on 04.01.2021 notified 3566 suitable posts in Central Government establishments (CGEs).
- iii. State Governments being the appropriate Government for identifying suitable posts w.r.t. State Government Establishments (SGEs). There are many complaints related to non-compliance of the Section 34 of the RPwD Act, 2016 both in CGEs and SGEs

The Board recommended to all States/UTs to:

- a) implement reservation provisions of RPwD Act, 2016 in letter and spirit.
- b) complete the exercise of identification of posts suitable for various categories of persons with disabilities at earliest, if not yet, done so; and
- c) conduct training of the State Government officials of various organisations and sensitizing them about the provisions of reservation for PwDs and the process of identifying suitable posts for persons with

benchmark disabilities on the lines of list notified by Central Government on 04.01.2021.

Agenda 3: WP 29329 of 2021 Seema Girija Lal vs Union of India

In the Writ Petition (Civil) No. 29329 of 2021 filed by Ms. Seema Girija Lal against Union of India and others, the Hon'ble Supreme Court of India categorically directed the State Governments to ensure appointment of the Commissioners by 31st August 2023 and ensure compliance with the provisions of the RPwD Act, 2016. The Board recommended to all States/UTs to complete the compliance as per Hon'ble Supreme court order. Order of the Hon'ble Court is at **Annexure III**.

Agenda Item No. 4: Supreme Court Matter Contempt Petition No. 1653 of 2018 arising out of W.P. (C) No. 412 of 2016 - Shri Gaurav Bansal Vs Shri Dinesh Kumar & Others.

- i. In 2016, PIL filed in the Supreme Court seeking intervention for rehabilitation of persons with mental illness who have been cured but languishing in various mental health care institutions.
- ii. As per Hon'ble Court's directions, DEPwD developed the dashboard titled as 'Manoashraya'. capture data on RH/HH covering:- availability of institutions, facilities provided capacity and occupancy, region-wise distribution (State-wise). Order of the Hon'ble Court is at **Annexure IV**.
- iii. The Dashboard is linked with Tele-MANAS of MoHFW.
- iv. The matter is listed for hearing on 19.01.2024.

The Board recommended to the States/UTs to ensure

- a) that there is no duplicity in the data filled in the Manoshrava.
- b) that the detail be updated regularly in the Manoshrava.
- c) regular monitoring and inspection of MHI/RH/HH; and
- d) that the persons who have been successfully cured of mental illness are not languishing in the MHI and are rehabilitated in the RH/HH.

Agenda Item 5: Status of implementation of Accessible India Campaign including notification of sector specific accessibility standards.

The presentation mainly highlighted the achievements of the Campaign in respect of Buildings, transportation and Website accessibility followed with the latest status of the formulation of the sector specific accessibility guidelines/standards.

I. The following were the points highlighted in respect of Buildings :

- A total of 623 Buildings are made accessible (i.e. 47.5% of 1341 funded buildings) of 21 States/UTs
- A total of 1100 Central Government Building made accessible

II. The following were the points highlighted in respect of transportation :

- All 35 International Airport and 55 out of 69 Domestic Airports are made accessible
- Out of 1,45,747 buses, 42,348 (29.05%) buses are partially accessible, and 8,695 (5.96%) buses are fully accessible. Out of 3533 bus station, 3120 are made accessible in respected to 24 States/UTs
- Fully accessible Railway Stations = 709 (Type A1, A & B)
- Partially accessible Railway Stations = 50%

III. The following were the points highlighted in respect of Websites :

- Total 767 both Central and State Govt. websites have been made accessible.
- 19 news channels having telecasted 2447 accessible news bulletin and in General Entertainment Category (GEC), 17 channels have telecast 3686 accessible scheduled programs/movies.

IV. Status of sector specific guidelines of 20 Ministries/Departments

Out of 20 Ministries/Departments, 07 Ministries/Departments with guidelines have been notified under Rule 15 of the Right of Persons with Disabilities (Amendment) Rules 2023, followed by 03 Ministries/Departments that have adopted the guidelines of other

Ministries/Departments. Furthermore, 03 Ministries/Departments are under draft and final notification stage at DEPwD level whereas, remaining Ministries/Departments with guidelines are awaited for notification in the official gazette by the concerned Ministry/Department.

The Board recommended to all States/UTs to:

- a) submit pending utilization certificated or initiate the process of refunding the unutilized amount in Central Nodal Accounts
- b) submit the information regarding the websites made accessible by ERNET India in response to the letter issued to all Principal Secretaries of Social Welfare departments
- c) consider the grievances received for the inaccessible built environment and take necessary action in this matter considering the mandatory provision of RPwD Act, 2016 in terms of providing accessible infrastructure.
- d) take immediate action for compliance of Section 45(1) of the RPwD Act, 2016 which mandates that all the existing public buildings be made accessible within a period of 5 years from the date of notification of accessibility standards i.e. by 14.06.2022.
- e) adopt and ensure the implementation of the sector specific accessibility guidelines notified under Rules 15 of the RPwD (Amendment) Rule, 2023 in the concerned domain

The Board further recommended to all 20 Ministries/Departments to

- ensure the compliance audit of the provisions of Ministries/Department's respective sector specific guidelines, timely to monitor the 100% accessibility and prevent any discrepancy on ground.
- expedite notification of their sector specific accessibility standards so that the same could be included under the RPwD Rules, by DEPwD.
- Ministry of Railway and Civil Aviation may make the remaining railway stations and airports completely accessible.

Agenda 6 : Status of implementation of the UDID project including linkage of UDID to various schemes and programmes of Central Ministries/Departments and States/UTs

- I. Highlighting the importance of the UDID Project, it was stated that the UDID project is being implemented since 2016-17 with a view to creating a National Database for PwDs and also to issue Unique Disability ID cards to each PwD.
- II. Department mandated requirement of UDID cards for availing benefits under schemes of Department including associated organizations.
- III. So far more than 1.04 crore lakh e-UDID cards generated. However the States/UTs were requested to bridge the gap of 60 lakh UDID card certification.

The Board recommended to all States/UTs to expedite the process of digitization of manual certificate of disability issued earlier and to develop joint coordination mechanism at the district level to implement the project on campaign mode to achieve saturation. Further, to link their schemes with UDID.

Agenda Item No. 7: Review of the major Schemes / Programmes of the Department

- i. Assistance to Disabled Persons for Purchase / Fitting of Aids and Appliances (ADIP)
 - ii. Scholarship Scheme for Students with Disabilities
 - iii. Deendayal Divyangjan Rehabilitation Scheme (DDRS)
 - iv. National Action Plan for Skill Development of Persons with Disabilities under Scheme for Implementation of Persons with Disabilities Act (SIPDA)
 - v. Research on Disability related Technology, Products and Issues under SIPDA Scheme
- I. Highlighting a record-high annual budget, both the Department and ALIMCO reported significant budget increases. Currently, 103 ALIMCO centres are operational nationwide.

- II. Concerns were raised about the Scholarship Scheme, particularly in the Northern Eastern Regions where students are reportedly not receiving scholarships. There was a call to promote Overseas Schemes among Persons with Disabilities (PwDs) to encourage applications for studying abroad.
- III. Regarding DDRS, States were urged to actively participate, considering the allocated budget of 650 crores this year. The emphasis was on establishing at least one center at the district level. The Board was informed about a letter from the Department requesting space for ALIMCO at district hospitals, seeking state cooperation and coordination.
- IV. For Research and Development, States were urged to foster a research culture, with the department offering assistance.

The Board recommended to all States/UTs to popularise these schemes and encourage reputed organisations to apply for grant-in-aid as per eligibility criteria.

Agenda item 8: Review of the National Institutes under Department

The presentation focused on the nine National Institutes (NIs) operating under the Department, each accompanied by its respective Composite Regional Centers (CRCs). It was highlighted that currently, no CRCs are associated with the Indian Sign Language Research and Training Center (ISLRTC) and the National Institute of Mental Health Rehabilitation (NIMHR). Presently, only 25 CRCs are operational throughout India, underscoring the pressing need to establish additional CRCs.

Recognizing the importance of expanding CRCs, the Board recommended to State/UTs to contribute available land or space within their regions for the establishment of CRCs, with the emphasis on providing such resources free of cost. This collaborative effort aims to facilitate the establishment of a greater number of CRCs to address the evolving needs and demands effectively, Guidelines for establishment of CRCs is at **Annexure V**.

Agenda 9: Organizing ‘Purple Fest by all States/UTs on annual basis for inclusion and empowerment of persons with disabilities

Purple fest is an inclusive event organized by the Govt. of Goa in the first week of January. The event aimed at showcasing inclusive world of Persons with Disabilities by organizing various events, workshops, showcasing potential of PwDs and way ahead for their inclusion. On similar lines, Jammu and Kashmir have also organized event from 28-29th Dec 2023. Similarly, this Department have organized 8 Divya Kala Shakti and 11 Divya Kala Mela across the country.

The Board recommended to all States/UTs to organize such events on the lines of purple fest and ensure that the best practices and innovative intervention aimed at inclusion of PwDs are adequately shared amongst other States/UTs for multiplier effect.

Agenda 10: New Initiatives of the Department

- I. New initiatives ranging across different schemes and divisions of the department were highlighted such as;
 - a. **Modernisation of ALIMCO:**
 - New models of aids and ADs launched
 - IIT and NID collaboration
 - Massive Footprint expansion
 - b. **National Trust:**
 - Paperless process for all schemes/activities
 - UDID linkage for Niramya scheme
 - Mentors Training Program on Self Advocacy for Divyangjan
 - c. **National Divyangjan Finance and Development Corporation:**
 - Divya Kala Mela across country to encourage entrepreneurs
 - Collaboration with Entrepreneurship Development Institute of India
 - Full database compilation for post loan tracking of business
 - d. **Accessible India Campaign :**

- Memorandum of Understanding with Council of Architecture - Universal accessibility auditor course.
 - Making 75 pilgrimage places accessible for PwDs.
 - Training of State officer for universal accessibility
- e. PM-DAKSH – Skilling for PwDs.
 - f. Online case monitoring for CCPD.
 - g. Publication of Pathways to access – Court orders on disability rights.
 - h. Release of UDID aggregated data of PwDs.
 - i. 4th ISL dictionary of 10,500 words launched.
 - j. 2 new CDEICs at NIMHR and CRC Gorakhpur sanctioned.
 - k. 4 new CRCs at Jammu, Chattarpur, Madurai and Jaipur approved.
 - l. Indian Test of Intelligence developed by NIEPID and validated by MoH&FW dedicated to the nation and UDID cards generated based on test.
 - m. Education and clinical services made free of cost for PwDs in all Ns & CRCs.
- II. The CAB was requested to take note to the initiatives and encouraged the States and UTs to give visibility to the initiatives.

Agenda item 11: Developing dedicated schemes to provide high support to persons with benchmark disabilities having such needs in terms of RPwD (Amendment) Rules, 2019

The presentation highlighted few points which are as follows:

- I. The Government notified the RPwD (Amendment) Rules, 2019 on 08.03.2019 inserting therewith Chapter VA which relates to persons with benchmark disability requiring high support.
- II. Rule 14A (9) of these Rules provides that the State Government/UT may develop dedicated schemes to provide high support to such persons with benchmark disabilities.

III. Most of the States/UT have not developed any scheme/programmes for persons with benchmark disability requiring high support.

Central Advisory Board urged to all States/UTs to develop dedicated schemes to provide high support to such persons with benchmark disabilities.

Agenda Item No. 12: The utilisation of the 'Biometric Exception' provision for Aadhaar Cards, specifically addressing Persons with Disabilities (PwDs) unable to provide fingerprints.

