



दिल्ली सरकार
कार्यालय प्रमुख अभियंता, लो0नि0वि0,
12वां तल, बहु-मंजिला भवन, इंद्रप्रस्थ संपदा, नई दिल्ली: 110002
23317926, 23724561, 23317520, फ़ैक्स 23766924
Toll Free Complaint No. 1800 11 0093
वेबसाइट: <http://pwd.delhigovt.nic.in>
ई-मेल: pwdhqdelhi@gmail.com/dppwdhqdelhi@gmail.com



सं0: प्रमुख अभि./निदेशक/लोनिवि/कार्य/एओपी/2017/5335
सेवा में

दिनांक: 07.11.2017

1. मुख्य अभियंता(स्वास्थ्य)अनुरक्षण, लो.नि.वि, दूसरा तल, बहु-मंजिला भवन, इंद्रप्रस्थ संपदा, नई दिल्ली-02।
2. मुख्य परियोजना प्रबंधक(शिक्षा)अनुरक्षण, लो.नि.वि, पहला तल, बहु-मंजिला भवन, नई दिल्ली-02।
3. मुख्य परियोजना प्रबंधक(एफ-2 एवम् 3), लो.नि.वि, सरायकाले खां, रिंगरोड़, दिल्ली-13।
4. मुख्य परियोजना प्रबंधक(स्वास्थ्य), लोनिवि, 6वां तल, एमएसओ भवन, इंद्रप्रस्थ संपदा, नई दिल्ली-02।
5. मुख्य परियोजना प्रबंधक(गृह), लो.नि.वि, 13वां तल, एमएसओ भवन, इंद्रप्रस्थ संपदा, नई दिल्ली-02।
6. मुख्य परियोजना प्रबंधक(शिक्षा), लोनिवि, दूसरा तल, एमएसओ भवन, इंद्रप्रस्थ संपदा, नई दिल्ली-02।
7. मुख्य परियोजना प्रबंधक(अन्य), लो.नि.वि, 13वां तल, एमएसओ भवन, इंद्रप्रस्थ संपदा, नई दिल्ली-02।
8. परियोजना प्रबंधक(एफ-1), लो.नि.वि, मुकरबाचौक, जी.टी.करनालरोड़, दिल्ली-33।
9. परियोजना प्रबंधक(एफ-4 एवम् 5), लो.नि.वि, भैरोंरोड़, टीजंकशन, प्रगति पावर स्टेशन, नई दिल्ली-02।
10. लोक निर्माण विभाग के अंतर्गत सभी अधीक्षण अभियंता, लोनिवि, नई दिल्ली।

विषय:- Access audit of Building under Public Works Department(PWD) Order dated 18.05.2017 of Hon'ble High Court of Delhi in W.P.(C) No.11711/2015 in the matter of Nipun Malhotra Vs. govt. of Delhi, NCT.

संदर्भ:- आयुक्त(नि:शक्तजन), रा.रा.क्षे., दिल्ली सरकार, का अर्धसरकारी पत्र संख्या 4/1592/2017/डब्ल्यू एल/सीडी/2559-61 दिनांक 02.11.2017।


Please find enclosed above cited DO letter received from Sh. T.D. Dhariyal, Commissioner for Persons with Disabilities on the subject matter, vide which it is intimated that he is receiving communication from officers of PWD of different circles/offices stating that as per the order dated 18.05.2017 of the Hon'ble High Court of Delhi, all the Govt. Buildings are to be access audited. They have requested the Commissioner to get the buildings access audited or depute some responsible officer from his office for access audit of the buildings/roads.

In this regard, it is intimated that Sh. Mohal Lal, Superintending Engineer (North) is the Nodal Officer for access audit of buildings/roads under PWD. Hence, CPMs/PMs/CEs/all Superintending Engineers are requested to give information of their action taken or action to be taken as per Hon'ble High Court order dated 18.05.2017 is to be sent to Nodal Officer of PWD who will compile and submit in the Commission as per direction of the Commissioner.

In view of above, it is requested to kindly make genuine efforts to ensure a barrier free environment for persons with disabilities for public buildings and PWD roads.

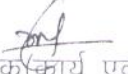
This issues with the approval of Engineer-in-Chief, PWD.

