

**F.NO.36- 02/2017/Coordination Cell ESTT-I**  
**ALL INDIA INSTITUTE OF MEDICAL SCIENCES**  
**ANSARI NAGAR, NEW DELHI-110029**

Dated the: 30.11.2017


**Subject: Representation regarding priority attendance and treatment for persons with disability-Reply reg.**

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Kindly find enclosed herewith a copy of Office Memorandum No 30-26/2017-DD-III; Dated 30<sup>th</sup> October, 2017 of Department of Empowerment of Persons with Disabilities enclosing therewith the D.O letter dated 2<sup>nd</sup> May 2017 of Secretary of Ministry of Social Justice & Empowerment on the above mentioned subject.

The above mentioned letter was sent to Medical Superintendent, HoD (Urology) dated 16 November 2017 in which it is said that actions to be taken by concerned department AIIMS. **(Copy Enclosed of Annexure-I).**

It is requested to provide the updated information as sought vide above mentioned O.M/letter of Department of Empowerment of Person with Disabilities in soft copy on the email ID: **pmocoordinationcellaiims2014@gmail.com** as well as hardcopy to Coordination Cell for further necessary action.

  
**(Sunder Lal Chamoli)**  
**Asstt. Administrative Officer**

**Encl. As Above.**

1. All Chief of Centre,
2. All Head of Department,
3. Research Section,
4. Department of Hematology
5. Superintending Engineer (Engineering Service Department)
6. The Admin Officer (Do) (Establishment Section)

1. *Computer Facility - for website etc.*

09 NOV 2017

14/11/2017

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File No. 30-26/2017-DD-III

Government of India

Ministry of Social Justice and Empowerment

Department of Empowerment of Persons with Disabilities (Divyangjan)

Antyodaya Bhawan, CGO Complex, New Delhi

Dated the 30<sup>th</sup> October, 2017

OFFICE MEMORANDUM

Subject: Representation regarding priority attendance and treatment for persons with disabilities.

The undersigned is directed to refer to the DO letter of even No. dated 02.05.2017 from the then Secretary, DEPwD requesting inter-alia to issue instructions to all hospitals/health centers regarding priority in attendance and treatment to PwDs (copy enclosed) and to say that the Department is not aware as to whether any such instructions have been issued by Ministry of Health & Family Welfare at their end.

2. This Department is in receipt of representation from Shri P.K. Pincha, former CCPD and currently working as Special Rapporteur with National Human Rights Commission seeking priority attendance and treatment at AIIMS, Delhi for his prostate related problems.

3. It is requested that Ministry of Health & Family Welfare may kindly issue appropriate instructions to all the healthcare institutions/hospitals for implementation of Section 25(1)(c) of the RPwD Act, 2016. It is also requested that action deemed appropriate may also be taken on the representation of Shri P.K. Pincha to redress his concerns. Action taken in this regard may be intimated to him under intimation to this Department.

Encl: As above

MS/AAO (Coordn)  
Ministry of Health & Family Welfare  
(Ms Preeti Sudan, Secretary)  
Nirman Bhawan, New Delhi



*[Signature]*

(K.V.S. Rao)

Director

Tel: 24369054

Copy to:

Director, AIIMS along with a copy of the representation received from Shri P.K. Pincha in terms of Section 25(1)(c) of the RPwD Act, 2016.

Copy for information to:

Shri P.K. Pincha, Special Rapporteur, Disabilities, National Human Rights Commission, 'C' Block, GPO Complex, INA, New Delhi

*[Signature]* 14/11/17

AAO (C) *[Signature]*

*[Handwritten notes:]*  
we have received this  
O.M. through CAO earlier. Pl  
Put upon that file.  
10/11/2017

Subject: Fwd: DO

To: V.S.Rao Director-DEPWD" <kvs.rao13@nic.in>

Date: 10/23/17 11:29 AM

From: Dolly Chakrabarty <jsdc-depwd@gov.in>

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----- Original Message -----

From: "N.S. Kang" <secretaryda-msje@nic.in>

Date: Oct 23, 2017 9:10:03 AM

Subject: Fwd: DO

To: Dolly Chakrabarty <jsdc-depwd@nic.in>

----- Original Message -----

From: Prasanna Kumar Pincha <prasannapincha@gmail.com>

Date: Oct 22, 2017 7:51:02 PM

Subject: DO

To: officesjem@gmail.com

Cc: secretaryda-msje@nic.in

To

Hon'ble Shri Thawar Chand Gehlot,

Minister of Social Justice and empowerment,

Govt. of India, New Delhi

Subject: A humble request

Respected sir!

