

राजीव शर्मा
संयुक्त सचिव
Rajeev Sharma
Joint Secretary



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आजादी का
अमृत महोत्सव

भारत सरकार
सामाजिक न्याय और अधिकारिता मंत्रालय
दिव्यांगजन सशक्तिकरण विभाग
Government of India
Ministry of Social Justice & Empowerment
Department of Empowerment of Persons with Disabilities (Divyangjan)

D.O. No. CC-12016/1/2023-CCPD

Dated: 13th January, 2025

Dear

Madam/Sir,

Greetings from the Department of Empowerment of Persons with Disabilities.

As you are aware, the parliament enacted the Rights of Persons with Disabilities Act, 2016 to develop the India into an inclusive and accessible nation where the individual autonomy and dignity of persons with disabilities, their freedom of choice, divergent needs and capacities are respected by one and all. The Act provides several rights to the persons with disabilities with respect to education, employment, accessibility, justice, etc. and thus creates legally binding obligations on state as well as non-state agencies. It is noted with due concerns that there is widespread lack of awareness and sensitivity in the government establishments about the provisions of this Act. Often, it is brought to the notice of this department that government establishments are not responding to the notices and recommendations issued under the provisions of the Act by statutory authorities.

To put the above in context, it is pointed out that the Act at Chapter XII envisages for establishment of an Office of the Chief Commissioner for Persons with Disabilities (CCPD) with a mandate to monitor implementation of the Act. Section 75 mandates the CCPD to *inter alia* identify, suo motu or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with the Act and to look into complaints *inter-alia*, concerning matters relating to deprivation of rights of persons with disabilities either on his own motion or on the application of any aggrieved person and recommend necessary corrective steps.

In order to enable the CCPD to discharge its mandate effectively, Section 77 of the Act empowers it with the powers of a civil court and declares that the proceedings before it are judicial in respect of functions mentioned in the Section. Section 76 mentions that whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation.

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It further states that Provided that where an authority does not accept a recommendation, it shall convey reasons for non acceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person. In other words, the government establishment may or may not accept the recommendations, but not informing the CCPD of the action taken or reasons for non-acceptance is not an option before them. Unfortunately, in more than 50% of the cases, the establishments have failed to do so.

Lastly, Section 93 of the Act makes non-furnishing of information sought a punishable offence. The CCPD though, empowered to imposes fines under Section 89 of the Act, has used this rarely. It has been observed that in about 80% of the cases the notices for comments are responded to only after issue of a reminder or a notice for persons hearing. In still worse cases, some establishments fail to appear or get represented during the hearings as well. Recently, Hon'ble Supreme Court has admitted a PIL namely Dr. Satender Singh Vs UOI {WP(C) 636/2024} on this very issue.

You are, therefore, requested to sensitise the officers of your ministries/departments as well as the establishment under the administrative control of your ministry/department against such disregard for the RPwD Act and authorities created under it.

Kind regards

Yours sincerely,

(Rajeev Sharma)

To,

Secretary
All Ministries/ Departments