Under this agenda following are the points that were highlighted;

- i. The Parliamentary Standing Committee in its 45th Report dated April 2023 *inter alia* mentioned about the difficulties faced by persons with particular type of disability due to which they are unable to provide their finger prints and get the Aadhar card.
- ii. The Committee was informed that there is a provision of Biometric exception for such persons.
- iii. The Committee desired the issue to be placed before the Central Advisory Board.
- iv. DEPwD *vide* letter dated June 2023 requested Unique Identification Authority of India to create awareness about the provision of Biometric Exception amongst the implementation authorities so that the benefits of the said provision is made available to the concerned persons

The Board took note of the action taken by DEPwD and also urged Unique Identification Authority of India to take up the matter on a priority basis.

10. The meeting ended with a vote of thanks by Shri Rajesh Yadav, Joint Secretary, DEPwD.

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List of Participants

1. **Dr. Virendra Kumar, Hon'ble Minister (SJE), Chairperson**

Hon'ble Minister of States/UTs

2. Dr. M. Mathiventhan, Hon'ble Minister, Govt. of Tamilnadu
3. Shri Narendra Kashyap, Hon'ble Minister, Govt. of Uttar Pradesh
4. Shri Subhash Phal Dessai, Hon'ble Minister for Social Welfare, Govt. of Goa

Central Ministries/Department/Organizations

5. Shri. Partha Kansabanik, Deputy Secretary, Department of Higher Education, Ministry of Education, Govt. of India, New Delhi
6. Shri Divyansh Shukla, Deputy Director, Ministry of Finance, Govt. of India, New Delhi
7. Shri Virender Prasad, DDG, Department of Telecommunication, Ministry of Communication, Govt. of Delhi, New Delhi
8. Shri Sandeep Saxena, Deputy Secretary, Department of Personnel & Training (DoPT), New Delhi
9. Shri Moti Ram, Assistant Commissioner, Department of Rural Development, New Delhi
10. Shri Susheel Kumar Kalra, Director, Department for Promotion of Industry and Internal Trade, Govt. of India.
11. Shri Rakesh Kumar, Deputy Secretary, Ministry of Education, New Delhi

12. Shri G.S Chauhan, Joint Secretary, University Grants Commission, New Delhi.
13. Ms. Archana Rastogi, Young Professional, NITI Aayog, New Delhi
14. Dr. Muniraju S.B., Deputy Adviser, NITI AAYOG
15. Shri R. A. Meena, General Manager (HR), Ministry of Civil Aviation, Govt. of India
16. Ms. Meetal Bahl, SM (HR), Ministry of Civil Aviation, Govt. of India
17. Shri Navdeep, AM (HR),), Ministry of Civil Aviation, Govt. of India
18. Shri E. Robert Singh, Joint Secretary, Ministry of Health and Family Welfare, New Delhi
19. Prof. S.C. Chauhan, Professor & Head, NCERT
20. Prof. Vinay Singh, Professor, NCERT
21. Shri Paresh Goel, Director, Ministry of Road Transport and Highways, New Delhi
22. Dr. Shikha Anand, Director, Ministry of Labour & Employment, New Delhi
23. Shri Naveen Malik, Under Secretary, National Council for Teacher Education, New Delhi
24. Shri Navendra Singh, Director, Ministry of Women and Child Development, Govt. of India
25. Shri R.K. Sinha, Senior Architect, Central Public Work Department (CPWD), Nirman Bhawan, New Delhi
26. Shri B.S. Khola, Section Officer, Ministry of Panchayati Raj, Govt. of India.

27. Dr. Mrs. Anita Aggarwal, Head (SEED), Department of Science and Technology, Govt. of India
28. Shri U.K Tiwari, Director, Ministry of Railways, Govt. of India.
29. Shri M.K. Meena, Joint Director, Ministry of Railways, Govt. of India.
30. Shri Vivek Pandey, Section Officer, Ministry of Railways, Govt. of India
31. Shri Srinivas Malladi, Director, Railway Board, New Delhi
32. Dr. Arunangshu Sarkar, Executive Director, Health (General), Ministry of Railway. Govt. of India
33. Shri Sumeet Singh, DTC/G, Railway Board, New Delhi
34. Shri Ashish Sodhi, Assistant Section Officer, Ministry of Railways, Govt. of India
35. Smt. A. Srija, Economic Advisor, Department of School Education & Literacy, Govt. of India

States/UTs

36. Smt. Jayashree Muralidharan, Secretary, Directorate for Welfare of the Differently Abled, Govt. of Tamil Nadu
37. Shri Rakesh Kumar, Deputy Director, Empowerment of Persons with Disabilities Department, Govt. of Uttar Pradesh
38. Dr. Palika Arora, PCS, Department of Social Welfare, Women & Child Development, Govt. of Chandigarh
39. Shri Sham Rawat, Senior Assistant, Department of Social Welfare, Women & Child Development, Govt. of Chandigarh
40. Shri Vyomesh Bharat, State Coordinator, UDID, Govt. of UT, DNH & DD
41. Sh. Manoj Kumar Pandey, Director-cum- Deputy Secretary (Social Welfare and Women & Child Development), Govt. of UT, DNH & DD

42. Dr. Suman Bali, Deputy Director, Department of Health & Family Welfare, Govt. of Punjab
43. Smt. Alka Yadav, Joint Director, Department of Social Justice & Empowerment, Govt. of Haryana
44. Shri P.N. Pradhan, Assistant Commissioner, Women & Child Development Department, Govt. of Sikkim
45. Smt. Kiranbala Sahoo, Special Educator, Saksham, Govt. of Odisha
46. Sh. M.V. Chandrakanth, Director, Department for the Empowerment of Differently Abled and Senior Citizens, Govt. of Karnataka
47. Sh. M. Ramesh, Assistant Director, Department for the Empowerment of Differently Abled and Senior Citizens, Govt. of Karnataka
48. Shri Sandeep Kumar, Deputy Director, Social Justice and Empowerment Department, Govt. of Rajasthan.
49. Ms. Padma Angmo, Commissioner/Secretary, Social Welfare Department, Govt. of UT of Ladakh
50. Shri U.S. Shah, Assistant Director, Social Welfare Department, Govt. of UT of Ladakh
51. Shri Rajender, Assistant Director, Social Welfare Department, Govt. of UT of Telangana
52. Ms. Rajlakhi Deora, Deputy Director cum Principal, Govt. of Assam
53. Ms. Rachna Sharma, Secretary, Department of Social Welfare, Govt. of UT of Jammu & Kashmir
54. Shri Pankaj Verma, Additional Director, Social Welfare Department, Govt. of Chhattisgarh
55. Shri Nachikee, District Social Welfare Office, Govt. of Jharkhand.
56. Smt. S. Ghosh, Principal Secretary, Women and Child Development and Social Welfare, Govt. of West Bengal

57. Shri A. Abdul Aziz, Sr. Investigator, Social Welfare Department, Govt. of UT of Andaman & Nicobar.
58. Shri Chetan Kumar Meena, Additional Resident Commissioner, Social Justice Department, Govt. of Kerala
59. Shri Kaushal Kishore, Director, Social Welfare Department, Govt. of Bihar
60. Smt. Bridget. Warshong, Deputy Commissioner for Persons with Disabilities, Govt. of Meghalaya
61. Shri Deepak Routnar, Additional Secretary, Social Security & Empowerment of Persons with Disabilities Department, Govt. of Odisha
62. Shri Varinder Singh, District Social Security Officer (DSSO), Govt. of Punjab.
63. Dr. Rachna Bhardwaj, Suptd. Social Welfare Department, Delhi
64. Shri Shrikant Avhad, Govt. of Maharashtra
65. Shri Pravin Puri, Govt. of Maharashtra
66. Ms. Kamakshi S, Member, Govt. of Tamilnadu
67. Shri Jalaja.S., Social Justice Department, Govt. of Kerala

Nominated Members

68. Shri Kamla Kant Pandey, Uttar Pradesh
69. Dr. Asa Gopalkrishnan, Kerala
70. Shri P.D. Purohit, Gujarat
71. Dr. Uday Prakash Warunjikar, Maharashtra
72. Dr. Sushma Goudiyal , Uttar Pradesh

- 73.Dr. Dayal Singh Pawar, New Delhi
- 74.Shri Umesh Narayan Andhare, Maharashtra
- 75.Shri Ajeetsingh Mahavirsingh Shekhawat, Gujarat
- 76.Shri Suresh Manohar Patil, Maharashtra
- 77.Shri S. Govind Raj, Tamil Nadu
- 78.Shri Jaysingh Krushnaraoji Chavan, Maharashtra
- 79.Shri Kumar Pal Mehta, New Delhi
- 80.Dr. A M, Wachasunder , Maharashtra
- 81.Dr. Sushma Godiyal, Uttar Pradesh

Officers of DEPwD

- 82.Shri Rajesh Aggarwal, Secretary, DEPwD
- 83.Shri Rajesh Kumar Yadav, Joint Secretary, DEPwD
- 84.Shri Rajeev Sharma, Joint Secretary, DEPwD
- 85.Shri Kishor Baburao Surwade, Deputy Director General
- 86.Dr. Honnareddy N, Director
- 87.Shri Nithali Ram, DS
- 88.Shri Sunil Kumar Mahto, DS
- 89.Ms. Ipsita Mitra, DS
- 90.Shri Suresh Chand Tamta, DS

91. Ms. Anita Meena, US
92. Shri Sandeep Kumar, US
93. Shri Anupam Shukla, US
94. Shri Ram Charan Meena, US
95. Shri Jasbir Singh, US
96. Sh. Hem Chandra Jha, US

National Institutes & Autonomous Organizations under DEPwD

97. Shri Praveen Prakash Ambashta, Dy. Chief Commissioner for Persons with Disabilities, O/o Chief Commissioner for Persons with Disabilities
98. Shri Vikas Trivedi, Dy. Chief Commissioner for Persons with Disabilities, O/o Chief Commissioner for Persons with Disabilities
99. Dr. Sharanjeet Kaur, Chairperson, Rehabilitation Council of India
100. Shri Naveen Kumar Shah, Chief Managing Director, National Divyangjan Finance and Development Corporation, Delhi
101. Dr. Patitapaban Mohanty, Director, SVNIRTAR, Cuttack
102. Shri Nachiketa Rout, Director, NIEPMD, Chennai
103. Shri Lalit Narayan, Director, NILD, Kolkata
104. Dr. Raju Arakh, Director, AYJNISHD, Mumbai.
105. Shri Manish Verma, Director (offg), NIEPVD, Dehradun
106. Shri B.V. Ram Kumar, Director (offg), NIPEID, Secunderabad.
107. Shri Sanjoy Shankar, Deputy Director, ISLRTC, Delhi

108. Shri Akhilesh Kumar Shukla, Deputy Director, PDUNIPPD, Delhi
109. Shri Rajesh Sachdeva, Deputy Director, National Trust, New Delhi.
110. Shri Navnit Kumar, Program Officer, National Trust, New Delhi.
111. Shri Harish Soni, Assistant Professor-Sign Linguistics (Deaf Studies), ISLRTC, Delhi
112. Shri Ajay Chaudhary, General Manager (Marketing), ALIMCO, Kanpur, Uttar Pradesh.
113. Shri Rajesh Das, Officer Prosthetics and Orthotics Officer, ALIMCO, Kanpur, Uttar Pradesh.
114. Ms. Priyanka Singh, Jr. Manager – Prosthetics and Orthotics Officer, ALIMCO, Kanpur, Uttar Pradesh.

