

प्रेषक,

अरुणेश कुमार द्विवेदी,
संयुक्त सचिव,
उत्तर प्रदेश शासन।

सेवा में,

1. आवास आयुक्त,
उ०प्र० आवास एवं विकास परिषद,
लखनऊ।
2. उपाध्यक्ष,
संमस्त विकास प्राधिकरण,
उ०प्र०।
3. अध्यक्ष / जिलाधिकारी,
समस्त विशेष क्षेत्र विकास प्राधिकरण,
उ०प्र०।
4. प्रबन्ध निदेशक,
यू०पी० मेट्रो रेल कॉर्पोरेशन
लि०, लखनऊ।
5. प्रबन्धक निदेशक,
राष्ट्रीय राजधानी क्षेत्र परिवहन निगम
लि०, नई दिल्ली।

आवास एवं शहरी नियोजन अनुभाग-1

लखनऊ : दिनांक : 14 सितम्बर, 2023

विषय: आवासीय सोसायटियों में सभी श्रेणियों के दिव्यांग व्यक्तियों के साथ सार्वजनिक जानकारी साझा किये जाने के संबंध में।

महोदय,

कृपया उपर्युक्त विषयक उपायुक्त, न्यायालय/कार्यालय राज्य आयुक्त, दिव्यांगजन, उ०प्र० के पत्र संख्या-1364-65/विवि० 319/2023/रा.आ.दि.ज./2023 लखनऊ दिनांक 04.09.2023 (छायाप्रति मय संलग्नक) का अवलोकन करने का कष्ट करें, जिसके द्वारा संयुक्त सचिव, दिव्यांगजन सशक्तिकरण विभाग, उ०प्र० शासन के पत्र दिनांक 02.08.2023 की प्रति प्रेषित करते हुये आवासीय सोसायटियों में सभी श्रेणियों के दिव्यांग व्यक्तियों के साथ सार्वजनिक जानकारी साझा किये जाने के संबंध में आवश्यक कार्यवाही किये जाने की अपेक्षा की गयी है।

2- इस संबंध में मुझे यह कहने का निदेश हुआ है कि कृपया संलग्न पत्र में उल्लिखित बिन्दुओं के संबंध में नियमानुसार आवश्यक कार्यवाही सुनिश्चित कराने का कष्ट करें।

संलग्नक : यथोक्त।

भवदीय,

14.9.2023

(अरुणेश कुमार द्विवेदी)
संयुक्त सचिव।

840/जा6 - 1-23



न्यायालय / कार्यालय राज्य आयुक्त, दिव्यांगजन, उत्तर प्रदेश
{ दिव्यांगजन अधिकार अधिनियम-2016 के अधीन }

पत्रांक 136465 / विवि 319/2023 रा.आ.दि.ज./2023
लखनऊ, दिनांक : 04/09/2023

सेवा में,

प्रमुख सचिव,
उ०प्र० शासन,
आवास एवं शहरी नियोजन,
लखनऊ।

8184 of ACSM/23

V S (S)

विषय:- केस नं०-13506/1102/2022/158497 के आदेश के क्रियान्वयन के सम्बन्ध में।
महोदय,

कृपया उपरोक्त विषयक इस न्यायालय को प्राप्त संयुक्त सचिव, उ०प्र० शासन, दिव्यांगजन सशक्तीकरण विभाग, उ०प्र० लखनऊ के पत्र दिनांक 02-08-2023 का संदर्भ ग्रहण करने का कष्ट करें जोकि केस नं०-13506/1102/2022/158497 के आदेश के क्रियान्वयन के सम्बन्ध में है।

उपर्युक्त के क्रम में संयुक्त सचिव, उ०प्र० शासन, दिव्यांगजन सशक्तीकरण विभाग, उ०प्र० लखनऊ के पत्र दिनांक 02-08-2023 की प्रति संलग्न कर आपको नियमानुसार आवश्यक कार्यवाही हेतु प्रेषित है।
संलग्नक:- यथोक्त।

3885/USCS/23
JS

(शैलेन्द्र कुमार सोनकर)
उपायुक्त
कृते राज्य आयुक्त

(सुनील कुमार सिंह)
विशेष सचिव प्रतिलिपि:-

आवास एवं शहरी नियोजन विभाग संयुक्त सचिव, उ०प्र० शासन, दिव्यांगजन सशक्तीकरण विभाग, उ०प्र० लखनऊ के पत्र दिनांक उ०प्र० शासन 02-08-2023 के क्रम में सूचनार्थ प्रेषित।

