



Azadi Ka
Amrit Mahotsav

જા.નં./મા-૨/પરચ/૨૦૨૨/ - ૧૦૭૧૧

જિલ્લા શિક્ષણાધિકારીની કચેરી,
એ/૩, જિલ્લા સેવા સદન-૨,
અઠવાલાઈન્સ, સુરત
Web : suratdeo.org
Email : suratdeo@gmail.com
તા. ૨૬ /૦૭/૨૦૨૨

પ્રતિ,

આચાર્યશ્રી,

સુરત જિલ્લાની તમામ સરકારી/ગ્રાન્ટેડ/નોન ગ્રાન્ટેડ મા અને ઉ.મા.શાળાઓ તરફ

આ સાથે સામેલ મે,મદદનીશ શિક્ષણ નિયામકશ્રી ગાંધીનગરના પત્ર ક્રમાંક/ઘ/ માધ્ય/પરચ/
૨૦૨૨/૧૨૫૩૫-૬૮ તા.૨૨/૦૭/૨૦૨૨ અન્વયે જાણ તથા અમલ થવા સારું

જિલ્લા શિક્ષણાધિકારી
સુરત, જિલ્લો-સુરત

ઈ-મેઈલ સત્વરે

ક્રમાંક: ધ/માધ્ય/પરચ/૨૦૨૨/૧૨૫૩૫-૬૮

કમિશનર શાળાઓની કચેરી,
૯/૧, ડૉ. જીવરાજ મહેતા ભવન,
ગુ.રા., ગાંધીનગર
તા.૨૨/૦૭/૨૦૨૨

પ્રતિ,
જિલ્લા શિક્ષણાધિકારીશ્રી,
તમામ.

વિષય : રાષ્ટ્રીય માનવ અધિકાર આયોગ ના દિવ્યાંગતા સંબંધિત core group ની પ્રથમ બેઠકની ભલામણો બાબત.

સંદર્ભ : શિક્ષણ વિભાગના પત્ર ક્રમાંક: પરચ-૧૨૨૦૨૨-૨૨૭-વ.૨, તા.૧૪/૭/૨૦૨૨

ઉપરોક્ત વિષય અને સંદર્ભ અન્વયે જણાવવાનું કે, રાષ્ટ્રીય માનવ અધિકાર આયોગ (NHRC) ના દિવ્યાંગતા સંબંધિત core group ની તા.૧૩/૪/૨૦૨૨ ના રોજ યોજાયેલ પ્રથમ બેઠકની કાર્યવાહી નોંધ સામાજિક ન્યાય અને અધિકારિતા વિભાગના તા.૧૫/૬/૨૦૨૨ ના પત્ર સાથે સામેલ રાખેલ છે. જે અન્વયે કાર્યવાહી નોંધના મુદ્દાઓ અને ભલામણો ધ્યાને લઈ તે અંગેની જાણ સત્વરે આપના તાબા હેઠળની તમામ શાળાઓને કરવા જણાવવામાં આવે છે.

બિડાણ: સંદર્ભદર્શિત પત્ર અને તે સાથેના બિડાણ

મદદનીશ શિક્ષણ નિયામક
માધ્યમિક
ગુ.રા., ગાંધીનગર.

મા.૨

૨૫/૪

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૨૫/૪

ક્રમાંક-વરચ-૧૨૨૦૨૨-૨૨૭ વ.ર.

ગુજરાત સરકાર

શિક્ષણ વિભાગ

સચિવાલય, ગાંધીનગર

તા-૧૪/૦૭/૨૦૨૨

પ્રતિ,

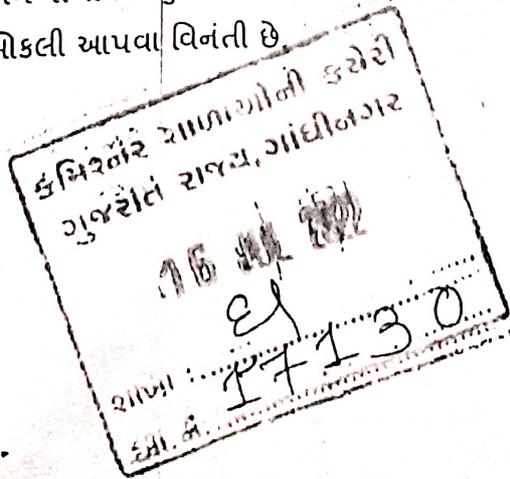
- (૧) નિયામકશ્રી, શાળાઓની કચેરી, બ્લોક નં ૯, ડો.જીવરાજ મહેતા ભવન, ગાંધીનગર
- (૨) નિયામકશ્રી, ઉચ્ચ શિક્ષણની કચેરી, બ્લોક નં ૧૨, ડો.જીવરાજ મહેતા ભવન, ગાંધીનગર
- (૩) નિયામકશ્રી, ટેકનિકલ શિક્ષણની કચેરી, બ્લોક નં ૨, ડો.જીવરાજ મહેતા ભવન, ગાંધીનગર
- (૪) નિયામકશ્રી, મધ્યાહન ભોજન યોજના, બ્લોક નં ૯, ડો.જીવરાજ મહેતા ભવન, ગાંધીનગર
- (૫) સ્ટેટ પ્રોજેક્ટ ડાયરેક્ટરશ્રી, સર્વ શિક્ષા અભિયાન, સેક્ટર નં ૧૭, ગાંધીનગર
- (૬) સચિવશ્રી, માધ્યમિક અને ઉચ્ચ માધ્યમિક બોર્ડ સેક્ટર નં ૧૦બી ગાંધીનગર
- (૭) નિયામકશ્રી, પ્રાથમિક શિક્ષણની કચેરી, બ્લોક નં ૧૨, ડો.જીવરાજ મહેતા ભવન, ગાંધીનગર
- (૮) નિયામકશ્રી, ગુજરાત શૈક્ષણિક સંશોધન અને તાલીમ પરિષદ સેક્ટર નં ૧૨ ગાંધીનગર
- (૯) નિયામકશ્રી, ગુજરાત રાજ્ય પાઠ્ય પુસ્તક મંડળ, સેક્ટર-૧૦, ગાંધીનગર
- (૧૦) સચિવશ્રી ગુજરાત રાજ્ય પરીક્ષા બોર્ડ, સેક્ટર ૨૧ ગાંધીનગર