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Sixth Meeting of the Central Advisory Board on Disability

Presentation on agenda items

27th December, 2023

DAIC, New Delhi



Agenda at a glance

Item No.	Agenda
1 (A) & (B)	Confirmation of the Minutes of last meeting held on 24.06.2022 & action taken.
2	Identification of posts for PwBDs in State Government Establishments by States/UTs.
3	WP 29329 of 2021: Seema Girija Lal vs Union of India.
4	Contempt Petition No. 1653 of 2018 : Shri Gaurav Bansal Vs Shri Dinesh Kumar & Others.
5	Status of implementation of AIC including notification of sector specific accessibility standards.
6	Status of implementation of the UDID project including linkage of UDID to various schemes and programmes of Central Ministries/Departments and States/UTs.
7 & 8	Review of the major Schemes/Programmes and National Institutes of the Department.
9	Organizing 'Purple Fest' like events by all States/UTs on annual basis.
10	New Initiatives.
11	Developing dedicated schemes to provide high support to PwBDs having such needs.
12	Use of the provision of 'Biometric Exception' for Aadhaar Card in case of such PwDs who are unable to provide their finger prints.
13	Any other matter with the permission of the Chair.

Agenda item 1: Confirmation of the Minutes of last meeting held on 24.06.2022 and Action Taken report on its recommendations



Agenda 1 (A) & (B)

Agenda	Details
Confirmation of the Minutes of the fifth meeting held on 24.06.2022	<ul style="list-style-type: none">Minutes circulated on 22.07.2022.
Action taken on decisions of the Central Advisory Board on Disability in its 5th meeting held on 24.06.2022	<ul style="list-style-type: none">Detailed agenda containing action taken circulated on 13.12.2023.Hon'ble Members may give their observations.

▶ **Central Advisory Board may confirm the minutes of the last meeting of CAB held on 24.06.2022.**

**Agenda item 2: Identification of posts for persons with
benchmark disabilities in State Government
Establishments by States/UTs**



Agenda 2 - Identification of posts for persons with benchmark disabilities in State Government Establishments by States/UTs

- ▶ Section 34 of the RPwD Act, 2016, provides reservation of 4% in vacancies in Government establishments to PwBDs.
- ▶ Central Government on 04.01.2021 notified 3566 suitable posts in Central Government establishments (CGEs).
- ▶ State Governments are the appropriate Government for identifying suitable posts w.r.t. State Government Establishments (SGEs).
- ▶ There are many complaints related to non compliance of the Section 34 of the RPwD Act, 2016 both in the CGEs and SGEs.

- ▶ **The Central Advisory Board may deliberate on this issue and urge the States/UTs to:**
 - ❖ implement reservation provision of RPwD Act, 2016 in letter and spirit;
 - ❖ complete the exercise of identification of posts suitable for various categories of persons with disabilities at earliest, if not yet, done so; and
 - ❖ conduct training of the State Government officials of various organisations and sensitizing them about the provisions of reservation for PwDs and the process of identifying suitable posts for persons with benchmark disabilities on the lines of list notified by Central Government on 04.01.2021.

**Agenda item 3: WP 29329 of 2021 Seema Girija Lal vs
Union of India**



Agenda 3 - WP 29329 of 2021 Seema Girija Lal vs Union of India

- ▶ In the Writ Petition (Civil) No. 29329 of 2021 filed by Ms. Seema Girija Lal against Union of India and others, the Hon'ble Supreme Court of India categorically directed the State Governments to ensure appointment of the Commissioners by 31st August 2023 and ensure compliance with the provisions of the RPwD Act, 2016.
- ▶ The case is next listed for hearing on 22nd January, 2024.

▶ **The Central Advisory Board may recommend all States/UTs to complete the compliance as per Hon'ble Supreme court order before 10th January, 2024.**

- ▶ **Information as obtained from States/UTs regarding compliance of provisions of RPwD Act, 2016 :**
 - ❖ 34 States/UTs except **Ladakh and Maharashtra** notified RPwD Rules.
 - ❖ 34 States/UTs **except Dadar & Nagar haveli & Daman & Diu and Ladakh** constituted State Advisory Boards.
 - ❖ 35 States/UTs except **Ladakh** constituted District level Committees.
 - ❖ 34 States/UTs except **Arunachal Pradesh and West Bengal** designated Special Courts.
 - ❖ 27 States/UTs except **Andhra Pradesh, Andaman & Nicobar Islands, Chandigarh, Chhatisgarh, Himachal Pradesh, Jharkhand, Lakshdweep, Punjab, and Tripura** have independent Commissioners for PwDs.
- ▶ **Many States are yet to ensure compliance for many other provisions of RPwD Act, 2016 namely :**
 - ❖ Appointment of Public Prosecutor
 - ❖ Appointment of Nodal Officer in District Education office
 - ❖ Constitution of Assessment Board for high support needs
 - ❖ State fund for PwDs
 - ❖ Designated authority to provide limited guardianship
 - ❖ Appointment of authority for registration of institutions working in disability sector

❖ **States may update latest position.**

**Agenda item 4: Contempt Petition No. 1653 of 2018 arising
out of W.P. (C) No. 412 of 2016 - Shri Gaurav Bansal Vs
Shri Dinesh Kumar & Others**



Agenda 4 - Contempt Petition No. 1653 of 2018 - Shri Gaurav Bansal Vs Shri Dinesh Kumar & Others

- ▶ In 2016, PIL filed in the Supreme Court seeking intervention for rehabilitation of persons with mental illness who have been cured but languishing in various mental health care institutions.
- ▶ As per Hon'ble Court's directions, DEPwD developed the dashboard titled as '**Manoashraya**'. capture data on RH/HH covering:- availability of institutions, facilities provided capacity and occupancy, region-wise distribution (State-wise).
- ▶ The Dashboard is linked with **Tele-MANAS** of MoHFW.
- ▶ The matter is listed for hearing on 19.01.2024.

- ▶ **The Central Advisory Board may deliberate on this issue and may advise the States/UTs to ensure:**
 - ❖ that there is **no duplicity** in the data filled in the Manoshraya;
 - ❖ that the details be updated regularly in the Manoshraya;
 - ❖ that the regular **monitoring and inspection** of MHI/RH/HH; and
 - ❖ that the persons who have been successfully cured of mental illness are not languishing in the MHI and are rehabilitated in the RH/HH.

**Agenda item 5: Status of implementation of
Accessible India Campaign including notification of
sector specific accessibility standards**



Achievements of the Campaign



- Completed Buildings 623 (47.5% of 1341 funded buildings) of 21 States/Uts
- All 1100 Central Government Building made accessible

- All 35 International Airport and 55 out of 69 Domestic Airports are made accessible
- Out of 1,45,747 buses, 42,348 (29.05%) buses are partially accessible, and 8,695 (5.96%) buses are fully accessible. Out of 3533 bus station, 3120 are made accessible in respected to 24 States/Uts
- Fully accessible Railway Stations = 709 (Type A1, A & B)
- Partially accessible Railway Stations = 50%

- Total 767 both Central and State Govt. websites have been made accessible.
- 19 news channels having telecasted 2447 accessible news bulletin and in General Entertainment Category (GEC), 17 channels have telecast 3686 accessible scheduled programs/movies.

- CAB may urge to all State/UT Governments**
 - To submit **pending UCs** or initiate the process of refunding the unutilised amount. Also to utilise the unutilised amount in CNA account or refund the same.
 - To submit the information regarding websites made accessible by ERNET India in response to the letter issued to all Principal Secretaries of Social Welfare departments vide letter dated 30.11.2023
 - To consider the grievances received for the inaccessible built environment and take necessary action in this matter considering the mandatory provision of RPwD Act, 2016 in terms of providing accessible infrastructure.
 - To take immediate action for compliance of Section 45(1) of the RPwD Act, 2016 which mandates that all the existing public buildings be made accessible within a period of 5 years from the date of notification of accessibility standards i.e. by 14.06.2022.

Status of Sector Specific Guidelines of 20 Ministries/Departments

Status	Total Count
Guidelines of Ministries notified under Rule 15 of RPwD Rules	07
Ministries/Departments which have adopted the guidelines/standards of other Ministry/ Department notified under Rule 15 of the RPwD Rules.	03
Guidelines of Ministries/Departments at draft and final stage notification (with DEPwD)	03
Guidelines of Ministries/Departments awaited for notification by their concerned Ministry/Department	07
Total	20

- ***CAB may urge State/UT Governments***

- To adopt and ensure the implementation of the sector specific accessibility guidelines notified under Rules 15 of the RPwD (Amendment) Rule, 2023 in the concerned domain

- ***CAB may urge all the Ministries/Departments***

- To ensure the compliance audit of the provisions of Ministries/Department's respective sector specific guidelines, timely to monitor the 100% accessibility and prevent any discrepancy on ground.
- To expedite notification of their sector specific accessibility standards so that the same could be included under the RPwD Rules, by DEPwD.
- Ministry of Railway and Civil Aviation may make the remaining railway stations and airports completely accessible.



Agenda item 6: Status of implementation of the UDID project including linkage of UDID to various schemes and programmes of Central Ministries/Departments and States/UTs

Agenda 6 : Status of implementation of the UDID project including linkage of UDID to various schemes and programmes of Central Ministries/Departments and States/UTs



- ▶ UDID project being implemented since 2016-17 with a view to creating a National Database for PwDs and also to issue Unique Disability ID cards to each PwD.
- ▶ So far more than [1.04 crore lakh e-UDID cards](#) generated.
- ▶ Department mandated requirement of UDID cards for availing benefits under schemes of Department including associated organizations.
- ▶ There is less progress in digitization of the manual certificate of Disability issued earlier by the States/UTs on the UDID portal – [State-wise pendency position](#)

▶ The Board may urge :-

- ❖ States/UTs to expedite the process of digitization of manual certificate of disability issued earlier;
- ❖ the States/UTs to develop joint coordination mechanism at the district level to implement the project on campaign mode to achieve saturation; and
- ❖ States/UTs to link their schemes with UDID.