संलग्न:- उपरोक्तानुसार


(सजीव रस्तोगी)
निदेशक(कार्य एवं स्थापना)

प्रतिलिपि:-

1. प्रधान मुख्य अभियंता (अनुरक्षण), लोनिवि, 12वाँ तल, एम.एस.ओ.भवन, नईदिल्ली।
2. प्रधान मुख्य अभियंता (परियोजनाएं), लोनिवि, 9वाँ तल, एम.एस.ओ.भवन, नईदिल्ली।
3. मुख्य अभियंता(उत्तर), लो.नि.वि, 5वां तल, बहु-मंजिलाभवन, इंद्रप्रस्थसंपदा, नई दिल्ली-02।
4. मुख्य अभियंता(दक्षिण), लो.नि.वि, 7वां तल, बहु-मंजिलाभवन, इंद्रप्रस्थसंपदा, नई दिल्ली-02।
5. मुख्य अभियंता(पूर्व), लो.नि.वि, तीसरातल, बहु-मंजिलाभवन, इंद्रप्रस्थसंपदा, नई दिल्ली-02।


निदेशक(कार्य एवं स्थापना)



टी. डी. धारियाल
आयुक्त (निःशक्तजन)

T. D. Dhariyal
Commissioner for
Persons with Disabilities

आयुक्त (निःशक्तजन) कार्यालय,
राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार,
25-डी, माता सुंदरी मार्ग,
गुरु नानक आई सेंटर के पास, नई दिल्ली-110002.

O/o the Commissioner for Persons with Disabilities,
Govt. of N.C.T. of Delhi,
25-D, Mata Sundari Road,
Near Guru Nanak Eye Centre, New Delhi-110002.
Phone : 011-23216001/02 Fax : 011-23216005
E-mail : comdis.delhi@nic.in
Website : www.discomm.delhi.gov.in

D.O.No. 4/1592/2017/WEL/CD/2559-61

Dated: 02/11/2017

Sub: Access audit of buildings under Public Works Deptt.(PWD) Order dated 18.05.2017 of Hon'ble High Court of Delhi in W.P. (C) No.11711/2015 in the matter of Nipun Malhotra Vs. Govt. of Delhi, NCT.

Dear *Shri Srivastava,*

This is to bring to your notice that I am receiving communications from the officers of PWD of different circles / offices stating that as per the order dated 18.05.2017 of the Hon'ble High Court of Delhi, all the Govt. buildings are to be access audited. They have, therefore, requested me to get the buildings access audited or depute some responsible officer from my Office for access audit of the buildings. The latest communication received in this regard is letter No. 23(Court Case)/Shahdara Zone/PWD/2378 dated 25.10.2017 from Sh. Ravi Kant, Superintending Engineer, Shahdara Circle PWD, a copy of which is enclosed. It is happening despite the fact that this Office has informed the concerned officers of PWD that this office is neither responsible for access audit of buildings nor does it have the access auditors.

2. I would like to bring to your notice that as per Section 80 of the Rights of Persons with Disabilities, 2016 the State Commissioner among other things shall inquire, suo-motu or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action and monitor implementation of the provisions of the Act and schemes / programmes meant for persons with disabilities and utilisation of funds disbursed by the State Govt. for the benefits of persons with disabilities.


3. In the light of the mandate of the Act I had taken Suo-Motu cognizance of inaccessible built environment in the NCT of Delhi and issued a Show Cause Notice dated 19.07.2017 followed by a hearing on 18.10.2017 in case No. 4/1665/2017/Wel/CD (copies enclosed). Urban Development Deptt., PWD, DDA, three Delhi Municipal Corporations, New Delhi Municipal Council, Cantonment Board, DUSIB, DTC and DTIDC are the 12 respondents in the said case.

4. In view of the above, the concerned Department / Corporation / Organisation responsible for construction / maintenance of any built environment / buildings / transportation is mandated to implement the provisions of the Rights of Persons with Disabilities Act, 2016 in the National Capital Territory of Delhi.

5. I, therefore, request you to advise all concerned officers of your Department to take the matter with the seriousness it deserves and make genuine efforts to ensure a barrier free environment for persons with disabilities. Kindly also advise all concerned in your Department not to send such communications to this Office in future. However, I reiterate that my office will extend all support that is possible.

Warm regards,

Yours sincerely,


(T.D. Dhariyal)
02.11.2017

Encl: As above.

To.

✓ Sh. S.K. Srivastava,
Engineer-In-Chief,
Public Works Department,
GNCTD, 12TH Floor, MSO Building,
New Delhi-110002.