વિષય- રાષ્ટ્રીય માનવ અધિકાર આયોગ (NHRC)ના દિવ્યાંગતા સંબંધિત Core Group ની પ્રથમ

બેઠકની ભલામણો પર એક્શન રીપોર્ટ રજૂ કરવા બાબત.

શ્રીમાન,

ઉપર્યુક્ત વિષય પરત્વે સામાજિક ન્યાય અને અધિકારીતા વિભાગના તા.૧૫/૦૬/૨૦૨૨ના પત્ર ક્રમાંક SJED/GOI/GOI17/2022/1696/CHM-1 ની નકલ આ સાથે બિડાણ સહિત સામેલ રાખી મોકલી આપતા જણાવવાનું કે, રાષ્ટ્રીય માનવ અધિકાર આયોગ (NHRC)ના દિવ્યાંગતા સંબંધિત Core Group ની પ્રથમ બેઠક તા. ૧૩/૦૪/૨૦૨૨ના રોજ આયોજિત કરવામાં આવેલ હતી. સદર બેઠકની કાર્યવાહી નોંધ મોકલી આપેલ છે. જે અન્વયે કાર્યવાહી નોંધના મુદ્દાઓને ધ્યાને લઈ આપની કચેરીને સંબંધિત મુદ્દા અન્વયે કરેલ કાર્યવાહીની માહિતી અંગ્રેજીમાં તૈયાર કરી સોફ્ટ કોપી સહિત દિન રમાં અત્રે અચૂક મોકલી આપવા વિનંતી છે.



આપની વિશ્વસુ

(હેમલ સયાણિયા)

સેક્શન અધિકારી

શિક્ષણ વિભાગ

બિડાણ-ઉપર મુજબ

માધ્યમિક/અધિકારી
૨૦/૦૭/૨૦૨૨

૨૦/૦૭/૨૦૨૨

સમયમર્યાદા

૧૧/૧૦/૨૨

જા. ૧૧/૧૦/૨૨

૧૧/૧૦/૨૨

કે. સ. જી. ડી. / ગો. / ગો. / ૧૭ / ૨૦૨૨ / ૧૬૯૬ / સી. ૧
સામાજિક ન્યાય અને અધિકારિતા વિભાગ
સચિવાલય, ગાંધીનગર.
તારીખ : ૧૫/૦૬/૨૦૨૨

પ્રતિ,

અધિક મુખ્ય સચિવશ્રી/અગ્ર સચિવશ્રી/સચિવશ્રી,
સર્વે વિભાગો,
સચિવાલય, ગાંધીનગર.

૨૨૭

૧૫/૧૦/૨૨

વિષય :- રાષ્ટ્રીય માનવ અધિકાર આયોગ (NHRC)ના દિવ્યાંગતા સંબંધિત Core Groupની પ્રથમ બેઠકની લલામણો પર એક્શન ટેકન રિપોર્ટ રજૂ કરવા બાબત.

શ્રીમાન,

ઉપરોક્ત વિષય પરત્વેના રાષ્ટ્રીય માનવ અધિકાર આયોગના તા.૦૧/૦૬/૨૦૨૨ ના પત્ર ક્રમાંક: R-49/1/2021-PRPP(RU-1)ની નકલ આ સાથે સામેલ રાખી જણાવવાનું કે, The Rights of Persons with Disabilities Act, 2016ની જોગવાઈ અન્વયે સરકારી સંસ્થાઓ દ્વારા દિવ્યાંગજનો માટે સુગમ્ય સેવાઓ ઉપલબ્ધ કરવા માટે કરવામાં આવેલ કાર્યવાહીની ચકાસણી હેતુ, રાષ્ટ્રીય માનવ અધિકાર આયોગ દ્વારા દિવ્યાંગતા સંબંધિત રચેલ કોર ગ્રુપની પ્રથમ બેઠક તા.૧૩/૦૪/૨૦૨૨ના રોજ આયોજીત કરવામાં આવેલ હતી. સદર બેઠકની મિનિટ્સ તથા કોર ગ્રુપની લલામણો રાષ્ટ્રીય માનવ અધિકાર આયોગ (NHRC)ના પત્ર સાથે સામેલ છે. કોર ગ્રુપની લલામણો પરત્વે સંબંધિત વિભાગની વિગત પરિશિષ્ટ-૧માં દર્શાવેલ છે જે ધ્યાને લઈ, આપના વિભાગને સંબંધિત તમામ લલામણો પરત્વે સત્વરે કાર્યવાહી કરવા તથા કરેલ કાર્યવાહીની વિગતો અંગ્રેજીમાં તૈયાર કરી અત્રે મોકલી આપવા વિનંતી છે.