**Agenda item 7: Review of the major Schemes/Programmes
of the Department**



Major Schemes implemented by DEPwD

- ❖ **Assistance to Disabled Persons for Purchase/ Fitting of Aids and Appliances (ADIP)** to ensure physical, social, educational, economic and psychological empowerment of Divyangjan through aids and assistive devices: **Annual Budget ~ 275 Cr.** – [Map of ALIMCO distribution and repair centers.](#)
- ❖ Umbrella scheme ‘**Scholarships for Students with Disabilities**’ to facilitate educational empowerment of Students with Disabilities particularly from economically weaker sections for their social and economic empowerment : **Annual Budget ~ 155 Cr.** – [6 Schemes.](#)
- ❖ **Deendayal Divyangjan Rehabilitation Scheme** to provide grant-in-aid to NGOs for 8 model projects relating to rehabilitation of persons with disabilities: **Annual Budget ~ 130 Cr.** – [Map of DDRS.](#)
- ❖ **National Action Plan for skill development of PwDs** implemented since 2015, focussed on skilling of PwDs of 21 disability types from the age group 15 to 59 for 200+ NCVET approved courses. This scheme is now implemented through PM-DAKSH : **Annual Budget ~ 56 Cr.**
- ❖ **Research on Disability related Technology, Products and Issues** : **Annual Budget ~ 2.37 Cr.**

▶ **States/UTs may popularize these schemes and encourage reputed organisations to apply for grant-in-aid as per eligibility criteria.**

**Agenda item 8: Review of the National Institutes under
Department**



National Institutes under DEPwD – [Map of NIs](#)

S. N.	Name of National Institutes	Disability Specialization	Year of set up	Composite Regional Centers
i.	Pt. Deendayal Upadhyaya National Institute for Persons with Physical Disabilities (PDUNIPPD), New Delhi	Locomotor	1975	Lucknow, Srinagar and Jammu
ii.	Swami Vivekanand National Institute of the Rehabilitation Training and Research (SVNIRTAR), Cuttack	Locomotor	1975	Guwahati, Ranchi, Balangir and Imphal
iii.	National Institute for Locomotor Disabilities (NILD), Kolkata	Locomotor	1978	Patna, Naharlagoon & Agartala
iv.	National Institute for the Empowerment of Persons with Visual Disabilities (NIEPVD), Dehradun	Visual	1979	Sundernagar, Gorakhpur, Gangtok and Jaipur
v.	Ali Yavar Jung National Institute of Speech and Hearing Disabilities (AYJNISHD), Mumbai	Speech and Hearing	1983	Bhopal, Ahmedabad, Chattarpur and Nagpur
vi.	National Institute for the Empowerment of Persons with Intellectual Disabilities (NIEPID), Secunderabad	Intellectual	1984	Nellore, Davangere and Rajnandangaon
vii.	National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD), Chennai	Multiple	2005	Kozhikode, Shillong, Madurai and Port Blair
viii.	Indian Sign Language Research & Training Centre (ISLRTC), New Delhi	Sign Language	2015	None
ix.	National Institute of Mental Health and Rehabilitation (NIMHR), Sehore	Mental Health	2019	None

Agenda item 9: Organizing ‘Purple Fest by all States/UTs on annual basis for inclusion and empowerment of persons with disabilities



Organizing 'Purple Fest' by all States/UTs

- ▶ The Purple Fest was an inclusive event organised by the Govt. of Goa between 06th – 08th January, 2023.
- ▶ This fest is also being organised in Jammu (28-29 Dec, 2023) and Goa (8 Jan-13 Jan, 2024).
- ▶ The event aimed at showcasing how everyone can come together to create a welcoming and inclusive world for PwDs.
- ▶ The Government of India also organised following events for showcasing the latent potential of PwDs and way ahead for their inclusion :
 - ❖ **Divya Kala Shakti – 8 events**
 - ❖ **Divya Kala Mela – 11 events**

▶ **The Central Advisory Board may advise States/UTs to:**

- ❖ States may organise events on the lines of purple fest; and
- ❖ ensure that the best practices and innovative intervention aimed at inclusion of PwDs are adequately shared amongst other States/UTs for multiplier effect.



Agenda item 10: New initiatives by DEPwD



New Initiatives



▶ Modernisation of ALIMCO:

- ❖ New models of aids and ADs launched
- ❖ IIT and NID collaboration
- ❖ [Massive Footprint expansion](#)

▶ National Trust:

- ❖ Paperless process for all schemes/activities
- ❖ UDID linkage for Niramya scheme
- ❖ Mentors Training Program on Self Advocacy for Divyangjan

▶ National Divyangjan Finance and Development Corporation:

- ❖ Divya Kala Mela across country to encourage entrepreneurs
- ❖ Collaboration with Entrepreneurship Development Institute of India
- ❖ Full database compilation for post loan tracking of business

▶ Accessible India Campaign :

- ❖ Memorandum of Understanding with Council of Architecture - Universal accessibility auditor course.
- ❖ Making 75 pilgrimage places accessible for PwDs.
- ❖ Training of State officer for universal accessibility.

▶ PM-DAKSH – Skilling for PwDs.

▶ Online case monitoring for CCPD.

▶ Publication of Pathways to access – Court orders on disability rights.

▶ Release of UDID aggregated data of PwDs.

▶ 4th ISL dictionary of 10,500 words launched.

▶ 2 new CDEICs at NIMHR and CRC Gorakhpur sanctioned.

▶ 4 new CRCs at Jammu, Chattarpur, Madurai and Jaipur approved.

▶ Indian Test of Intelligence developed by NIEPID and validated by MoH&FW dedicated to the nation and UDID cards generated based on test.

▶ Education and clinical services made free of cost for PwDs in all Ns & CRCs.

The Central Advisory Board may take note of the new initiatives undertaken by this Department and urge States/UTs to popularize these new initiatives.

Agenda item 11: Developing dedicated schemes to provide high support to persons with benchmark disabilities having such needs in terms of RPwD (Amendment) Rules, 2019



Dedicated schemes for persons with high support needs



- ▶ The Government notified the RPwD (Amendment) Rules, 2019 on 08.03.2019 inserting therewith Chapter VA which relates to persons with benchmark disability requiring high support.
- ▶ Rule 14A (9) of these Rules provides that the State Government/UT may develop dedicated schemes to provide high support to such persons with benchmark disabilities.
- ▶ Most of the States/UT has not developed any scheme/programmes for persons with benchmark disability requiring high support.

▶ **Central Advisory Board may urge all States/UTs to develop dedicated schemes to provide high support to such persons with benchmark disabilities.**

Agenda item 12: Use of the provision of ‘Biometric Exception’ for Aadhaar Card in case of such PwDs who are unable to provide their finger prints



Biometric Exception' for Aadhaar Card in case of PwDs



- ▶ The Parliamentary Standing Committee in its 45th Report dated April 2023 *inter alia* mentioned about the difficulties faced by persons with particular type of disability due to which they are unable to provide their finger prints and get the Aadhar card.
- ▶ The Committee was informed that there is a provision of Biometric exception for such persons.
- ▶ The Committee desired the issue to be placed before the Central Advisory Board.
- ▶ *DEPwD* vide letter dated June 2023 requested Unique Identification Authority of India to create awareness about the provision of Biometric Exception amongst the implementation authorities so that the benefits of the said provision is made available to the concerned persons.

▶ **Central Advisory Board may take note of the action taken by DEPwD and also urge Unique Identification Authority of India to take up the matter on a priority basis.**

वैष्णव जन तो तेने कहिये जे पीड़ परायी जाणे रे
वैष्णव जन तो तेने कहिये जे पीड़ परायी जाणे रे
पर दुख्खे उपकार करे तोये मन अभिमान ना आणे रे
वैष्णव जन तो तेने कहिये जे पीड़ परायी जाणे रे

Thank You



Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<ul style="list-style-type: none">▶ Agenda no. 1(B)(X) - DEPwD to follow up with Ministry of Health & Family Welfare regarding a Committee to review the assessment guidelines for high support needs. ▶ Agenda No. 2– Compliance of various provisions of the RPwD Act 2016 by the States / UTs – Notification of Rules, appointment of Independent Commissioner, State Advisory Board etc. to be ensured.	<ul style="list-style-type: none">❖ Assessment guidelines for high support needs are currently under review by a Committee constituted by the Director General of Health Services under the Ministry of Health and Family Welfare. ❖ Being placed separately as Agenda Item No. 3.

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Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.

Decisions	Action Taken
<ul style="list-style-type: none">▶ Agenda no. 3 (i) - DEPwD to issue SoP to be followed by other Ministers/Departments while submitting their accessibility standards under RPwD Rules. ▶ Agenda No. 3(ii) – Extension of timelines for completing accessibility in public buildings extended till March 2024.	<ul style="list-style-type: none">❖ SoP issued on 21.07.2022. ❖ States/UTs have been requested to comply with the recommendations of CAB <i>vide</i> letter dated 01.08.2022 followed by subsequent reminders. The States/UTs need to update their position during the meeting.

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Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<p>▶ Agenda no. 3 (iii) - For extension of timeline for making all public buildings accessible, all States/UTs to submit holistic reports with along with an action plan with the proposed period of extension by 31st of July 2022 for consideration under the Department.</p>	<p>❖ Extension request received only from Tamil Nadu, Andhra Pradesh and Kerala. Tamil Nadu granted extension till June, 2023. Andhra Pradesh and Kerala requested to provide detailed action plan which are still awaited.</p>
<p>▶ Agenda No. 3(iv) – State/UT Governments to come out with guidelines for making their websites accessible.</p>	<p>❖ The States/UTs need to apprise the Board in this regard.</p>
<p>▶ Agenda No. 3(v) – MietY needs to check up with NIC with respect to the issues relating to hosting of edited websites.</p>	<p>❖ Under Content Management Framework (CMF) scheme of Meity, out of 100, 95 central government websites made accessible.</p>

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<p>▶ Agenda no. 3 (vi) –The Govt establishments need to involve PwDs while upgrading their websites so as to ensure accessibility.</p>	<p>❖ PwDs were involved during the stakeholder consultation process for finalizing website accessibility standards.</p>
<p>▶ Agenda No. 3(vii) – The States/UTs may consider renewing license of agencies only after ensuring adherence to accessibility standards.</p> <p>▶ Agenda No. 3(viii) – The States/UTs need to undertake programmes for capacity building of urban local bodies about the requirement of adherence to accessibility standards in public buildings.</p> <p style="text-align: right;">Back to Slide 4</p>	<p>❖ Certificate web accessibility course conducted from 21.03.2023 – 23.03.2023 for the Department’s coders, web developers etc.</p> <p>❖ Process of a collaboration with NIC to formulate a certified web accessibility course for preparing pool of web accessibility auditors initiated.</p> <p>❖ Training in collaboration with National CPWD Academy completed during 28-31st August 2023 with participation from 14 States.</p> <p>❖ MoU signed with Council of Architecture regarding the development of certification refresher course for architects</p> <p>❖ EoI floated to empanel access auditors in built-up env.</p> <p>❖ States/UTs may further apprise the Board. Go to Slide 33</p>

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<ul style="list-style-type: none">▶ Agenda no. 4 (i) – States to take immediate measures to enhance the pace of implementation of the UDID project so as to achieve the target of saturation by August, 2022.▶ Agenda No. 4(ii) – States to draw target oriented action plan to clear all pending applications on the UDID Portal and complete the digitization of existing manual certificates on a fast track bases. The States/UTs may link the UDID card with benefit delivery system.▶ Agenda No. 4(iii) – DEPwD to consider making Aadhaar mandatory for issuance of certificate of disability/UDID card.	<ul style="list-style-type: none">❖ So far more than 1.04 crore UDID cards generated. States/UTs may further apprise the Board.❖ Hon’ble MSJE in the meeting taken by him on 6th April 2023 with various Ministries/Departments, also emphasized the need for UDID linkages with government schemes. States/UTs may further apprise the Board.❖ Aadhaar made mandatory for UDID card w.e.f. 8th Aug., 2023.

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<ul style="list-style-type: none">▶ Agenda no. 4 (iv) – DEPwD may approach MoHFW for linking UDID with Ayushman Bharat scheme. The Department may also follow up with Ministry of Railways for giving railway concession on the basis of UDID. ▶ Agenda No. 5(i) – States/UTs to set up DDRCs in all Districts and submit proposals in DEPwD for DDRCs by 31.07.2022. National Institutes to provide guidance to States/UTs in this regard. ▶ Agenda No. 5(ii) – States/UTs to appoint Community Based Inclusive Development (CBID) trained Divyang Mitras in DDRCs. <p>Back to Slide 4</p>	<ul style="list-style-type: none">❖ Consultations with National Health Authority are underway for UDID linkage with Ayushman Bharat. Further, the Department is constantly following up with Ministry of Railway for concession in ticket fare on the basis of UDID card. However, Ministry of Railway is yet to decide in this regard. ❖ States/UTs to apprise the Board. ❖ States/UTs to apprise the Board. <p>Go to Slide 35</p>

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<ul style="list-style-type: none">▶ Agenda no. 5 (iii) – District management team of DDRCs needs to meet regularly to resolve the problem of DDRC for effective functioning.▶ Agenda No. 5(iv) – DEPwD may take a view with respect to the proposals of State Government institutions seeking financial assistance under DDRS/DDRC.	<ul style="list-style-type: none">❖ States/UTs to apprise the Board.❖ Under DDRS Scheme, GIA provided to NGOs for running the projects relating to rehabilitation of PwDs. Under DDRC, District Management Team may opt to run the DDRC or any such autonomous/semi-autonomous bodies of State Govt. Presently many DDRCs are being run by the NGO. In few cases, DDRC is being run by the DMT, being a State Govt. body, itself.