Copy for information to :-

1. Principal Secretary(PWD), Delhi Secretariat, Delhi.
2. Secretary(SW), Deptt. of Social Welfare, Delhi Gate, Delhi.

कार्यालय अधीक्षण अभियंता

हदरा परिमंडल एम, लोक निर्माण विभाग,
पश्चिमी यमुना तटबंध, लोक नायक सेतु,
आई.पी. एस्टेट नई दिल्ली-110002
फोन -23370798 व फ़ैक्स - 237224390



Office of Superintending Engineer
Shahdara, Maintenance Circle, PWD
Western Yamuna Bank, Near Lok Nayak Setu,
IP Estate, New Delhi-110002.
E-mail: sepwddelhim23@gmail.com

संख्या: 23(Court Case)/शाहदरा परि.एम/लो.नि.वि./ 2378

दिनांक: 25/10/2017

To

Sh. T.D. Dhariyal,
Commissioner (Persons with Disabilities),
Govt. of NCT of Delhi,
25-D, Mata Sundari Road,
Near Guru Nanak Eye Centre,
New Delhi-110002

Sub.: Conducting disabilities audit of various buildings under the jurisdiction of Project Circle, PWD
Reg. Order dated 18.05.2017 passed by the Hon'ble High Court of Delhi W.P. (C) No. 11711/2015 in the matter of Nipun Malhotra Vs. Govt. of Delhi NCT

As per the Order dated 18.05.2017 passed by the Hon'ble High Court of Delhi W.P. (C) No. 11711/2015 in the matter of Nipun Malhotra Vs. Govt. of Delhi NCT, disability audit of all government buildings is to be done. The next date of hearing of above said case is 10.01.2018.

You are requested to depute some responsible officer for the disability audit for the following buildings under jurisdiction of Shahdara Maintenance Circle. The Executive Engineer, in charge of the building may be contacted for facilitating the disability audit.

S. No.	Name of Building	Executive Engineer-in-Charge	Remarks
1	Karkardooma Distt. Court Lawyer's Chambers	Er. Rakesh Vij, Executive Engineer, Karkardooma Court Division, PWD, GNCTD, Under Akashardham Flyover, Opposite Metro Pillar No. 50, Delhi-110091 22759512 9910517835 Eepwddelhim231@gmail.com	
2	DSSSB		
3	DIET		
4	Karkardooma Court Complex		
5	Employment Exchange		
6	UTCS Complex		
7	Saheed Shukhdev College of business studies, Delhi.		
8	Deputy Labour Commissioner office		
9	Oldage home		
10	DIET, Dilshad Garden		
11	HLTB (Leprosy Complex, Tahirpur)		
12	Dept. of Social Welfare, Sunder Nagri		
13	Sanskar Ashram, Dilshad Garden		
14	I.T.I Vivek Vihar		
15	I.T.I Shahdara		
16	World Class Skilled Center, Vivek Vihar		
17	Working Women Hostel, Vishwas Nagar		
18	CBD Fire Station Shahdara		

This should be treated as urgent in view of Hon'ble High Court of Delhi directions.

20/10/17
reply has not been
received as discussed.

DC 5/11/17

25/10/17
(Ravi Kant)

Superintending Engineer
Shahdara Circle, PWD, GNCTD

Copy to:

- The Pr. Chief Engineer, PWD, GNCTD, 12th Floor, MSO Building, New Delhi
- The Chief Engineer (East), PWD, GNCTD, 3rd Floor, MSO Building, New Delhi.
- The Superintending Engineer (North) Maintenance Circle, PWD, Western Yamuna Bank, Ring Road, Opposite ISBT Kashmere Gate, Delhi-110006. It will be more appropriate, if a single request letter is issued for all the buildings owned / maintained by PWD from Nodal officer. It is also brought to your kind notice that the Schools & Police Stations are not being considered in the above list, as the maintenance & other works in these buildings are done after obtaining A/A & E/S.
- Executive Engineer, Karkardooma Court Division, PWD, GNCTD, Under Akashardham Flyover, Opposite Metro Pillar No. 50, Delhi-110091

Dick

Superintending Engineer
Shahdara Circle, PWD, GNCTD

In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 4/1665/2017/Wel./CD/ 2415-26

Dated:25/10/2017

In the matter of:

SUO-MOTU

Versus

The Secretary,
Urban Development Deptt.
9th Level, C-Wing,
Delhi Secretariat, I.P. Estate,
New Delhi-110002.... Respondent No. 1