બિડાણ . ઉપર મુજબ

આપની વિશ્વાસુ,

JPL

(એલ.કે.વાઘેલા)

ઉપ સચિવ

સામાજિક ન્યાય અને અધિકારિતા વિભાગ

નકલ રવાના જરૂરી કાર્યવાહી સારૂ.

સામાજિક ન્યાય અને અધિકારિતા વિભાગ વ્યક્તિઓ માટેના વિગતોના બ્લાક નં. ૨, કમયોગી ભવન, સેક્ટર ૧૦
ગાંધીનગર.

વિભાગમુખ્ય સચિવશ્રી, સ.સુ., ડૉ. જીવરાજ મહેતા ભવન, ગાંધીનગર.

1. RPWD Act, 2016ની કલમ ૪૫(૨)ના અનુપાલન માટે દરેક વિભાગોએ (દેકા સમયગાળા, મધ્ય સમયગાળા તથા લાંબા સમયના) એક્શન પ્લાન તૈયાર કરવા જેમાં સદર અધિનિયમની જોગવાઈના અનુપાલન અંગે લેવાના થતા પગલાઓ સ્પષ્ટ કરવા. (RPWD Act, 2016ની કલમ ૪૫(૨)ની નકલ બિડાણમાં સામેલ છે) (કાર્યવાહી: સર્વે વિભાગો).
2. બધા મંત્રાલયો/ વિભાગોએ એક્શન પ્લાનના ફોલો-અપ માટે, સંસ્થામાં જાગૃતિ અંગેના કાર્યક્રમો ટ્રેનિંગ માટે તેમજ તેમના બિલ્ડિંગ, વેબસાઇટ, ઇન્ફ્રાસ્ટ્રક્ચર તેમજ અન્ય સેવાઓનું Access Audit વગેરે કામગીરી માટે વરિષ્ઠ અધિકારીની અધ્યક્ષતામાં Access Coordination Committeeનું નિર્માણ કરવું. (કાર્યવાહી: સર્વે વિભાગો).
3. રાજ્યોએ તેમની ઇમારતોની જરૂરિયાતો તથા Development control Rulesને National Building Code 2016/ Harmonised Guideline for Accessibility મુજબ બનાવવા. (કાર્યવાહી: શહેરી વિકાસ અને શહેરી ગૃહ નિર્માણ વિભાગ, માર્ગ અને મકાન વિભાગ).
4. શહેરી ટ્રાન્સપોર્ટમાં વપરાતી દરેક બસ Low Floorની અને સુગમ્યતાના માપદંડ મુજબની હોય તે સુનિશ્ચિત કરવી, ઓછા ખર્ચે સુગમ્ય ટ્રાન્સપોર્ટ ઉપલબ્ધ કરાવવા રાજ્ય સરકારએ જરૂરી કાર્યવાહી કરવી તથા શહેરી ટ્રાન્સપોર્ટમાં વપરાતી High Floor બસોને તબક્કાવાર દૂર કરવી. (કાર્યવાહી: બંદરો અને વાહનવ્યવહાર વિભાગ).
5. NAAC હેઠળ રચવામાં આવેલ સ્પેશિયલ સેલની મદદથી તમામ એજન્સીઓની વેબસાઇટને WCAGના નિયમોના અનુપાલન થાય તે રીતે છ મહિનાના સમયમાં દિવ્યાંગો માટે સુગમ્ય બનાવવી. ખાનગી સંસ્થાઓને પણ સુગમ્ય વેબસાઇટ બનાવવા જરૂરી સૂચન કરવા તથા NAAC આ સંદર્ભે ખાનગી ક્ષેત્રને ચક્રવર્ણી આધારિત સેવા આપી શકે છે (કાર્યવાહી: વિજ્ઞાન અને પ્રોદ્યોગિકી વિભાગ).
6. તાલીમ મેળવેલ અને સવાનશીલ અધિકારીઓ તથા વિજ્ઞાન પ્રતિનિધિઓના સમાવેશ કરી Disability Committeeની રચના કરવી (કાર્યવાહી: નિગમકક્ષી, સમાજ સુરક્ષાની કચેરી).

7. દરેક રાજ્યોએ દિવ્યાંગો માટે રચવામાં આવેલ Special Court તથા Special Prosecutorsની વિગતો રજૂ કરવી તથા સદર કોર્ટ દ્વારા ઉકેલવામાં આવેલ કેસની વિગતો સબમિટ કરવી. સદર કોર્ટ સુગમ્ય હોવી જોઈએ તથા તેમાં દિવ્યાંગોની ફરિયાદ સાંભળવા, ફાઇલ કરવા જેવી સુવિધાઓ હાલમાં મોડમાં ઉપલબ્ધ હોવી જોઈએ. (કાર્યવાહી: કાયદા વિભાગ).