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<ul style="list-style-type: none">▶ Agenda no. 6 (i) – States/UTs to be involved in the process of empanelment of training partners under NAP for Skill Training of PwDs.▶ Agenda No. 6 (ii) – Thrust should be given for providing platform for marketing of the products made by the PwDs.▶ Agenda No. 6 (iii) – Collaboration with corporate houses such FICCI, CII etc. may be explored for ensuring placement. <p style="text-align: center;"><u>Back to Slide 4</u></p>	<ul style="list-style-type: none">❖ This scheme has been revised w.e.f. 01.10.2023. As per new guidelines, this scheme is being implemented through PM-DAKSH portal.❖ Various Divya Kala Mela events organised by NDFDC in which stalls provided to PwDs for marketing of their products.❖ DEPwD signed MoU with Food Industry Capacity and Skill Initiatives, Flipkart and Amazon for Skilling of PwDs to jointly provide skill training and employment opportunities to PwDs in E-commerce sector. Department is also connecting with organizations such as Youth4job for placement related activities to ensure placement of PwDs trained under NAP. <p style="text-align: right;"><u>Go to Slide 37</u></p>

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<p>▶ Agenda no. 6 (iv) – States/UTs to recommend proposals of reputed institutions including their skill training institutions for undertaking skill training programme under NAP.</p>	<p>❖ States/UTs to apprise the Board.</p>
<p>▶ Agenda No. 6 (v) – – It may be made mandatory for Empanelled Training Partners (ETPs) to ensure registration of trainees on UDID portal, if the trainee does not have the UDID card.</p>	<p>❖ UDID Card or UDID enrolment no. made mandatory for all schemes of the Department.</p>
<p>▶ Agenda No. 6 (vi) – DEPwD in consultation with Sector skill Council for PwDs may explore new trades for skill training of PwDs.</p>	<p>❖ Skill Council for Persons with Disabilities customized 311 trades/courses for persons with disabilities.</p>

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<p>▶ Agenda no. 6 (vi) – States/UTs to recommend proposals of reputed institutions including their skill training institutions for undertaking skill training programme under NAP.</p>	<p>❖ States/UTs to apprise the Board.</p>
<p>▶ Agenda No. 6 (v) – – It may be made mandatory for Empanelled Training Partners (ETPs) to ensure registration of trainees on UDID portal, if the trainee does not have the UDID card.</p>	<p>❖ UDID Card or UDID enrolment no. made mandatory for all schemes of the Department.</p>
<p>▶ Agenda No. 6 (vi) – DEPwD in consultation with Sector skill Council for PwDs may explore new trades for skill training of PwDs.</p>	<p>❖ Skill Council for Persons with Disabilities customized more than 250 trades/courses for persons with disabilities.</p>

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<ul style="list-style-type: none">▶ Agenda no. 6 (vii) – Special steps to be taken in promoting skill training for PwDs in North Eastern region. ▶ Agenda No. 7 – The Central Advisory Board urged the members to submit their comments on the draft National Policy and Vision@2047 by 15th July, 2022. <p style="text-align: center;"><u>Back to Slide 4</u></p>	<ul style="list-style-type: none">❖ NAP is a demand driven scheme under which proposals for training of PwDs are received from ETPs. 10% additional cost is provided to the training partners from the North Eastern States for providing training to PwDs in the region. ❖ Vidhi Centre for Legal Policy engaged to analyze public comments and suggest modifications in draft Policy. VIDHI has completed independent legal review of all the comments and presently the process of finalizing draft policy document is underway. ❖ Sectoral Group of Secretaries has taken into account the inputs furnished by this Department on Vision @ 2047 for incorporation in the Vision@2047 document being developed for the welfare sector. <p style="text-align: right;"><u>Go to Slide 40</u></p>

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Decisions	Action Taken
<p>▶ Agenda no. 8 – States/UTs to enhance disability pension and cover all persons with benchmark disabilities.</p>	<p>❖ The States/UTs need to apprise the Board.</p>
<p>▶ Agenda No. 9 – States may appoint the CBID pass outs at DDRCs, rehabilitation homes as well as community rehabilitation organizations run by them. Appointment under Samagra Shiksha Abhiyan may also be explored.</p>	<p>❖ The States/UTs need to apprise the Board.</p>
<p>▶ Agenda No. 10 – States/UTs to expedite the updated information relating to half way home /rehabilitation home, vaccination of occupants of mental health care institutions including service providers, action taken on various suggestions of the petitioner in the prescribed proforma at the earliest.</p>	<p>❖ This is being discussed as a separate agenda item no. 4.</p>

Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Other Suggestions of the Members	Action Taken
<ul style="list-style-type: none">▶ Many assistive devices are not registered in GEM Portal thus rate contracts must be framed for procurement.▶ A lot of awareness generation work needs to be done at the grass root level for which funds may be suitably provided by States/UTs.▶ Proper implementation and monitoring of recruitment against vacancies (including backlog vacancies) meant for PwDs.▶ Disability assessment guidelines may be reviewed for improvement .▶ Setting up of hostel for college going students with disabilities in big cities by the States/UTs may be considered .	<ul style="list-style-type: none">❖ ALIMCO apprise the Board.❖ States/UTs to apprise the Board.❖ As per DoPT , total representation of PwBDs in CGEs is 31764 on 01.01.2020. In terms of SGEs, States/UTs to apprise the Board❖ Being reviewed by DGHS.❖ States/UTs to apprise the Board.

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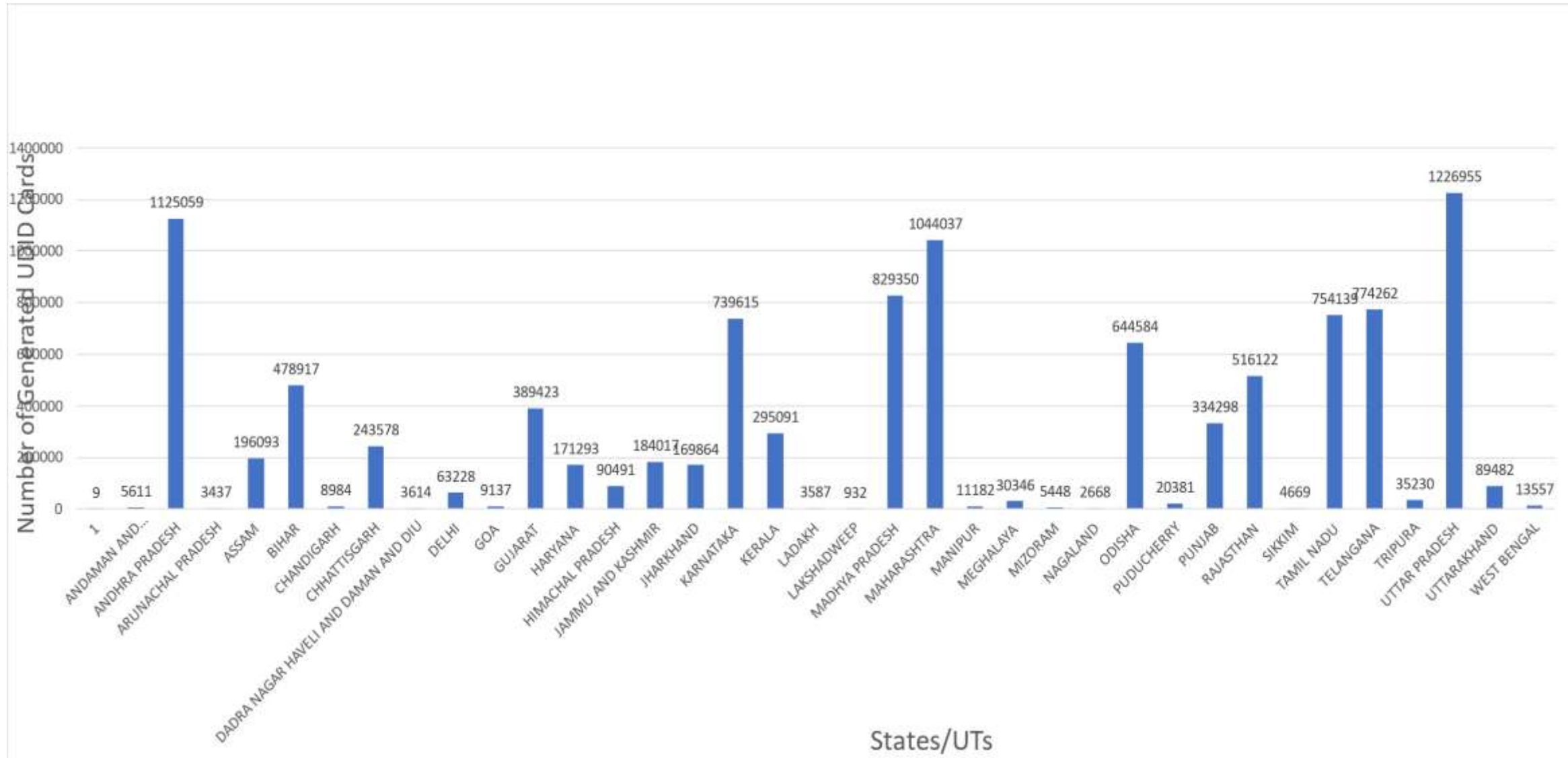
Agenda 1 (B) – Action taken on the decisions of the CAB on 24.06.2022 Contd.



Other Suggestions of the Members	Action Taken
<ul style="list-style-type: none">▶ Braille and sign language should be promoted so as to improve the literacy and numeracy of the persons with visual and hearing impairment respectively. Efforts should also be made to ensure that children with blindness are provided with braille books at least up to class VIII instead of audio books.▶ The NDFDC should be advised to tie up with Credit Guarantee Fund Trust (CGFT) for providing loan guarantee so that the persons with disabilities can avail the loan facility in line with Mudra loans.▶ 10-15% of the CSR fund may be considered for allocation for disability sector	<ul style="list-style-type: none">❖ D/o School Education and Literacy and ISLRTC may apprise the Board.❖ States/UTs to apprise the Board.❖ M/o Corporate Affairs may apprise the Board.