The Commissioner.
North Delhi Municipal Corporation,
4th Floor, Dr. S.P.M. Civic Centre,
J.L.N. Marg,
New Delhi-110002.... Respondent No. 2

The Commissioner,
South Delhi Municipal Corporation,
9th Floor, Dr. S.P.M. Civic Centre,
J.L.N. Marg,
New Delhi-110002.... Respondent No. 3

The Commissioner.
East Delhi Municipal Corporation,
419, Udyog Sadan, Patparganj,
Industrial Area,
Delhi-110096..... Respondent No. 4

The Chairman,
New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110002.... Respondent No. 5

The Chief Executive Officer,
Cantonment Board,
Sadar Bazar,
Delhi Cantt.-110001.... Respondent No. 6

The Managing Director,
Delhi Transport Corporation,
I.P. Estate,
New Delhi-110002.... Respondent No. 7

The Principal Secretary,
Public Works Department,
5th Level, B-Wing, Delhi Secretariat,
New Delhi-110002..... Respondent No. 8

The Secretary-Cum Commissioner,
Transport Department,
5/9, Under Hill Road,
Delhi-110054.... Respondent No. 9

The Vice Chairman,
DDA, A-Block, 1st Floor,
Vikas Sadan, Near INA Market,
New Delhi-110023..... Respondent No. 10

The Chairman,
DTIDC, Maharana Pratap ISBT,
Kashmere Gate,
Delhi-110006..... Respondent No.11

The Chief Executive Officer
DUSIB, Govt. of NCT of Delhi
Punarvas Bhawan, I.P. Estate
Delhi-110002..... Respondent No.12

Date of Hearing 18.10.2017

Present: Sh. O.P. Ojha, EE, EDMC, Sh. Parveen Chowdhary, AE, SDMC, Sh. S.K. Goel, Sr. Manager, DTC, Sh. S.C. Advani, SE, North DMC, Sh. A.K. Singhal, EE, North DMC, Sh. Pratap Singh, AE, North DMC, Sh. T.R. Meena, SE, NDMC, Sh. P.K. Goel, Dy. Secretary, Department of Urban Development, and Sh. Sandeep Gaur, EE, PWD on behalf of the Respondent.

Now appeared on behalf of CEO, Cantonment Board, Delhi Cantt.

Record of Proceedings

In this suo-motu case the Show Cause Notice was issued to respondent No. 1 to 7 on 14.07.2017 with the direction to the respondents to submit their replies on or before 11.08.2017. None except South Delhi Municipal Corporation submitted the reply followed by Department of Urban Development. This Court was thus constrained to issue summons. As of now North Delhi Municipal Corporation and East Delhi Municipal Corporation are yet to submitted their replies.

2. South Delhi Municipal Corporation vide reply dated 04.08.2017 submitted that under their jurisdiction roads having right of way less than 60 ft wide have no provision of footpath as these are the internal lanes of residential colonies. The existing municipal buildings such as Schools, Hospitals, Community Halls, Toilet Blocks, CTCs, Markets, Common Spaces like Parks, Stadia etc. are fully accessible to persons with disabilities as per the Rights of Persons with the Disabilities Act, 2016 (RPwD Act). The under construction/new municipal buildings are being constructed in accordance with the provisions of the said Act. It has also been submitted that the field staff has been directed to take up the new construction activity for built environment for public use with strict compliance of RPwD Act, 2016.

3. The representatives of the North Delhi Municipal Corporation and East Delhi Municipal Corporation also subscribe to the submissions of South Delhi Municipal Corporation. However, since they have not submitted the written submissions they are directed to do so by 31.10.2017.

4. The representatives of North Delhi Municipal Corporation pointed out that the residential colonies and some of the markets are under the control of DDA therefore DDA should also be impleaded. He also suggested that DDA should ensure compliance with the guidelines while planning and constructing the new colonies. He also pointed out that the community toilets are being constructed and maintained by DUSIB.

Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari road, New Delhi 110072

While undertaking new constructions or retrofitting the existing ones, it may be ensured that the guidelines published by Ministry of Urban Development, Govt. of India in February, 2016 entitled "Harmonised Guidelines for Barrier Free Environment for Persons with Disabilities and Elderly Persons" are strictly followed as required under Rule 15 of RPwD Rules, 2017 notified by Department of Empowerment for Persons with Disabilities, Ministry of Social Justice and Empowerment, Govt. of India. In order to ensure proper compliance of the said Guidelines, training of all concerned and at all levels including masons, contractors, the supervising engineers, etc should be ensured and a nodal officer be appointed in each district for monitoring compliance with the guidelines.