8. કસ્ટોડિયલ સેન્ટર જેવા કે જેલ, ભિક્ષુક ગૃહ, માનસિક સ્વાસ્થ્યની હોસ્પિટલો વગેરેમાં સુગમ્ય તેમજ વાજબી આવાસની સુવિધા પૂરી પાડવી તેમજ Prision Manualને RPwD Act, 2016ની જોગવાઈ મુજબ અપડેટ કરવું. (કાર્યવાહી: આરોગ્ય અને પરિવાર કલ્યાણ વિભાગ, ગૃહ વિભાગ, મહિલા અને બાળ વિકાસ વિભાગ, નિયામકશ્રી, સમાજ સુરક્ષાની કચેરી).

022/604/2022
10/6/2022



राष्ट्रीय मानव अधिकार आयोग
NATIONAL HUMAN RIGHTS COMMISSION
एनएचआर भवन, सी ब्लॉक, सीपीओ कॉम्प्लेक्स, आर्ट्स ब्लॉक, नई दिल्ली-110 023
Manav Adhikar Bhawan, C Block, GPO Complex, IIA, New Delhi-110 023
Fax: 011-24651329, 24651332
E-mail: cnhrc@nhrc.in, Website: www.nhrc.nic.in

10/6/2022
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File No. R-49/1/2021-PRPP(RU-1)

1st June, 2022

10/6/2022

Subject: Minutes of the meeting of the Core Group on Disabilities

The National Human Rights Commission (NHRC) held a meeting of the Core Group on Disabilities on 13th April, 2022 under chairmanship of Dr. D.M. Mulay, Hon'ble Member, NHRC. The objective of the meeting was to examine compliance by the Government Institutions/ Organizations in providing access to the persons with disabilities as per the provisions of the Rights of Persons with Disabilities Act, 2016.

2. The meeting was attended by the members of the Core Group, representatives of the concerned Ministries and other domain experts. The minutes of the meeting along with the recommendations are enclosed.

3. I shall be grateful if you may kindly take necessary steps to implement the recommendations concerning your Ministry and direct the concerned authorities dealing with the matter to submit the action taken report within a period of 4 weeks, for information of the Commission.

10/6/2022

(H.C. Chaudhary)

Joint Secretary

Encl. As above

Chief Secretaries/Administrators of all States/UT's

21.06.2022 (61)

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Minutes of the Meeting of the Core Group on Rights of Persons with Disabilities held on 13th April, 2022 To Examine Compliance by the Government Institutions/ Organizations in providing access to the Persons with Disabilities as per the provisions of the Rights of Persons with Disabilities Act, 2016.

Dr. D.M. Mulay, Hon'ble Member, National Human Rights Commission chaired the meeting. The list of participants is placed at Annexure-1.

Shri H.C. Chaudhary, Joint Secretary, NIIRC initiated the meeting by extending a welcome to the expert members of the core group and representatives of the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment, Chief Commissioner for Persons with Disabilities, and NIIRC officials. He explained, in brief, the provisions of the Section 40 and 41 of the Rights of Persons with Disabilities Act, 2016 (RPD Act, 2016) providing for 'Accessibility and Access to transport, information, communication and technology'. He informed that earlier there was a single core group to deal with matters relating to persons with disabilities and older persons which has now been bifurcated and a separate core group on disabilities has been constituted to exclusively deal with the human rights issues faced by persons with disabilities. This is the first meeting of the core group on disabilities since its constitution.

Dr. D.M. Mulay, Hon'ble Member, NIIRC in his opening remarks explained the rationale behind constitution of the core group and criteria for selection of its members which include balance of expertise, domain knowledge, sharing of ideas, inclusion of multiple stakeholders, gender balance as well as regional balance etc. as much as possible. He further expressed his idea of an outcome-based approach. He stated that this core group should not become merely a discussion group. Visits may be conducted in various government complexes in various states including Delhi. During these visits accessibility and implementation of barrier-free access provided for the PwDs may be inspected /assessed. Best practices that have been implemented by various organizations at the national or international level may also be discussed. He suggested that the core group meetings should be more suggestion-oriented rather than presentation-based. He assured that the Commission always welcomes new ideas and suggestions for improvements from the core group members.

Justice Shri Mahesh Mittal Kumar, Hon'ble Member NIIRC shared his experience of interaction with the UN Special Rapporteur on Disability, during his participation in the UN meeting where he stressed upon the use of Artificial Intelligence (AI). He explained how recent advancements in the field of Artificial Intelligence and assistive devices can be utilised for creating a disable - friendly environment in the society. He further emphasized that vision, mission, approach and practical solutions are key to achieve the desired outcomes in the sector. He recalled the cases dealt by Justice Shri Kuldeep Singh and other judges of the

Supreme Court wherein directions were given to permit visually impaired students to participate in the UPSC examinations.

Shri Mritunjay Jha, Deputy Secretary, Department of Empowerment of Persons with Disabilities, deliberated upon the legal provisions available for the Persons with Disabilities. He mentioned that RPD Act, 2016, which is in conformity with the United Nations Convention on Rights of Persons with Disabilities (UNCRPD), recognizes 21 conditions of disabilities including cerebral palsy, dwarfism, muscular dystrophy, acid attack victims, hard of hearing, speech and language disability, specific learning disabilities, autism spectrum disorders, chronic neurological disorders, etc. He stated that the Union Government has initiated several measures for welfare of the persons with disabilities. Notable among them includes National Policy for Persons with Disabilities launched in February 2006 which deals with the Physical, Educational & Economic Rehabilitation of persons with disabilities with an objective of ensuring equal participation and creating inclusive society. He also mentioned that the Ministry has notified a list of around 3,000 government posts where PwDs can be employed. He further stated that, the Department of Empowerment of Persons with Disabilities also provides financial support under the centrally sponsored scheme to construct accessible buildings for public offices.