Agenda 6 – UDID



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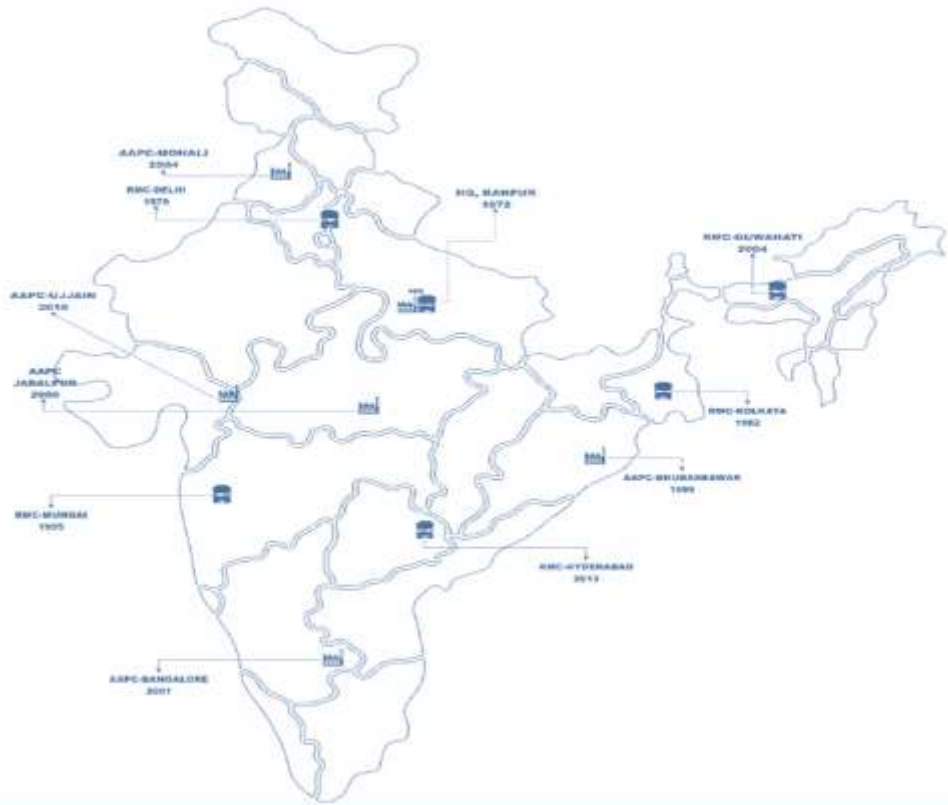
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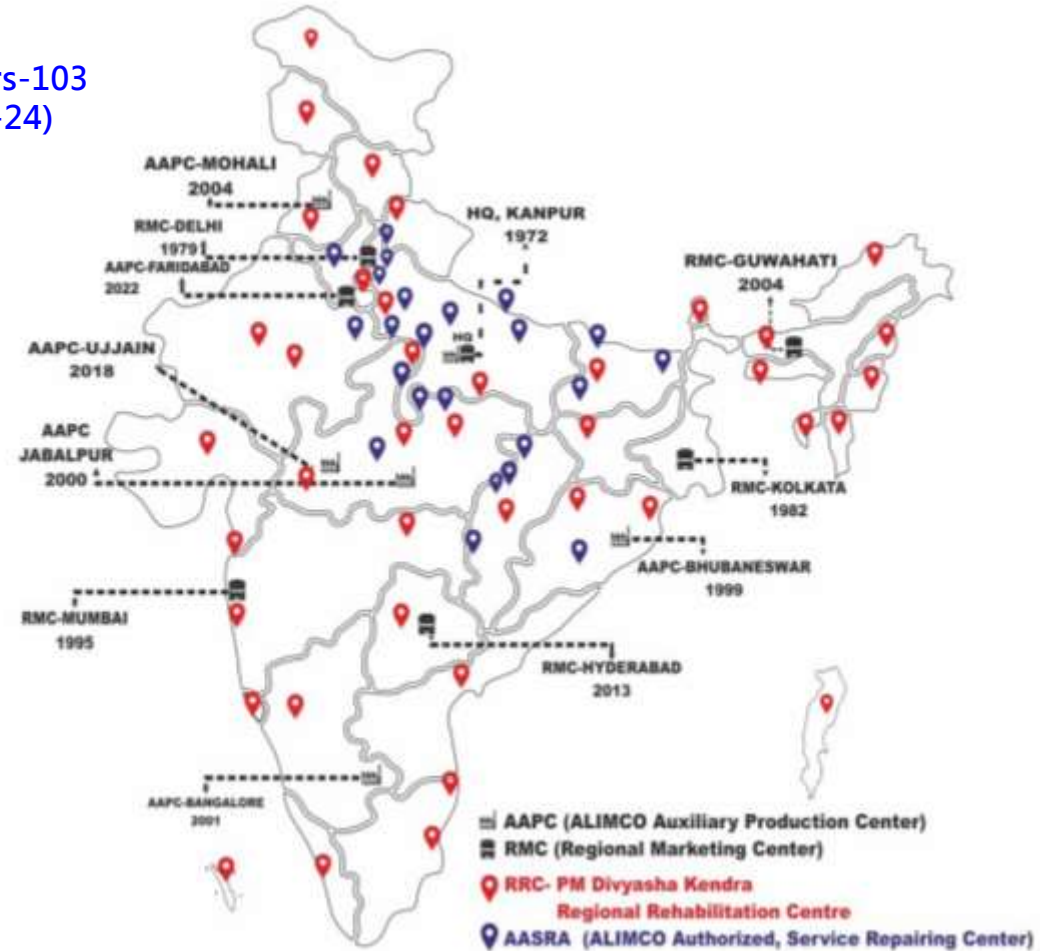
Agenda 7 - ADIP



ALIMCO Centers-10
(Before FY 2023-24)



ALIMCO Centers-103
(After FY 2023-24)



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Agenda 7 - Scholarship Scheme for Students with Disabilities



▶ Six Scholarship Schemes are:

- ❖ Pre-Matric for class IX & X
- ❖ Post-Matric for XI to Post-Graduate Degree/Diploma
- ❖ Top Class Education for Graduate/Post-Graduate Degree/ Diploma in notified Institutes
- ❖ National Fellowship for M.Phil/Ph.D
- ❖ National Overseas for Master's Degree/ Ph.D
- ❖ Free Coaching for competitive exams

Sr. N.	Name of Scheme	Total amount released in last 4 years (in Rs. crore)	Total no. of beneficiaries covered in last 4 years
i.	Pre-Matric	51.69	53889
ii.	Post-Matric	251.54	71852
iii.	Top Class Education	20	2094
iv.	National Fellowship	116.1	1874
v.	National Overseas	7.51	34
vi.	Free Coaching	0.23	0



Agenda 7 - Deendayal Divyangjan Rehabilitation Scheme (DDRS)

- ▶ Since 2021-22, total of Rs. 650 Crore released under DDRS and DDRC schemes.

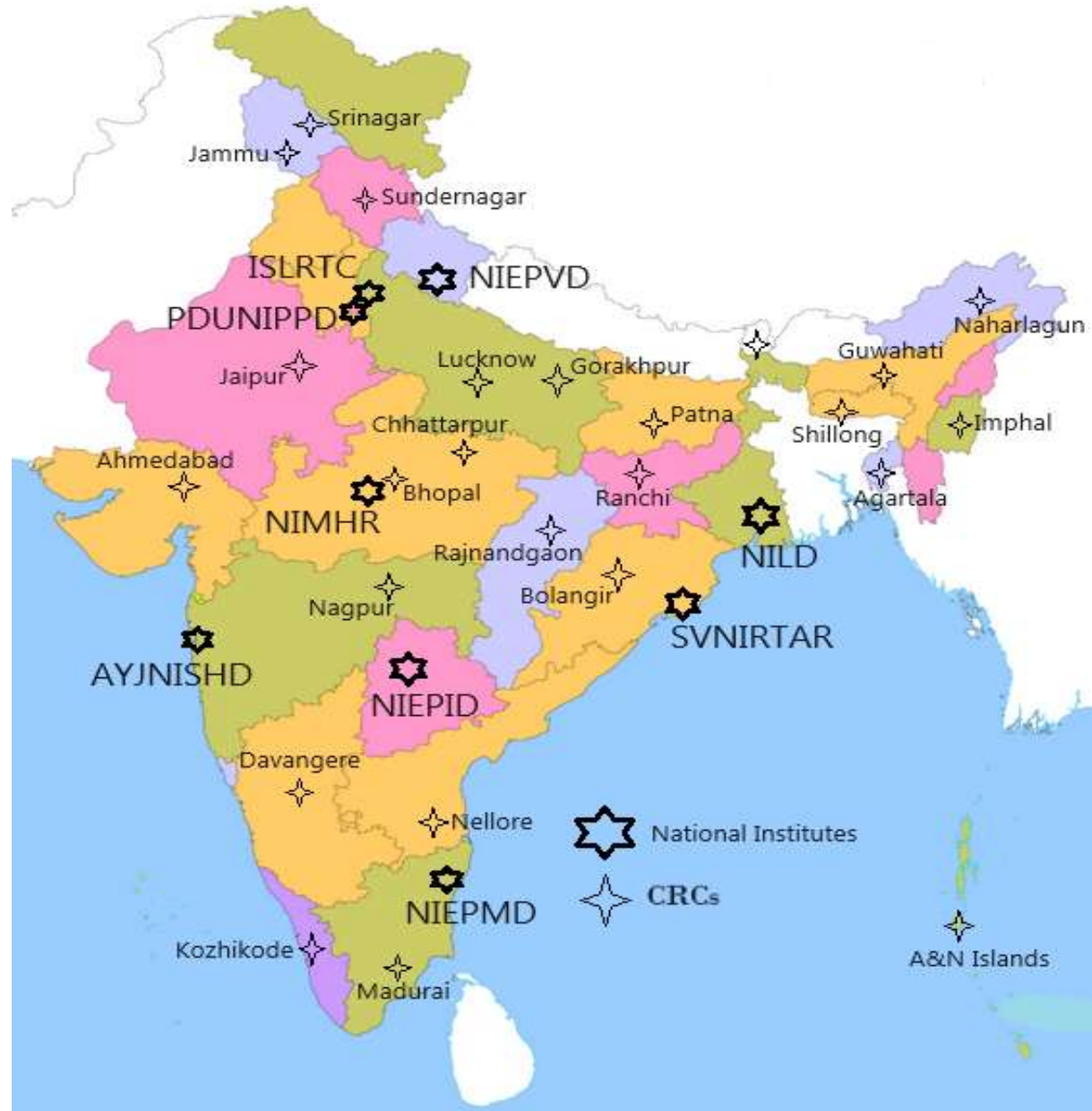




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Amrit Mahotsav



Agenda 8 – National Institutes



Various National Institutes (09 NIs) and Composite Regional Centers (25 CRCs)

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Agenda 6 – State wise pendency position of UDID



S.N.	Name of State/UT	No. of cards pending on UDID website
1	ANDAMAN AND NICOBAR ISLANDS	763
2	ANDHRA PRADESH	12,120
3	ARUNACHAL PRADESH	224
4	ASSAM	38,217
5	BIHAR	1,60,799
6	CHANDIGARH	3,231
7	CHHATTISGARH	6,219
8	DADRA NAGAR HAVELI AND DAMAN AND DIU	151
9	DELHI	54,629
10	GOA	1,272
11	GUJARAT	40,737
12	HARYANA	1,12,411

S.N.	Name of State/UT	No. of cards pending on UDID website
13	HIMACHAL PRADESH	27,127
14	JAMMU AND KASHMIR	34,421
15	JHARKHAND	40,643
16	KARNATAKA	1,74,708
17	KERALA	72,088
18	LADAKH	447
19	LAKSHADWEEP	32
20	MADHYA PRADESH	33,506
21	MAHARASHTRA	2,58,497
22	MANIPUR	5,145
23	MEGHALAYA	272
24	MIZORAM	191

S.N.	Name of State/UT	No. of cards pending on UDID website
25	NAGALAND	401
26	ODISHA	71,212
27	PUDUCHERRY	1,171
28	PUNJAB	91,665
29	RAJASTHAN	33,332
30	SIKKIM	17
31	TAMIL NADU	13,925
32	TELANGANA	19,409
33	TRIPURA	9,561
34	UTTAR PRADESH	2,48,763
35	UTTARAKHAND	2,470
36	WEST BENGAL	16,376

Total Pendency - 15,86,152

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ITEM NO.21

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) Diary No(s). 29329/2021

SEEMA GIRIJA LAL & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(WITH IA No. 204291/2022 - CONDONATION OF DELAY IN REFILING /
CURING THE DEFECTS, IA No. 727/2023 - EXEMPTION FROM FILING
AFFIDAVIT)

Date : 17-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. K. Parameshwar, Adv.
Mr. Akshay Sahay, Adv.
Mr. A. Karthik, AOR
Ms. Smrithi Suresh, Adv.
Ms. Sreepriya K, Adv.
Mr. Arsh Khan, Adv.

