



सत्यमेव जयते

**न्यायालय मुख्य आयुक्त विकलांगजन**  
**COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES**

विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities  
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment  
भारत सरकार / Government of India

Case No.2561/1141/2014

Dated:- 08.08.2016

**In the matter of:**

Dr. Satendra Singh,  
Coordinator, Enabling Unit,  
Equal Opportunity Cell,  
University College of Medical Sciences,  
(University of Delhi) & Guru Teg Bahadur Hospital,  
Delhi-110095.

0218

... Complainant

**Versus**

Medical Council of India,  
Through President,  
Pocket-14, Sector-8,  
Dwarka Phase-I,  
New Delhi-110077.

0219

... Respondent

**Date of hearing : 20.07.2016**

**Present :**

1. Dr. Satendra Singh, Complainant.
2. Respondent absent.

**ORDER**

The above named complainant Dr. Satendra Singh, Coordinator, Enabling Unit, Equal Opportunity Cell, University of Delhi filed complaint dated 09.08.2014 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding non-issuance of instructions in hospitals for Sign Language Interpreters etc.

2. The complainant submitted that India was one of the first countries to ratify United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in 2007. Despite this, the medical institutions in India are still shying away from their social accountability towards persons with disabilities. In reply to his RTI, the Medical Council of India has stated that no directive has been issued from MCI which asks medical institutions to include sign language interpreters in hospital. No directive has also been issued from MCI which asks medical institutions to make their websites accessible to persons with disabilities. Majority of the institutions does not have accessible websites which is violation of orders of Prime Minister's Office and guidelines issued by NIC. No reply was given by MCI in response to the question 'Kindly give me the details of policies changed in line with UNCRPD'. No reply was given by MCI in response to the question 'Kindly give the details of steps taken by MCI to introduce disability studies in medical curriculum'. MCI has no record of Physical,

...2/-

Medicine & Rehabilitation (PMR) Departments in India. Only few institutions in India have PMR Departments. The capital of India only has at AIIMS and Safdarjung Hospital. MCI guidelines are to have a mandatory 15 days posting in PMR Department to complete internship after MBBS. When there are no PMR Departments, how interns are completing this mandatory requirement. Based on his representation through this Court, MCI issued directive to the Deans/Principles of all the Medical Colleges/Institutions in India to make their campus barrier free and submit a compliance report. The RTI reply indicates that only 52 institutions in India responded to MCI's most urgent letter. RTI reply confirms that no action was taken on institutions who did not submit the compliance report. The concept of "Reasonable accommodation" and "Universal design" is lacking as per the responses submitted by medical institutions. Section 73 of the PwD Act allows appropriate Government to make rules for carrying out the provisions of this Act. Article 48 also stresses that the appropriate Governments and local authorities shall promote and sponsor research, inter alia, in the following areas— (a) prevention of disability; (b) rehabilitation including community based rehabilitation. In the end he prayed to this Court to intervene to make right to health, a reality for persons with disabilities and instruct MCI and Health Ministry accordingly to make policy changes in respect of above deficiencies as per PwD Act, 1995 and UNCRPD.

3. The matter was taken up with the respondents vide this Court's letter dated 31.03.2015 followed by reminder dated 08.07.2015, 31.07.2015 and 02.11.2015 but no reply has been received from the respondent.

4. Upon considering the complaint dated 09.08.2014 of the complainant, a hearing was scheduled on 20.07.2016.

5. During the hearing, none appeared on behalf of the respondent nor any intimation was received about his inability to attend the hearing on 20.07.2016 and nor any reply was received despite the fact that the copy of the Notice of Hearing was sent on 01.06.2016 by Speed Post. This Court noted with serious concern, the utter disregard shown by the respondent by neither intimating his inability to attend the hearing nor caring to appear to explain his versions of the case.

6. The complainant reiterated his written submissions and submitted that he had filed the compliant in this Court in the year 2014. All the hospitals are not disabled friendly. The Medical Council of India should write all the institutions in India to send Compliance Report on being disabled friendly. However, out of 413 Medical Colleges, only 12% have responded to this Most Urgent letter of MCI. I had filed a RTI to MCI. It was told in the RTI that only 12% have responded and no action was taken on them who did not respond. There was no Circular from Medical Council of India to Medical Colleges on making their website disabled friendly. There was no Circular from Medical Council of India to Medical Colleges to include Sign Language Interpreters. MCI have no data on Physical Medicine & Rehabilitation Department (PMRD). There is no data on enabling Units. There

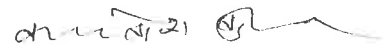
were no Policy changes done under UNCRPD and there was no inclusion of disability status. The complainant gave all Sections 46, 48 and 30 of the Persons with Disabilities Act and Article 25 of UN CRPD in reference. He also gave example how on his complaint the Commissioner of Disabilities, Delhi Government passed an order to make all websites of Delhi Government hospitals disabled friendly. The complainant also submitted a report published in Hindu newspapers in April, 2016 which highlighted how the top premier institute in India AIIMS is still disabled unfriendly. A report was also published in Times of India in July, 2014 that how Medical Colleges flout disabled friendly rules. He prayed that this Court may instruct Medical Council of India to include monetary Access Audit in all Medical Colleges. This will also help in Accessible India Campaign of our Hon'ble Prime Minister. To break barriers, we should tackle not only the physical barriers but also make hospital websites accessible to patients and disabled persons and also tackle attitudinal barriers by including disability stats in medical curriculum. There is also an order of Hon'ble High Court of Delhi on the complaint of National Association of Deaf, in which the Court has instructed to include Sign Language Interpreters in public places including hospitals.

7. This Court directs the respondent to ensure that the website of all the hospitals are made accessible for persons with disabilities so that they can easily check the website of the concerned hospital with the assistance of any able person. The respondent should issue the necessary instructions/directions to the Medical Superintendent of all the hospitals to make their website accessible for persons with disabilities for further loss of time.

8. This Court also directs that necessary arrangements of Sign Language Interpreter should be made in all the hospitals to assist the patients with hearing impairment so that they should not face any difficulty in the hospital while visiting the hospital for treatment. The respondent is also directed to issue necessary directions/instructions to all the hospitals to make barrier free environment in the hospitals so that the persons with disabilities should not face any difficulty.

9. The Compliance Report in the matter be sent to this Court within 30 days of receipt of this order. A copy of order should also be sent to the Ministry of Health & Family Welfare and Secretary Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities for further necessary action.

10. The case is disposed off.



(Dr. Kamlesh Kumar Pandey )  
Chief Commissioner  
for Persons with Disabilities

Copy to:-

1. Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi for necessary action. <sup>224</sup>
2. Secretary, Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities, 5<sup>th</sup> Floor, Block B-I, B-II & B-III, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003 for necessary action. <sup>225</sup>

N.O.O.:

✓ Copy to : Record File.