Shri Subhash Chandra Vashishth, Advocate and Joint Secretary at National Association for Blind and Member at the Standing Committee on Accessible Transportation and Mobility, TRB, USA, spoke about the following issues :

- i. **Harmonisation within the harmonised accessibility guidelines of different ministries:** Under section 40 of RPD Act, different ministries and departments are coming out with their Sectoral Harmonised Guidelines. However, many times different ministries have different understanding of the accessibility mandate thus, a primary review indicates that these guidelines also need harmonization with each other.
- ii. **Formulate and publish an Accessibility Action Plan based on prioritization.** While there is a lot of discussion about section 45 (1) of RPD Act and the 5 year time period to achieve accessibility which expires in June 2022, we have not laid sufficient stress on Section 45 (2) which requires every department/establishment to formulate and publish an Action Plan based on prioritization. This should have been done in 2017 itself so that the access to intended beneficiaries could have been provided within 5 years. Unfortunately, not even a single agency has prepared this Action Plan.
- iii. **Extension of Time to implement Accessibility.** The Department of Empowerment of Persons with Disabilities has written to the States to either implement accessibility by June 2022 or seek extension of time under the Act. He suggested that not more than 2 year extension should be given for meeting the mandate and all the states/establishments be directed to formulate and publish their Access Action Plan within 3 months with strict timelines for implementing access within the next two years in all the sectors - Built, Transport, Services & ICT.
- iv. **Creating Focal Points for Accessibility in all Urban Local Bodies to Implement Section 44 of the RPD Act:** -Section 44 of the The RPD Act provides for checkpoints to ensure that no new inaccessible building/project is constructed.

However, even today new buildings are being constructed in all parts of the country with no accountability of urban local bodies/ panchayats/municipalities/development authorities. Many States have not aligned their Development Control Rules and General Building Requirements with the National Building Code 2016 and Harmonised Guidelines for Accessibility that needs to be done immediately. All ULBs needs to be directed to appoint Responsible & Trained Officers and create a mechanism for Self Check/Self declaration countersigned by a registered Architect who will testify that the building plan adheres to access requirements, both at the drawing stage and at the completion stage; and that no occupation certificate or certificate of completion is given to any building project, unless it meets the access mandate to be vetted by an independent committee consisting of Access Officers/ External Accessibility Experts/ Users with disabilities or their NGO/DPO. The Officers and Project agencies need to be fined and structures demolished if they don't meet the access mandate.

- v. **Quality of access interventions/ features-** While most access interventions look like tick marks on a checklist for compliance; they are of very poor quality and do not stand the standard requirements, such as weight bearing of handrails / grab bars in bathrooms, on ramps/staircases. Most will come off with less than 100 kg weight. Similarly, the opening force needs to operate controls, open doors remain unchecked. Requirement of the Width of a single leaf as minimum 900 mm is often disregarded in favour of two leaves of 450mm which fail to serve the access needs. Ramp gradients, their surfaces and lack of right landings are the most significant safety challenges for users with disabilities even in new built environments.
- vi. **Financial / in-kind incentives** for private stakeholders to ensure accessibility, if they implement it in the first 5 years. While accessibility mandate is applicable to all establishments, incentives from the Govt. may work as a great encouragement to private players to meet this mandate of this law for larger inclusion.
- vii. **Mobility and transportation accessibility** - States need to be directed to ensure Public Buses are accessible to the PwD as per Rule 15 of RPD Rules. All urban transport buses must be low floor and have accessibility features. The states must use their purchasing power to ensure that market players provide accessible transport solutions at lower cost. High floor buses should be banned from public operation, except on dedicated BRT routes where corresponding boarding platforms exist and access to such platforms is ensured. All concerned Ministries must ensure that no inaccessible buses are allowed to be purchased from any Govt. Scheme (such as JNNURM, AMRUT, FAME etc.). Accessible Taxis or last mile connectivity is non-existent. Even a city like Delhi doesn't have Accessible Taxis. States need to be directed to make provisions for the same and give licenses to taxis that are based on universal design and can accommodate needs of the PwDs.
- viii. **Accessibility of ICT/ Websites** - The time limit has already ended in 2019 to make websites accessible for PwDs, however, still large number of government and private websites offering public services are not accessible to visually impaired and persons suffering from other disabilities. A Special Cell needs to be created in NIC on an urgent basis and to make all websites accessible complying with WCAG within the next 6 months in mission mode. Similarly private establishments also need to be directed and