Warm and reverential greetings from Delhi!

With utmost respect and humility do I seek to submit that I am a senior citizen who happens to be blind since birth. Currently, I am associated with the National Human Rights Commission as a Special Rapporteur for issues relating to persons with disabilities.

Sir, of late, a prominent urologist has advised me to undergo what is called bipolar TURP surgery for my prostate. I intend to undergo the said surgery at the All-India Institute of Medical Sciences (AIIMS) Delhi which is also relatively closer to my residence at Vasant Kunj.

Sir! The context also prompts me to refer to Section 25 (1) © of the Rights of Persons with Disabilities Act, 2016 which stipulates "priority attendance and "treatment in favour of persons with disabilities both in Govt. and private hospitals.

In the above view of the matter, may I request you sir to kindly do me the favour of issuing necessary advice to the Director, AIIMS, Delhi under intimation to me and the Ministry of Health and Family welfare so as to enable me to get the bipolar TURP surgery done by the concerned surgeon after proper investigation and diagnosis, and also to allot to me a private cabin for this purpose --- all on payment as per govt. of India's norms. He may further be advised to set up an appointment for me and also to get the surgery done on priority basis as mandated under the rights of Persons with disabilities Act, 2016 --- about which there is so far very little awareness amongst stakeholders as this is a relatively recently enacted piece of legislation. this gracious favour of yours would be gratefully appreciated.

Very truly yours,

Prasanna Kumar Pincha  
Special Rapporteur, Disabilities  
National Human Rights Commission - India,  
'C'-Block, GPO Complex,  
INA, NEW DELHI - 110 023

Former Chief Commissioner for Persons with Disabilities,  
Ministry of Social Justice and Empowerment,  
govt. of India, New Delhi.

Former chairperson

National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation, and Multiple Disabilities,

Ministry of Social Justice and Empowerment,

Govt. of India, New Delhi.

Cellphone: 09899578157; and 09654089951.

Residence landline: 011 26893610.

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**Dolly Chakrabarty,**  
Joint Secretary,  
Department of Empowerment of Persons with Disabilities,  
Ministry of Social Justice & Empowerment,  
Government of India  
Room No. 527, 5th Floor, B-III Wing,  
Pt. Deendayal Antyodaya Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110003.  
Telefax: 011-24365014,  
Telephone: 011-24369069



Navreet Singh Kang, भा.प्र.से.

Navreet Singh Kang, IAS  
Secretary



सत्यमेव जयते

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)

(19)

DO No. 33/2017-DD-III

Dated:- 2<sup>nd</sup> May, 2017

Dear Sir,

Please refer to this Department's O.M. of even No. dated 06.01.2017 regarding the Rights of Persons with Disabilities Act, 2016. Meanwhile the Act has been brought into force w.e.f. 19.04.2017.

2. The new Act has expanded the horizon of the rights of persons with disabilities viz-a-viz the repealed PwD Act, 1995 and casts increased responsibilities on the Government authorities to ensure that the persons with disabilities enjoy their rights equally with others and also for their empowerment. It is needless to say that the new Act has penal provisions for violation of its provisions.

3. While each Ministry/Department is required to issue appropriate instructions to all the establishments under its administrative control to comply with the provision of the Act, your Ministry/Department is responsible to take specific action in respect of the following:-

- To sensitize the medical fraternity to protect the reproductive rights of persons with disabilities in terms of Section 10 of the Act (extract enclosed).
- To issue appropriate instruction to all health authorities to follow the guidelines for assessment and certification for persons with disabilities.
- To frame schemes and programmes to provide free health care facilities in terms of Section 25 of the Act (extract enclosed).
- To frame schemes and programmes to ensure implementation of Section 25 (2) of the Act (extract enclosed).
- To issue instructions to all hospitals/health centres regarding priority in attendance and treatment to PwDs in terms of Section 25(1)(c) of the Act (extract enclosed).
- To issue general instructions to all the establishments under its control regarding implementation of other provisions of the Act.

4. I shall be grateful if you kindly take immediate action on the above areas in line with the provisions of the RPwD Act, 2016 to ensure its effective implementation. Action taken in this regard may be intimated to us at the earliest.

Regards

Yours sincerely,

Navreet Singh Kang

(Navreet Singh Kang)

Shri C.K. Mishra,  
Secretary,  
Department of Health & Family Welfare,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, C-Wing,  
New Delhi - 110001.

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(a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(c) the right to free legal aid; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code, or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter.

45 of 1860.

Protection and  
safety.