6. New Delhi Municipal Council vide letter dated 17.10.2017 has submitted the photographs of accessible toilets with ramps and railings and zebra foot path at some places with the following details:

- I Extra bollards have been removed from footpath for providing space to move wheel chair without inconvenience.
- II The proper ramps have been provided at all zebra crossings on the NDMC roads for facilitating to disabled persons.
- III Ramps exist at some locations of toilet to facilitate disabled persons with divyangjan toilets. However wherever new toilet being constructed with provision of ramps with divyangjan toilet".

7. As per my personal observation, some of the New Delhi Municipal Council areas have been developed in accordance with the guidelines and have exemplary accessible features. It will therefore be in the fitness of things for me to recommend that New Delhi Municipal Council may develop the built environment/infrastructure in its jurisdiction that is fully accessible to persons with disabilities as a model which can be replicated by other civic authorities namely North Delhi Municipal Corporation, South Delhi Municipal Corporation, East Delhi Municipal Corporation, Cantonment Board and PWD/ other concerned authorities.

8. DTC vide letter 24.08.2017 has informed that as per the order of Additional Commissioner Transport, GNCTD the construction and maintenance work of bus queue shelters is being looked after by M/s. (DTIDC) and they have forwarded a copy of the communication to that organisation for taking appropriate action. However, no response has been received from DITDC. The representatives of DTC during the hearing added that DTC has procured only low floor buses which are

disability friendly. The semi low floor buses are being procured by the Delhi Govt. With regard to the buses not being taken to the bus bays, they submitted that there are many issues like the passengers waiting for the busses on the road and encroachment by auto rickshaws, rickshaws etc. For this they need the assistance of the traffic police and enforcement branch of Transport Department.

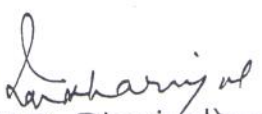
9. Department of Urban Development vide letter dated 31/08/2017 forwarded the notice to Secretary, PWD and other civic authorities including DJB.

10. The representatives of PWD submitted that all the relevant papers in connection with this case, which have been forwarded by Department of Urban Development, have not reached him. A detailed reply will be submitted by the department. The relevant papers were handed over to him and he was directed to submit reply positively by 31.10.2017. In view of the submissions of the representatives of other respondents, it is the PWD that is responsible for construction of most of the build environment and hence has critical role in ensuring accessible environment for person with disabilities in the NCT of Delhi.

11. In light of the above discussion, Principal/Secretary, Public Work Department, Secretary-Com Commissioner, Transport Department, Vice Chairman DDA, Chairman DTIDC and Chief Executive Officer, DUSIB are impleaded as respondents No. 8, 9, 10, 11 and 12 respectively. A copy of the notice of compliant dated 19.07.2017 is enclosed for them to submit their response by 31.10.2017.

12. The matter will next be heard on 09.11.2017 at 11:30 a.m.

Encls: As above.


(T.D. Dhariyal) 24/10/17
State Commissioner for Persons with Disabilities
Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari road, New Delhi-02

atc

In the Court of the State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-110002
Phone-23216003-04, Telefax: 23216005 Email:comdis.delhi@nic.in

Notice of Complaint to Show Cause

Case No. 4/1665/2017/Wel/CD | 983-990

Dated: 19.7.2017

In the matter of :

SUO-MOTU

Versus

The Secretary,
Urban Development Deptt.
9th Level, C-Wing,
Delhi Secretariat, I.P. Estate,
New Delhi-110002Respondent No.1

The Commissioner,
North Delhi Municipal Corporation,
4th Floor, Dr. S.P.M. Civic Centre,
J.L.N. Marg,
New Delhi-110002Respondent No.2

The Commissioner,
South Delhi Municipal Corpn.,
9th Floor, Dr. SPM Civic Centre,
J.L.N. Marg,
New Delhi-110002.....Respondent No.03


The Commissioner,
East Delhi Municipal Corporation,
419, Udyog Sadan, Patparganj,
Industrial Area,
Delhi-110096Respondent No.4

The Chairman,
New Delhi Municipal Council,
Palika Kendra, Sansad Marg,
New Delhi-110001 Respondent No.5

The Chief Executive Officer,
Office of Cantonment Board
Sadar Bazar,
Delhi Cantt.-1100100 Respondent No.6