- their licenses to operate may be linked to their compliance to the access mandate. The Government could also offer this service on paid basis at affordable costs to private players to hasten up the process.
- ix. District Disability Committees with trained and sensitised officers for persons with disabilities have not been activated in most districts which are important focal points to check compliance of the law.
 - x. Most offices of the State Commissioner for Persons with Disabilities (SCPD) and even Chief Commissioner for Persons with Disabilities (CCPD) do not have full time independent Commissioners. All these posts, being important focal point for implementation of the Act, need to be filled on priority.
 - xi. **Special Courts/ Public Prosecutors:** In most of the states special courts and special prosecutors to deal with matters relating to RPD Act have not notified or appointed. Even in the States where they have already been established or appointed, they are not trained for their role. Therefore, there are hardly any cases going to them and leading to conviction/ punishment or strict action against the delinquent persons/authorities. All States need to be directed to submit the details of these courts/public prosecutors and the cases resolved by such courts. Needless to say that these courts need to be physically accessible and should provide hybrid forms of filing cases/ hearings etc.
 - xii. **Social Security/ Pensions -** To sustain their lives, persons with disabilities are offered pensions as low as 300-400 rupees per month by some States. Such low amounts are insufficient to cater to the needs of poor condition of persons with disabilities. The States need to be directed to at least provide 50% of what an unskilled labour gets in the state or at least an amount of Rs. 3,000 per month (whichever is more) as disability pension to those who are not gainfully employed.

Ms. Vaishanvi Jayakumar, Member, Disability Rights Alliance (DRA) in her address highlighted the transport related problems faced by the persons with disabilities. She highlighted the hostile conditions of the external environment concerning transportation for differently abled persons and repercussions of unfriendly transport facilities on right to education for differently abled children as the existing infrastructure and transport facilities are not suitable for their use. She talked about a landmark judgment delivered by Justice A.P Shah in 2006 which mandated the Government to take adequate steps. The new infrastructure built after the enforcement of the law was supposed to be accessible. However, hardly any steps were taken in this regard. She shared that in the year 2012, a circular was issued by the Ministry of Housing Affairs where it was specifically directed to purchase the low floor buses and create leveled platforms at the bus stop to enable persons with disabilities to easily access the buses which has not been implemented so far. However, Bangalore and Delhi are procuring low level buses which are accessible to persons with disabilities. She also stated that some of the railway infrastructure including the recently introduced Vande Bharat trains does not conform to the accessibility requirements. She made the following recommendations:

1. All new infrastructures should be accessible to the persons with disabilities.
2. Procurement by Government agencies should be made considering the need of differently abled persons.

3. 305x24x2 Translation Services Hub using video call and text shall be made available. Dedicated toll free mobile number providing for diverse communication needs of persons with disabilities may be provided in police stations and hospitals.
4. Accessibility and reasonable accommodation in custodial centres like prisons, beggars homes, mental hospitals etc. may be provided. Prison rules to be updated to make them compatible to the RPD Act.
5. Services and websites shall be suspended till the time they become compliant to accessibility standards as the deadline for compliance under disability law is already over.
6. Number of disable friendly seats and wheelchairs in each compartment of the trains may be increased so as to enable more no. of the PwDs to access the railway transport services.

Ms. Meenakshi Balasubramanian, Co-Founder, Centre for Promotion of Social Justice, Chennai, gave following suggestions:

- i. Ministries and Departments may be directed to allocate specific resources for retrofitting their works, services (buildings, spaces, services including transport, information and communication) for universal design.
- ii. Public procurement guidelines and policies may be amended to ensure universal design by mandating universal design at the procurement levels).
- iii. The NHRC may hold a discussion on linking the harmonized guidelines with the procurement guidelines. We need to look at retrofitting within the domain of the respective ministries and departments and direct those ministries to earmark resources for retrofitting of buildings and services to ensure accessibility at both the union and state level.

Dr. Sanjay Jain, Officiating Principal, ILS, Law College, Pune expressed his views on implementation of the provision of the RPD Act and mentioned that Post of Commissioner at Office of the Chief Commissioner for Persons with Disabilities is vacant since long time. Vacancy in such a crucial post is hampering effective implementation of the RPD Act and the rules made there under implementation of the law, and enactment of the rules in several states. It is the responsibility of the Union Government to ensure the implementation of provisions of the RPD Act all across the nation. PwDs shall be equally treated and their right to freedom of movement shall also be guaranteed by making concerted efforts. He further added that focal point under article 33 of the provisions of the UNCRPD should be appointed for catering to the rights of persons with disabilities.

Shri Santosh Mehra, Director General (Investigation), NHRC stated that every government has limited resources and therefore, all NGOs and other organizations may suggest low cost alternatives that can be provided to maximum number of persons with disabilities. We need to focus upon the research based solutions and innovative technologies to mitigate the hardships faced by the persons with disabilities.

Shri Akhil S. Paul, Director, Sense International (India), Ahmedabad recommended that the Government must play an active role in implementation of the RPD Act and the rules

framed there under. He noted with concern that website of the Accessible India Campaign launched in 2015 has not been updated since November, 2016. He also pointed out that the NHRC Toll-free complaint number is also not accessible for PwDs. He further stated that accessibility audit of the buildings has not been completed so far. He also suggested that toll-free numbers with video calling facility need to be enabled for easy access of persons with disabilities.

Shri Yajurvendra Mahajan, Founder, Deepstambh Foundation, Jalgaon, gave a brief overview of his initiative on creating first ever residential accessible program for persons with all types of disabilities aspiring for competitive exams/ higher education. He stated that his organization is in process of building national model accessible project for 320 students with disabilities in Maharashtra wherein all the norms for PwDs will be implemented.