8. (1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 for the safety and protection of persons with disabilities.

53 of 2005.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 shall maintain record of details of persons with disabilities in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.

53 of 2005.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

Home and  
family.

9. (1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

Reproductive  
rights.

10. (1) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

Accessibility  
in voting.

11. The Election Commission of India and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.

Access  
to justice.

12. (1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(2) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

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(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care-giver allowance to persons with disabilities with high support needs;

(j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government-sponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

25. (1) The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide,— Healthcare.

(a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;

(b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;

(c) priority in attendance and treatment.

(2) The appropriate Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall—

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) promote various methods for preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying "at-risk" cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child;

(g) educate the public through the pre-schools, schools, primary health centres, village level workers and *anganwadi* workers;

(h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

(i) healthcare during the time of natural disasters and other situations of risk;

(j) essential medical facilities for life saving emergency treatment and procedures; and

(k) sexual and reproductive healthcare especially for women with disability.

26. The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities. Insurance schemes.

27. (1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of Rehabilitation.





374025

**OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER  
ALL INDIA INSTITUTE OF MEDICAL SCIENCE**

Dated: - 07.11.2017

Subject: - Representation regarding priority attendance and treatment for persons with disabilities.

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We are in receipt of an Office Memorandum No.30-26/2017-DD-III dated 30<sup>th</sup> October, 2017 on the above noted subject. This O.M. has been addressed to the Secretary (H), Ministry of Health & Family Welfare with copy to the Director, AIIMS (FR).

This OM has annexed alongwith:

A representation from Sh. Prasanna Kumar Pincha addressed to Minister of Hon'ble Sh. Thawar Chand Gehlot, Minister of Social Justice and Empowerment.

A D.O. letter from the Secretary, Ministry of Social Justice and Empowerment addressed to the Secretary, Ministry of Health & Family Welfare dated 2<sup>nd</sup> May, 2017.


The above mentioned O.M. has been sent to AIIMS for taking care of two issues:

- Ministry of Social Justice & Empowerment has desired that Ministry of H&F.W. may inform about action taken on the instructions given vide D.O. letter referred above by hospitals/institutions including AIIMS for implementation of the Act.
- The representation from Sh. Prasanna Kumar Pincha whereby he has sought an appointment with Urologist at AIIMS to undergo TURP Surgery on priority. He has desired that in view of his handicap, as per provisions of the Act, he should be given priority in consultation as well as allotment of Pvt. Ward.

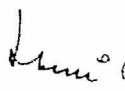
It is submitted that we may consider the following:-


1. Forward this communication to the Office of Medical Supdt. to get the updated information about implementation of the Act
2. Forward the request of Sh. Pincha to the Head of the Department of Urology for further needful action.

Sr. A.O. (Coordn. Cell) may be asked to coordinate with the office of Medical Supdt. and HOD, Urology and send the reply to the Ministry of Health as well as Ministry of Social Justice and Empowerment.

  
( Dr. Sanjay Kumar Arya )  
Chief Administrative Officer (Actg.)

Dy. Director (Admn.) pl.

  
07/11/17

  
AAO(CC) MS Anita  
Sr. AO

  
08/11/2017

07 NOV 2017



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Annexure-I (8)  
Enclosed  
Page-1

**ALL INDIA INSTITUTE OF MEDICAL SCIENCES  
ANSARI NAGAR, NEW DELHI - 110029**

No.F.15/Misc./2017-Estt- (H.)

Dated: 21.11.2017

**Subject:** Representation regarding priority attendance and treatment for persons with disability – Reply reg.

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Reference letter F.No.F.36-02/2017/Ministry/Coordination Cell-Estt.I dated 16.11.2017, on the subject cited above.

In this regard, please find enclosed herewith actions to be taken by AIIMS as per the Persons with Disability Act, 2016 and suggestions to achieve, for your kind perusal.

  
MEDICAL SUPERINTENDENT

✓ Asstt. Administrative Officer  
Co-ordination Cell, AIIMS.