The Managing Director,
Delhi Transport Corporation,
I.P. Estate,
New Delhi-110002 ...Respondent No.7

Whereas it is observed that the design and the construction of many foot paths walk ways, bus queue shelters, common spaces in the local and main markets, residential colonies, etc in the National Capital Territory of Delhi are not as per the prescribed standards for barrier free built environment for persons with disabilities and elderly. Consequently, the common public spaces are inaccessible and unsafe not only for persons with disabilities and


Court of Commissioner (Dis. Affs)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari road, New Delhi-02

elderly but also for others. Some of the common flaws and the lacunae in design and oversight in construction are as under:

- i. The foot paths are too high from the surface of the road to climb;
- ii. Footpaths constantly change levels making them unusable and unsafe;
- iii. Foot paths are not sloped where these are separated by road;
- iv. There are no curb cuts;
- v. There are narrow spaces between bollards on the foot paths making it impossible for a wheel chair user to pass through;
- vi. Obstructions such as lamp posts, gutters, protruding objects, low height sign boards, trees on foot paths especially on the guiding tiles/ warning blocks make them unsafe for persons with visual impairment;
- vii. Platforms at the bus queue shelters are too high from the surface of the road and are not uniformly synchronised with the height of the platform of the bus;
- viii. There are no ramps / ramps with grab bars to access the common spaces and public utility / facilities in the markets, shopping areas, Government and other residential colonies;

2. And whereas Section 40, 41, 44, 45 and 46 of the Rights of Persons with Disabilities Act, 2016 here in after referred to as the Act, mandate the appropriate Government to ensure accessibility of existing built environment and transport among other things, to persons with disabilities under an action plan, within five years and undertake the new construction only as per the prescribed standards. The said Sections are reproduced below:

"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.

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

(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;

25-D, Mata Sundari road, New Delhi-02

- 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.

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.

(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.

(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.

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."

And whereas Section 89 of the Act provides that any person who contravenes any of the provisions of this Act, or of any rule made there under shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

And whereas as per Rule 15 of the Rights of Persons with Disabilities Rules, 2017, here in after referred to as the Rules, notified by Department of Empowerment of Persons with Disabilities, Government of India, standards as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and

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Elderly Persons issued by Ministry of Urban Development, Government of India in March, 2016 and standard for Bus Body Code for transportation system as specified in the Notification of Government of India in the Ministry of Road Transport and Highways vide G.S.R. 895(E) dated 20th September 2016 are to be followed. Institute for Transportation and Development Policy has also developed and published "Footpath design: A Guide for creating footpath that are safe, comfortable and easy to use";

And whereas the undersigned has also observed that the concerned authorities are reconstructing the foot paths in their respective areas of jurisdiction e.g. in Vasant Kunj, Mayur Vihar, etc. without following the prescribed standards such as not providing for the slopes at the ends of the footpaths joining a crossing road making them virtually unusable by persons with disabilities and elderly which is in violation of the provisions of the Act and the Rules as well as the Standards prescribed by Ministry of Urban Development, Government of India in 2016 and way back in 1998;

And whereas there are some good examples of footpath designs in the New Delhi Municipal Committee area and in NOIDA;

And therefore the undersigned has taken suo motu notice under Section 80 (b) of the Act of the above mentioned state of the built environment and of the fact that even new construction is being carried out without following the prescribed standards. The respondents are accordingly directed to show cause as to why the existing built environment meant for public use in the National Capital Territory of Delhi should not be made fully accessible to persons with disabilities as mandated in the Act, the Rules and the guidelines and why all the new construction of built environment and transportation should not be made strictly in accordance with the provisions of the Act, the Rules and the standards prescribed for each of the facility and submit their versions on or before 11.08.2017. The respondents are further advised to stop forthwith any construction activity of built environment meant for public use without following the provisions of the Act, the Rules and the prescribed standards until appropriate corrective action is taken to ensure their accessibility to persons with disabilities. Urban Development Department of GNCT of Delhi is advised to develop an effective mechanism for monitoring and ensuring implementation of the said provisions of the Act, Rules and the standards and extend necessary technical and other support to the concerned authorities under intimation to this court along with their version.

Given under my hand and the seal of the Court this 12th day of July, 2017.


(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

12-D, Math Bunder road, New Delhi-02

N.O.O.

Secretary, Social Welfare, Govt of NCT of Delhi for information.