Dr. Satendra Singh, Professor of Physiology at University College of Medical Sciences and Guru Tegh Bahadur Hospital, stressed that accessibility is a human right that must be vigilantly protected. Citing the article 9 of the CRPD, its general comment No. 2 (2014), and section 40-46 of the RPD Act 2016 on accessibility, he highlighted the lack of a cross-sectoral approach among ministries and statutory bodies. The Chief Commissioner for Persons with Disabilities (CCPD), for example, who is also a member of NHRC Core Group on Disabilities disposed of his own petition on the inaccessibility of Lady Hardinge Medical College without even hearing him. Moreover, CCPD has also not exercised its power of suo moto cognizance on violation of accessibility provisions mandated under the law [u/s 75(1)(b) of RPDA]. He further highlighted that he has been showcased as the 'Individual Stars of Accessible India Campaign' on the government website yet none of his requests has been addressed to make the places accessible since 2015.

Mr. Akhil Paul from Sense India confirmed that website of the Accessible India Campaign launched in 2015 was last updated on 26.11.2016. The other participants also highlighted that the post of CCPD has been vacant for a long time and advisory committee comprising of not more than eleven members drawn from the experts from different disabilities as mandated under section 74(8) of the RPDA does not exist.

Dr. D. M. Mulay, Hon'ble Member NHRC, in his concluding remarks stated that we have a long way to go to ensure the accessibility to all persons with disabilities which is their legal right. In fact, we need a wholehearted commitment for implementation of the vision envisaged in the RPD Act to ensure that all PwDs realise their basic rights, i.e, liberty, dignity and equality. It is essentially required that the RPD Act is fully complied with in letter and spirit for which the government is duty bound. He further motivated everyone to move ahead in the collective journey for making a positive impact in the lives of the persons with disabilities.

With the thought of setting an example, a general accessibility inspection was conducted in the building of NHRC (Manav Adhikar Bhawan) by a team headed by Dr. D.M. Mulay, Hon'ble Member accompanied by the Core Group Members & NHRC Officers to check accessibility conditions for the persons with disabilities. After the inspection, several observations were made. Same are listed at Annexure-II.

Recommendations of the Core Group:

1. All government departments to formulate and publish an Action Plan in compliance of the Section 45 (2) of the RPD Act specifying the steps (short term, mid-term, long term) to be taken to ensure compliance to RPD Act.
2. All Ministries/ departments to set up Access Coordination Committee, headed by a senior officer to follow up the Action Plan, conduct training and sensitization programmes within the organisation and get the Access Audits of their buildings, websites, services and infrastructure conducted, as required.
3. States need to align their Development Control Rules and General Building Requirements with the National Building Code 2016 / Harmonised Guidelines for Accessibility immediately. All ULBs be directed to appoint Responsible & Trained Officers/ or create mechanism for Self Check and Self declaration countersigned by a registered Architect who will testify that the building plan adheres to access requirement both at the drawing stage and at the completion stage.
4. All buses deployed for urban transport services must be low floor and have accessibility features. The states must use their purchasing power to ensure that market players provide accessible transport solutions at lower cost. Except on dedicated BRT routes where corresponding boarding platforms exist and access to such platforms is ensured, high floor buses should be phased out from public operations in urban local transport.
5. The agencies/establishments need to be facilitated by a Special Cell created in NIC on an urgent basis to make all websites accessible to persons with disabilities and make all websites accessible complying with WCAG within the next 6 months in a mission mode. Similarly, private establishments also need to be directed and their licenses to operate be linked to their following the access mandate. NIC could also offer this service on paid basis, at affordable costs, to private players to hasten the process.
6. District Disability Committees may be created with trained and sensitised officers and persons with disabilities.
7. All states need to be directed to submit the details of special courts and special prosecutors in all the states/districts and the details of the cases resolved by these courts. These courts need to be physically accessible and should have facility of filing cases and conduct hearings, etc. in a hybrid mode.
8. Accessibility and reasonable accommodation to be provided in custodial centres like prisons, beggar's homes, mental hospitals, etc. and Prison Manuals need to be updated to incorporate provisions of the RPD Act therein.
9. The NHRC Toll-free number for making complaints should also be made accessible for better outreach of the PwDs.

The meeting ended with a Vote of Thanks by Dr. M.D.S. Tyagi, Consultant (Research), NHRC.

Annexure 1

List of Participants:

I- NHRC Officials:

1. Dr. D.M. Mulay, Hon'ble Member, NHRC- Chair
2. Justice Shri Mahesh Mittal Kumar, Hon'ble Member, NHRC
3. Shri Santosh Mehra, DG(I)
4. Shri H.C. Chaudhary, Joint Secretary, NHRC
5. Dr. M.D.S. Tyagi, Consultant (Research), NHRC
6. Shri Sanjay Kumar, Under Secretary, NHRC
7. Ms. Smriti Pandey, JRC, NHRC
8. Mr. Maninder Singh, JRC, NHRC
9. Mr. Masroof Anwer, JRC, NHRC
10. Ms. Lakshmi Kumari, JRC, NHRC

II- Representatives of Ministries:

1. Shri Mritunjay Jha, Deputy Secretary

III- Expert Members of the Core Group:

1. Prof. (Dr.) Amita Dhandra, Professor, NALSAR, Hyderabad
2. Ms. Nidhi Goyal, Founder & Executive Director, Rising Flame, Mumbai
3. Ms. Meenakshi Balasubramanian, Co-Founder, Centre for Promotion of Social Justice, Chennai
4. Shri. Akhil S. Paul Director, Sense International (India), Ahmedabad
5. Shri. Yajurvendra Mahajan, Founder, Deepstambh Foundation, Jalgaon
6. Dr. Satendra Singh, Medical Doctor, University College of Medical Sciences and Guru Tegh Bahadur Hospital, (Delhi)

IV- Special Invitees:

1. Shri Subhash Chandra Vashishth, Advocate, Specialist- Accessibility, Universal Design & Diversity Inclusion, Joint Secretary at National Association for Blind (Delhi). Member at Standing Committee on Accessible Transportation and Mobility, TRB, USA
2. Ms. Vaishnavi Jayakumar, Member, Disability Rights Alliance
3. Dr. Sanjay Jain, Professor, ILS Law College, Pune
4. Dr. Kiran Kumari, Assistant professor, Punjabi University, Patiala, Punjab
5. Shri Yashpal Gupta Superintendent Engineer, DC-IV, Central Public works Department (CPWD), East Block-1, Level-6, R.K. Puram, New Delhi-110066

Inspection Report on Accessibility Conditions in Manav Adhikar Bhawan

1. **Accessible Entrance:**
 - i. The entrance gate of NHRC (where metal detector gateway is placed) needs to be widened as the width of the entrance is too narrow for letting a wheel chair pass through it.
 - ii. The entrance gate is close to the lifts and stairs so as to provide barrier free access to lifts and stairs.
2. **Parking:** Car parking spot shall be created and allocated specifically for persons with disabilities in the parking area as per the norms.
3. **Lifts:** The lift is disabled-friendly as it has audio and video alarm. Further, the signage is also placed in braille language outside the lift.
4. **Stairs:**
 - i. Two sided double handrails to be installed at the stairs on every floor.
 - ii. There should not be any plates close to the handrails of the stairs.
 - iii. Color contrasting strip at all floors at each step inside and at entrance of the NHRC building need to be created to enable persons with low vision or any other visual impairment to identify the depth of the stairs easily.
5. **Ramps:**
 - i. The building is equipped with ramps along with the railings at the entrance.
 - ii. Tactile Flooring need to be installed at the entrance of the entrance ramp.
6. **Reception:**
 - i. The height of the plank outside the reception may be reduced for making the reception area accessible.
 - ii. The details regarding directions to places such as meeting rooms, floor, and directions may be placed in braille on a board at the reception area.
7. **Wheelchair:** Wheelchairs should be purchased by the Commission and placed near the entrance area/ waiting area to assist any older person or PwD.
8. **Toilets:**
 - i. Unisex accessible toilets are available at each floor of the NHRC building. However, the locks of the doors need to be changed from top to the lower side so that it can be easily opened and closed by any person with disability or any older person.
 - ii. The sign board on top of the disabled friendly toilet needs to be changed from "Handicap Toilet" to "Toilets for PwDs" and the alphabet "T" may be added there so that the toilet can also be used by any Transgender person.
 - iii. Horizontal grab bar, low height sink are available in the toilets.
9. **Corridors and Lobby:**

i. Waiting area on the ground floor is well equipped with chairs and tables and it has sufficient space where wheelchairs can be parked.

ii. Tactile flooring to be provided on each floor to enable the persons with visual impairment or low vision to provide better pathway access.

Shri Pankaj Kumar, IAS
Chief Secretary
Government of Gujarat
1st Block, 5th Floor Sachivalaya
Gandhinagar- 382 010

(c) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children;

(d) provide orientation and sensitisation at the school, college, University and professional training level on the human condition of disability and the rights of persons with disabilities;

(e) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers;

(f) ensure that the rights of persons with disabilities are included in the curriculum in Universities, colleges and schools.

40. The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

Accessibility.

41. (1) The appropriate Government shall take suitable measures to provide,—

Access to transport.

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;

(c) accessible roads to address mobility necessary for persons with disabilities.

(2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

42. The appropriate Government shall take measures to ensure that,—

Access to information and communication technology.

(i) all contents available in audio, print and electronic media are in accessible format;

(ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;

(iii) electronic goods and equipment which are meant for every day use are available in universal design.

43. The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

Consumer goods.

44. (1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40.

Mandatory observance of accessibility norms.

(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.

45. (1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules:

Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

Time limit for making existing infrastructure and premises accessible and other related parameters.

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

Time limit for accessibility by service providers.

46. The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:

Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

Human resource development.

47. (1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992, the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,—

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(a) mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;

(b) induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, asha workers, *anganwadi* workers, engineers, architects, other professionals and community workers;

(c) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;

(d) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect;

(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities;

(f) any other capacity development measures as may be required.

(2) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

(3) In order to fulfil the obligation stated in sub-section (1), the appropriate Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitisation, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

Social audit.

48. The appropriate Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and need the requirements and concerns of persons with disabilities.

CHAPTER IX

REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS

Competent authority.

49. The State Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

Registration.

50. Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority:

Provided that an institution for care of mentally ill persons, which holds a valid licence under section 8 of the Mental Health Act, 1987 or any other Act for the time being in force, shall not be required to be registered under this Act.