For Respondent(s) Mr. Vikramjit Banerjee, A.S.G.
Mr. Amrish Kumar, AOR
Mr. Nachiketa Joshi, Adv.
Mrs. Swarupama Chaturvedi, Adv.
Mrs. Ruchi Kohli, Adv.
Mr. Jitendra Kumar Tripathi, Adv.
Mr. Sidharth Sinha, Adv.

Mr. Santosh Krishnan, AOR
Mr. Sahil Bhalai, Adv.

Mr. Sumeer Sodhi, AOR
Mr. Arjun Nanda, Adv.

9	Constitution of Assessment Board for high support needs as per Chapter 5A of the RPwD Amendment Rules, 2019	Andaman and Nicobar Islands, Andhra Pradesh, Assam, Dadra and Nagar Haveli and Daman and Diu, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Kerala, Ladakh, Maharashtra, Mizoram, Odisha, Telangana, West Bengal
10	Whether State fund for PwDs created as per Section 88 of the RPwD Act, 2016	Andhra Pradesh, Assam, Dadra and Nagar Haveli and Daman and Diu, Delhi, Goa, Himachal Pradesh, Jammu and Kashmir, Kerala, Ladakh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Tripura, West Bengal
11	Constitution of Committee for Research on Disability as per Section 6 (2) (ii) of the RPwD Act, 2016	Andhra Pradesh, Arunachal Pradesh, Bihar, Dadra and Nagar Haveli and Daman and Diu, Jammu and Kashmir, Jharkhand, Karnataka, Kerala, Ladakh, Lakshadweep, Manipur, Nagaland, Puducherry, Punjab, Rajasthan, Sikkim, West Bengal
12	Designated authority to provide limited guardianship as per Section 14 of the RPwD Act, 2016	Andhra Pradesh, Arunachal Pradesh, Assam, Ladakh, Maharashtra, Nagaland, Sikkim, West Bengal
13	Appointment of authority for registration of institutions working in disability sector as per Section 49 of the RPwD Act, 2016	Lakshadweep

*The States/UTs having separate departments for persons with disabilities: Andhra Pradesh, Assam, Bihar, Chattisgarh, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Telangana, Uttar Pradesh (Total 11)”

- 3 From the above statement, it appears that Rules under Section 101 of the Act have yet not been notified by the States of Chhattisgarh, Maharashtra and by the Union Territory of Ladakh. Counsel appearing on behalf of the State of Chhattisgarh states that Rules have been notified by the State of Chhattisgarh.
- 4 The Chief Commissioners are entrusted with statutory duties including the duty of monitoring the implementation of the provisions of the Act. This is evident from the provisions of Sections 75(1)(h) and Section 80(g) which define the functions of the Central and State Commissioners, respectively. Independent Commissioners under Section 79 have not been appointed by several States and UTs, which is evident from Serial No 3 of the tabulated statement, extracted above.
- 5 We direct the State Governments to ensure compliance with the provisions of the Act so as to rectify the deficiencies which have been noted in the affidavit filed by the Union government expeditiously on or before 30 September 2023. Since the Commissioners are entrusted with an important statutory function of overseeing the implementation of the provisions of the Act, the States/UTs shall ensure appointment of the Commissioners by 31 August 2023.
- 6 Since both the Central and State Commissioners are statutorily entrusted with the duty to ensure the implementation of the provisions of the Act

under Sections 75(1)(h) and 80(g), they shall be accountable to this Court for ensuring that due compliance has been effected in terms of this order.

- 7 All State Governments/Union Territories shall upload the relevant data pertaining to the status of compliance on the dashboard of the Union Ministry of Social Justice and Empowerment. The Ministry of Social Justice and Empowerment shall coordinate with all the State Governments/Union Territories through the respective Ministries and submit a status report to this Court by 15 September 2023.
- 8 List the Petition on 18 September 2023.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

ITEM NO.10 Court 4 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 1653/2018 in W.P.(C) No. 412/2016

GAURAV KUMAR BANSAL Petitioner(s)

VERSUS

MR.DINESH KUMAR & ORS. Respondent(s)

(WITH IA No. 84969/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 31994/2019 - EXEMPTION FROM FILING O.T., IA No. 23289/2019 - EXEMPTION FROM FILING O.T., IA No. 24260/2020 - EXEMPTION FROM FILING O.T., IA No. 35579/2019 - EXEMPTION FROM FILING O.T., IA No. 24258/2020 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 122705/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 196981/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

MA 2352/2018 in W.P.(C) No. 412/2016 (PIL-W)

(IA No. 86502/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 86503/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 01-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Gaurav Kumar Bansal, In-person

For Respondent(s) Ms. Madhavi Divan, ASG
Ms. Sunita Sharma, Adv.
Ms. Binu Tamta, Adv.
Ms. Seema Bengani, Adv.
Mr. Adit Khorana, Adv.
Mr. Amrish Sharma, Adv.
Ms. Neela Kedar Gokhale, Adv.
Ms. C.K. Sucharita, Adv.
Mr. Shiv Mangal Sharma, Adv.
Mr. Amrish Kumar, AOR
Mr. G.S. Makker, AOR
Mr. B.V. Balram Das, AOR
Mr. Raj Bahadur Yadav, Adv.

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Sanjay Kumar
Date: 2024.09.02
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Reason: []

Andhra Pradesh

Mr. Mahfooz A. Nazki, AOR
Mr. Polanki Gowtham, Adv.
Mr. Shaik Mohamad Haneef, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.

	Mr. Amitabh Sinha, Adv. Mr. K.V.Girish Chowdary, Adv.
Arunachal Pradesh	Mr. Abhimanyu Tewari, AOR Ms. Eliza Bar, Adv.
Assam	Ms. Diksha Rai, AOR Ms. Palak Mahajan, Adv.
Bihar	Mr. Abhinav Mukerji, AOR Mrs. Bihu Sharma, Adv. Ms. Pratishtha Vij, Adv. Mr. Akshay Srivastava, Adv.
Chandigarh	Mr. Ankit Goel, AOR
Chhattisgarh	Mr. Manoj Selvaraj, Adv. Ms. Aswathi M.K., AOR
Goa	Ms. Ruchira Gupta, Adv. Mr. Shishir Deshpande, AOR Mr. Anurag Sharma, Adv. Ms. Smriti Verma, Adv.
Gujarat	Ms. Deepanwita Priyanka, AOR
Haryana	Mr. Anil Grover, AAG. Mr. Deepak Thukral, Dy. AG Dr. Monika Gusain, AOR Mr. Anil Grover, AAG Ms. Noopur Singhal, Adv. Mr. Satish Kumar, Adv. Mr. Rahul Khurana, Adv. Mr. Sanjay Kumar Visen, Adv. Mr. Ajay Bansal, AAG Mr. Gaurav Yadava, Adv. Mr. S.K. Visen AOR
Himachal Pradesh	Mr. Akshay Amritanshu, Adv. Mr. Ankit Kumar Lal, AOR
Jharkhand	Mr. Kumar Anurag Singh, Adv. Mr. Anando Mukherjee, AOR Mr. Akshat Singh, Adv. Mr. Shwetank Singh, Adv.
J&K	Ms. Taruna Ardhendumauli Prasad, AOR Ms. Deepika Gupta, Advocate
Karnataka	Mr. V. N. Raghupathy, AOR

	Mr. Md. Apzal Ansari, Adv.
Kerala	Mr. Nishe Rajen Shonker, Sr. Adv. Ms. Anu K. Joy, Adv. Mr. Alim Anvar, Adv.
Maharashtra	Mr. Sachin Patil, Adv. Mr. Rahul Chitnis, Adv. Mr. Aaditya A. Pande, Adv. Mr. Geo Joseph, Adv. Mr. C. Aravind, Adv.
Manipur	Mr. Pukhrambam Ramesh Kumar, Adv. Ms. Anupama Ngangom, Adv. Mr. Karun Sharma, Adv.
Meghalaya	Mr. Avijit Mani Tripathi, AOR Mr. Upendra Mishra, Adv. Mr. Chetan Joshi, Adv. Mr. T.K. Nayak, Adv.
Mizoram	Mr. Siddhesh Kotwal, Adv. Ms. Ana Upadhyay, Adv. Mr. Nirnimesh Dube, AOR
M.P.	Mr. Saurabh Mishra, AAG Ms. Samridhhi Jain, Adv.
Nagaland	Mr. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv.
Odisha	Ms. Sharmila Upadhyay, AOR Mr. Sarvjit Pratap Singh, Adv. Ms. Tanzeela Mubashsharah, Adv. Mr. Gaurav Prakash Pathak, Adv. Mr. Varun Sharma, Adv.
Punjab	Ms. Uttara Babbar, Adv. Mr. Manan Bansal, Adv.
Rajasthan	Dr. Manish Singhvi, Sr. Adv. Mr. Sandeep Kumar Jha, AOR
Sikkim	Mr. Vivek Kohli, Adv. Gen Mr. Sameer Abhyankar, AOR Mr. Narendra Kumar, AOR
Telangana	Mr. S. Udaya Kumar Sagar, Adv. Ms. Sweena Nair, Adv.
Tripura	Mr. Shuvodeep Roy, Adv. Mr. Kabir Shankar Bose, Adv.

Tamil Nadu	Mr. D. Kumanan, Adv. Mr. Sheikh Fakhruddin Kalia, Adv.
Uttarakhand	Mr. Jatinder Kumar Sethi, Dy. AG Dr. Abhishek Atrey, AOR Ms. Vidhyothma Jha, Adv. Ms. Ambika Atrey, Adv. Mr. Akash Giri, Adv. Mr. Shadman Ali, Adv.
U.P.	Ms. Garima Prashad, Sr. Adv./AAG Mr. Vishnu Shankar Jain, AOR
West Bengal	Mr. Suhaan Mukerji, Adv. Mr. Vishal Prasad, Adv. Mr. Nikhil Parikshith, Adv. Mr. Abhishek Manchanda, Adv. Mr. Sayandeep Pahari, Adv. For M/S. PLR Chambers And Co.
A&N	Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, AOR Mr. Mrinal Kanti Mandal, Adv. Mr. Gandeepan, Adv.
Puducherry	Mr. Aravindh S., AOR Mr. A. Lakshminarayanan, Adv.
Allahabad HC	Mr. Yashvardhan, Adv. Mr. Jagjit Singh Chhabra, AOR Mr. Saksham Maheshwari, Adv. Mr. Tushar Sannu, Adv. Ms. Ankita Bhadouriya, Adv. Mr. Subham Jain, Adv. Mr. Sahil Tagotra, AOR Ms. Rachana Srivastava, AOR Mr. P. V. Yogeswaran, AOR Mr. Rohit K. Singh, AOR Mr. Shree Pal Singh, AOR Ms. Ruchi Kohli, AOR Mr. G. N. Reddy, AOR Mr. Arjun Garg, AOR Mr. Nishant Ramakantrao Katneshwarkar, AOR Mr. Ranjan Mukherjee, AOR

Mr. T. R. B. Sivakumar, AOR

Ms. Astha Sharma, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 In pursuance of the previous order of this Court dated 6 July 2021, a status report has been filed by the Department of Empowerment of Persons with Disabilities in the Union Ministry of Social Justice and Empowerment. A review meeting was convened online on 12 July 2021 with the Social Justice Departments of the State Governments/Union Territories, in pursuance of which the status report compiles certain information.
- 2 As regards the vaccination of persons with mental illness in mental health care institutions, the Ministry of Social Justice and Empowerment addressed a communication on 7 July 2021 to the Ministry of Health and Family Welfare. The Ministry of Health and Family Welfare has accordingly directed all the States/Union Territories to ensure the vaccination of mentally ill persons who are lodged in mental health care institutions against Covid-19 on a priority basis by their letter dated 8 July 2021.
- 3 In order to ensure that these directions are complied with, all the States/Union Territories are directed to lay down a time schedule for facilitating the vaccination of all persons who are lodged in mental health care institutions within a period of one month from the date of this order. A progress report shall be filled by every State/Union Territory with the Department of Social Justice and Empowerment of the Union Ministry of Social Justice and Empowerment on or before 15 October 2021 explaining:
 - (i) The steps taken; and

- (ii) The number of persons who have been vaccinated against Covid-19 in mental health care institutions.