**Actions to be taken by AIIMS as per the Act and suggestions to achieve.**

No	Provision of the Act	Action to be taken by AIIMS as per the Act	Possible Department or Section suggested for implementation	Suggested way to achieve this
1.	To sensitize the medical fraternity to protect the reproductive rights of persons with disabilities in terms of Section 10 of the Act.	<p>a. We have to ensure that the persons with disability have access to appropriate information regarding reproductive and family planning.</p> <p>b. No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.</p>	<p>1. All doctors in all departments.</p> <p>2. Specially Obstetrics and Gynecology.</p>	<p>1. Circulate the Copy of the Act or the relevant portion of the Act to each department.</p> <p>2. If felt, we could have someone to deliver sensitization lecture or organize a course for a day or so.</p>
2.	To issue appropriate instructions to all health authorities to follow the guidelines for assessment and certification for persons with disability.	<p>a. AIIMS is already doing it.</p> <p>b. Some more departments would need to be added, specially the department of Hematology, as per the new provisions.</p> <p>c. We should look out for the new guidelines being made/modified and the circulars on the same in order to implement the latest guidelines.</p>	<p>1. All departments issuing certificates for persons with disability.</p> <p>2. Department of Hematology to be added for certification of newer types of disability added to the Act.</p>	<p>Await the notification of the new guidelines on the evaluation of the disability. As per the information available, it is due in the near future.</p>
3.	To frame schemes and programs to provide free health care facilities in terms of Section 25 of the Act.	<p>a. We are supposed to provide healthcare in the vicinity, specially in rural areas.</p> <p>b. Health care to be free subject to family income to be notified.</p> <p>c. Barrier-free access in all parts of the hospital and institution.</p>	<p>a. Centre for Community Medicine.</p> <p>b. We have to await notification on freeship based on income.</p> <p>c. Work on achieving barrier-free access in all parts of the hospital and institution is on the way. Part of it has been done, a lot more remains to be done. Committee on Accessibility,</p>	<p>Sensitizing the following departments by sending them the provisions of the Act:</p> <p>1. CCM</p> <p>2. Engineering Section</p> <p>3. Committee on Accessibility.</p>

Actions to be taken by AIIMS as per the Act and suggestions to achieve.

No	Provision of the Act	Action to be taken by AIIMS as per the Act	Possible Department or Section suggested for implementation	Suggested way to achieve this
4.	To frame schemes and programs to ensure implementation of Section 25 (2) of the Act.	<p>The main provisions under the Act are to make schemes/programs to promote healthcare and prevent occurrence of disabilities.</p> <p>a. To do surveys/research on causes of disabilities.</p> <p>b. To promote methods of preventing disabilities.</p> <p>c. Screen all children at least once a year for purpose of identifying 'at risk cases'</p> <p>d. Train the staff at PHCs</p> <p>e. Spread information on hygiene, health and sanitation.</p> <p>f. Pre-natal/natal/post-natal care measures for care of mother and child.</p> <p>g. Create awareness amongst the masses through mass media about disabilities, causes and prevention etc.</p>	<p>AIIMS under the Chairmanship of Dr Jagannathan, Prof and Head, NMR and Dr Sri Kumar V, Asst. Professor, PMR as the Nodal Officer.</p> <ol style="list-style-type: none"> <li>1. CCM</li> <li>2. Pediatrics</li> <li>3. Obstetrics and Gynecology</li> <li>4. Emergency Medicine and Trauma Centers</li> <li>5. All departments dealing with persons with disability and certifying them.</li> <li>6. Research Section</li> </ol>	<ol style="list-style-type: none"> <li>1. Research on surveys, causes and treatment including prevention can be undertaken by almost all departments since most of long term illnesses may lead to disabilities.</li> <li>2. School health services through pediatrics and CCM may be undertaken as are already done.</li> <li>3. CCM may incorporate training of health workers to take up the issues of Persons with Disability.</li> <li>4. Faculty from all departments, presently certifying persons with disability to include such topics in the mass media as there are plenty of opportunities on that.</li> <li>5. Public Lectures may be done as AIIMS is already doing.</li> <li>6. Training is already being</li> </ol>

Persons with Disability Act, 2016.

Actions to be taken by AIIMS as per the Act and suggestions to achieve.

S. No	Provision of the Act	Action to be taken by AIIMS as per the Act	Possible Department or Section suggested for implementation	Suggested way to achieve this
		<p>i. Healthcare during disasters etc.</p> <p>j. Essential Medical Facilities for life saving emergency treatment and procedures.</p> <p>k. Sexual and reproductive healthcare specially for women with disability.</p>		<p>imparted by JPNATC on various ATLS and BLS etc.</p> <p>7. Obstetrics and Gynecology, Surgery, Urology, Psychiatry department should be sensitized on reproductive health care etc.</p>
5.	To give priority in attendance and treatment to persons with disability in all hospitals etc.	To provide priority for the persons with disability in the hospital.	All departments of AIIMS.	A circular to all the departments dealing with patients be instructed to give priority to all the patients with disability as in line with the list of other priorities given to the patients, like Senior Citizens etc.