



सत्यमेव जयते

न्यायालय मुख्य आयुक्त निःशक्तजन
In the Court of the Chief Commissioner for Persons with
Disabilities

सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No. 464/1141/13-14

Dated: 25.07.2013

In the matter of:

Suo motu

Versus

Department of Disability Affairs,
Ministry of Social Justice & Empowerment,
Through Secretary,
Government of India,
Shastri Bhawan,
New Delhi-110001.

.... Respondent

Date of Hearing – 24.07.2013

Present :

S/Shri P.Bhaktavabalam, S.O. (DD-III) and Ajay Nagpal, Assistant, D/O D.A. on behalf of the respondent.

RECORD OF PROCEEDINGS

As the respondent, namely, the Department of Disability Affairs, did not depute a representative of appropriate rank as was mentioned in the Notice of Hearing dated 21.05.2013, the Section Officer representing the respondent Department submitted that the Director, Department of Disability Affairs was not available as he had to attend a personal case in some other court, and, the Under Secretary, Mr. D.K. Panda was away attending a mandatory training of 2 months duration. He further submitted that while a detailed status report in respect of the progress made about tabling of the Annual Report together with the State Governments' Action Taken Report before the Parliament will be filed with this Court very soon, the Action Taken Report in respect of the Annual Report of the Chief Commissioner for the year 2006-07 has already been approved by the Hon'ble Minister and will accordingly be tabled in the ensuing Session of the Parliament. He added that the Action Taken Report in respect of the Annual Report of the Chief Commissioner for the year 2007-08 has been put up to the Hon'ble Minister for her approval; and inputs from the State Governments in respect of the Chief Commissioner's recommendations in the Annual Reports for the year 2008-09, 2009-10 and 2010-11 (3 years) are still awaited.

2. In the light of the foregoing, this Court observes as follows:-

(a) That by the look of the things, it has become now apparent that the respondent

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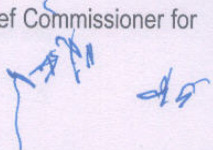
दूरभाष / Tel.: 23386054, 23386154 फैक्स / Fax: 23386006 वेबसाइट / Website :

Department has initiated action in respect of tabling of the Action Taken Report on the Annual Reports of the Chief Commissioner on or around the time communication from this Court asking for the Action Taken Report on the recommendations of the Chief Commissioner contained in the corresponding Annual Reports was sent to the respondent Department.

- (b) That going by the version of the representative of the respondent, it is strange that in some cases the respondent Department waited for months, perhaps in some cases for years together for the inputs of the State Governments. Incidentally, it is the primary responsibility of the Central Government to act on the recommendations of the Chief Commissioner and table an Action Taken Report alongwith Chief Commissioner's corresponding Annual Report before the Parliament in so far as they relate to the Central Government. Therefore, the respondent's plea that the respondent was awaiting inputs from the State Governments stands only on sand's foundation. It is improper to attribute the delay/omission/laps on the part of the respondent to the State Governments.
- (c) That with a heavy heart and under a painful necessity, this Court takes a very serious view of the manner in which the statutory institution of the Chief Commissioner created under an Act of Parliament and vested some judicial powers is being taken lying down by the respondent Department which is solely dedicated for the advancement and empowerment of persons with disabilities. This is evidenced from the fact that the respondent Department has not deputed an officer of an appropriate rank to represent itself. Even in the past, there have been occasions in relation to some other case, where not only the Department of Disability Affairs did not depute any representative at all but it also did not bother to show the minimum courtesy of sending a written communication asking for an adjournment, etc. Even some important communications sent out by this Court failed to elicit any response despite more reminders than one.

3. In the above view of the matter, this Court hereby directs the respondent Department to represent itself by deputing an officer of an appropriate rank to personally explain the status of Action Taken Report on the recommendations of the Chief Commissioner on the aforesaid Annual Reports in the next date of hearing, i.e. **02.09.2013 at 04.00 P.M.**, failing which, this Court will have no choice but to consider various options available to it under the law including the option of passing ex-parte order under intimation to the Cabinet Secretary.

4. Copy of this Record of Proceedings be posted on the website of Chief Commissioner for Persons with Disabilities.


(P.K. Pincha)
Chief Commissioner for
Persons with Disabilities