The vaccination of the inmates must also be coupled with vaccination of all the service providers as well as health care professionals and other staff associated with these institutions. The progress shall be monitored and details submitted to this Court when a status report is next filed in pursuance of the directions contained in this order.

- 4 We have heard Mr Gaurav Kumar Bansal, petitioner-in-person, who has appeared in support of the contempt petition and Ms Madhavi Divan, Additional Solicitor General. We have also heard Mr Sachin Patil, counsel for the State of Maharashtra and Ms Garima Prasad, Senior Counsel for the State of Uttar Pradesh.
- 5 Mr Gaurav Kumar Bansal has highlighted certain issues which need to be flagged in this order since they are of significance for the future course of action.
- 6 As regards the establishment of Half-way Homes, it is not sufficient to re-designate existing establishments as Half-way Homes merely to demonstrate that there has been compliance with the orders of this Court. Many state governments are doing this. In fact this amounts to a breach of the directions and we place all states/UTs on notice of this position.
- 7 As we have noticed earlier, the State of Maharashtra had decided to shift about 186 persons who were overstaying in mental health care institutions to 'beggar homes' or, as the case may be, old age institutions. After the above issue was highlighted by this Court in the previous order, a letter was addressed on 21 July 2021 to the Chief Secretary of the State Government to expedite the process of shifting these persons from beggar homes/old age homes to Half-way Homes.

The State of Maharashtra has since filed a brief note through Mr Sachin Patil. The note states that there were a total of 215 cured patients who had overstayed in mental health institutions, of which 186 were temporarily shifted to old age homes, women's hostels and beggar homes until the establishment of Half-way and Rehabilitation Homes takes place. A meeting was held by the Chief Secretary on 14 October 2019, at which a monitoring committee was constituted. Thereafter, on 23 July 2021, a decision has been taken along the following lines:

- (i) Relocate persons who have been cured of mental illness within three months after identifying and contacting NGOs working in mental health services;
- (ii) Until the above exercise is completed, the public health department has taken the responsibility to provide requisite facilities in terms of medical care, counselling and other requirements; and
- (iii) The exercise of establishing Half-way Homes and Rehabilitation Homes is to be completed expeditiously within six months.

8 The modalities which were adopted by the State of Maharashtra of simply pushing the cured patients who were overstaying in mental health care institutions to beggar homes and old age homes is insensitive and leaves much to be desired. This would not fulfill compliance with the earlier directions of this Court. Now, that the State has become alive to its responsibility and has taken action, we direct that the process be taken to its logical conclusion by ensuring that on or before 30 November 2021, the cured persons are duly placed with institutions which are capable of meeting the requirements of such persons who are no longer mentally ill, but are in need of being placed in Half-way Homes so that their rehabilitation and care can be pursued. The State Government shall

also take steps to abide by its undertaking of setting up Half-way Homes and Rehabilitation Homes within a period of six months. In the meantime, it may seek the co-operation of experienced NGOs as suggested.

9 The Status Report filed by the Union Government indicates that the State of Uttar Pradesh has simply followed the pattern of re-designating old age homes in each of the 75 districts as Half-way Homes. Again, this does not amount to a valid discharge of its duties and obligations by the State Government of complying with the directions of this Court as well as the provisions of the Mental Healthcare Act 2017. Merely, re-designating the existing old-age homes in all the 75 districts as Half-way Homes is only lip service to the need for having actual Half-way Homes where the requirements of rehabilitation are duly observed. The State of UP must rectify the position within three months and submit its compliance on affidavit.

10 We have highlighted the position in the above two States - Maharashtra and Uttar Pradesh to emphasize that there are two separate issues which need to be considered:

- (i) The establishment of Half-way Homes and Rehabilitation Homes must take place on priority across the country by the States/Union Territories and mere re-designation of existing facilities will not serve the purpose; and
- (ii) The task of rehabilitation will not be subserved by merely relocating the persons who have been cured of mental illness.

11 In this context, the guidelines which have been issued by the Union Government which are annexed to the contempt petition provide a detailed blue-print for setting up the homes and for following the model of rehabilitation. We do not find that any genuine progress has been made in that context though different

State Governments have indicated varying time lines for setting up the Half-way Homes.

- 12 We are of the view that it would be necessary for the Union Government to monitor the progress which has been made and to apprise this Court periodically so that the Court is not required to individually take up the case of each State/Union Territory for assessing the progress which has been made.
- 13 Ms Madhavi Divan has suggested that the concern is to ensure that the States take up ownership over the need for setting up of Half-way Homes and for providing rehabilitation for persons who have been cured with mental illness and long term accountability needs to be fastened.
- 14 We direct that the Ministry of Social Justice and Empowerment must set up an online dashboard in which complete details in regard to:
 - (i) availability of institutions;
 - (ii) facilities provided;
 - (iii) capacity;
 - (iv) occupancy; and
 - (v) region-wise distribution of the Half-way Homes is made available state-wise and for the UTs. The availability of Half-way Homes must also be reflected in the online dashboard. The data of each State and Union Territory must be uploaded on the dashboard on a real time basis.
- 15 We direct the Union Ministry of Social Justice and Empowerment to formulate and circulate to all States/Union Territories a model format of its online

dashboard. Upon receipt of the communication from the Union Ministry, all States/Union Territories shall provide all relevant data within a period of four weeks thereafter. The data on the online dashboard shall be updated on a real time basis so that all information which is required to be made available is updated in a seamless manner.

- 16 We propose to adjourn the hearing of these proceedings to December 2021. In the meantime, the Ministry of Social Justice and Empowerment shall hold meetings once every month to track the progress which has been made by the States/Union Territories for setting up the Half-way Homes and for the rehabilitation of persons who have been cured of mental illness. The status report shall be filed at least one week before the next date of listing with a copy being circulated in advance to Mr Gaurav Kumar Bansal and other learned counsel appearing in these proceedings. Any recalcitrant administration of a state or UT will be liable to face contempt action.

IA No 107760 of 2021 in Contempt Petition (C) No 1653 of 2018

- 1 Based on certain research studies conducted in 2016 by NIMHANS and by the National Commission for Women in 2020, it has been highlighted that women, who are institutionalized in government run mental health establishments across the country, face violations of human rights which are detailed below:
- (a) Lack of Sanitary Napkins (violation of Section 20(2)(b) of Mental Healthcare Act 2017)
 - (b) Lack of Privacy (violation of Section 20(2)(c) of Mental Healthcare Act 2017)

- (c) Illegal cutting of hair (violation of Section 20(2)(i) of Mental Healthcare Act 2017)
 - (d) Lack of Identity Cards (like UIDAI/Aadhar Card)
 - (e) Lack of Disability Certificates
 - (f) Lack of Disability Pension (violation of Section 24(d)(g) of the RPwD Act 2016)
 - (g) Women institutionalized in Mental Health Establishments (for treatment or rehabilitation purpose) are not allowed to keep their children with them as there is no separate mother-child ward in many of the government run mental health establishments (violation of Section 21(2) of the Mental Healthcare Act 2017 and Section 24(3) of RPwD Act 2016).
- 2 The issues which have been flagged in the above interlocutory application are of serious concern. The Ministry of Social Justice and Empowerment shall specifically raise each of the above concerns which have been expressed in the research studies and as formulated above with the States/Union Territories in the course of the monthly monitoring that has been directed above. Remedial measures shall be taken by all States/Union Territories and compliance shall be reported on affidavit within 3 months.
- 3 Necessary directions shall be issued for taking steps to ensure that the problems which have been highlighted above, are alleviated by the State Governments/Union Territories by taking necessary measures in that regard. Compliance in that regard shall be incorporated in the status report.

4 List the matters on 14 December 2021.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

F. No: N-608/3/2020-NI
 Government of India
 Ministry of Social Justice and Empowerment
 Department of Empowerment of Persons with Disabilities (Divyangjan)

Room No. 517, 5th floor, Antyodaya Bhawan,
 CGO Complex New Delhi 110003
 Dated the 13th December 2022

Subject: Policy for establishment of a new CRC - Reg.

It has been decided to formulate a policy for establishment of a new Composite Regional Centre for Skill Development, Rehabilitation & Empowerment of Persons with Disabilities (CRC), as under:

- (i) A new CRC, under administrative control of a National Institute (Autonomous Body under DEPwD), will be set up in accordance with Rule 229 of General Financial Rules (GFR), 2017.
- (ii) Every State/Union Territory, irrespective of area and/or population, should have atleast 01 (One) CRC.
- (iii) Bigger states (area and/or population wise) may have more than 01 (one) CRC, subject to a maximum of 05 CRC, depending upon number of Persons with Disabilities (PwDs) and willingness of State Government to provide land and temporary accommodation and other requirements.
- (iv) Since setting up of a CRC has a financial implication of around 25 crore in addition to recurring cost of about 2 crore per year, an advanced projection for setting up of CRCs will be made and before finalization of budgetary requirement for a financial year, in-principle approval of Department of Expenditure will be sought to set up decided number of CRCs in that particular year.
- (v) On getting land as well as temporary accommodation from the concerned State Government/UT, complete proposal, including posts required, for setting up of a new CRC will be submitted for approval and concurrence of Department of Expenditure.
- (vi) After approval, DEPwD will issue establishment order of the new CRC under administrative control of one of the National Institutes. The recruitment process, for filling up of newly created posts at CRC, will be initiated by the concerned National Institute.
- (vii) In the meantime, CRC may start its operation from temporary accommodation, with the support of existing staff of the National Institute or a nearby CRC.
- (viii) The administrative and financial affairs of the CRC will be monitored through Executive Council/Governing Council of the concerned National Institute. The concerned National Institute will also take up the matter with CPWD for construction of permanent building of CRC.

2. This issues with the approval of Hon'ble Minister, Social Justice & Empowerment.

Yours faithfully,



(Navin Kumar)
Under Secretary (NIs)

Copy to:

All National Institutes under the administrative control of DEPwD

Copy for information to:

- 1) PS to HMSJE/PSs to all Hon'ble MoS
- 2) Sr. PPS to Secretary, DEPwD/PPS to JS (RY)/PS to JS (RS)/PPS to DDG/PS to JS&FA