(शैलेन्द्र कुमार सोनकर)
उपायुक्त
कृते राज्य आयुक्त

~~शैलेन्द्र कुमार सोनकर~~
11.9.23

rediffmail

Mailbox of commissioner1998

Subject: केस नं०- 13506/1102/2022/158497 - के आदेश के क्रियान्वयन के संबंध में।

From: secretary whd <secretarywhd@gmail.com> on Wed, 02 Aug 2023 18:27:00

To: commissioner1998@rediffmail.com, uphwdlko <uphwdlko@gmail.com>

1 attachment(s) - 361161.pdf (281.50KB)

उपायुक्त (एस)

03-08-2023

(अजीत कुमार)

आई०ए०एस०

राज्य आयुक्त

दिव्यांगजन, उ०प्र०

St
ACS / प्रमुख
आवास एवं शहरी नियोजन

लखनऊ

विांदेश - 319
2023

04/08/23

द. 319
2023

361161/2023

संख्या-361161/2023
165-3/2023

प्रेषक,

लाल बहादुर यादव,
संयुक्त सचिव,
उत्तर प्रदेश शासन।

सेवा में,

[1] राज्य आयुक्त,
दिव्यांगजन सशक्तीकरण विभाग,
उत्तर प्रदेश, लखनऊ।[2] निदेशक,
दिव्यांगजन सशक्तीकरण विभाग,
उत्तर प्रदेश, लखनऊ।

दिव्यांगजन सशक्तीकरण अनुभाग-3

लखनऊ: दिनांक 02 अगस्त, 2023

विषय:- केस नं0- 13506/1102/2022/158497- के आदेश के क्रियान्वयन के संबंध में।

महोदय,

कृपया उपरोक्त विषयक श्री दीपक अग्रवाल, संयुक्त सचिव, आवासन और शहरी कार्य मंत्रालय, भारत सरकार का पत्र संख्या- एम-14/5/2022-वर्कस-3-यूडी दिनांक 19/06/2023 (प्रति संलग्न) का सन्दर्भ ग्रहण करने का कष्ट करें।

2- मा0 न्यायालय द्वारा अनुशंसा की गई है कि सीसीपीडी यह सुनिश्चित करेगा कि देश भर के सभी आवासीय सोसायटियों में सभी श्रेणियों के दिव्यांग व्यक्तियों के साथ सार्वजनिक जानकारी साझा करने हेतु आवश्यक कदम उठाए जाएं।

2- इस संबंध में मुझे यह कहने का निदेश हुआ है कि उक्त पत्र के सम्वन्ध में आवश्यक कार्यवाही कराने का कष्ट करें।

संलग्नक: यथोक्त।

Signed by Lal Bahadur
Yadav

Date: 02/08/2023 14:38:05

Reason: Approved
संयुक्त सचिव।

20-191/65-3-2023

दीपक अग्रवाल, मा.प्र.से.
संयुक्त सचिव
Deepak Agarwal, I.A.S.
Joint Secretary



भारत सरकार
आवासन और शहरी कार्य मंत्रालय
निर्माण भवन, नई दिल्ली-110011
Government of India
Ministry of Housing and Urban Affairs
Nirman Bhawan, New Delhi-110011

No. M-14/5/2022-Works-3-UD

Date: 19.06.2023

ACS, विभाजन (अभ्युत्थान)

To

The Chief Secretary,
Uttar Pradesh,
101, Sachivalya Marg,
LokBhawan,
Lucknow - 26001

21/06/2023
(अमृता सोनी)
प्रमुख स्टाफ अधिकारी
मुख्य सचिव,
उत्तर प्रदेश

Sub:- Case No.13506/1102/2022/158497 -Implementation of the Order dated 22.05.2023 -reg.

Respected Sir,

The undersigned is directed to forward herewith Hon'ble court of Chief Commissioner for Persons with Disabilities (CCPD) order dated 22.05.2023 regarding the case no. 13506/1102/2022/158497, which is self-explanatory.

2. The case broadly relates to displaying various community related notice, circulars etc. on the Devices to be accessible to persons with disabilities.

3. In the aforesaid order, it has been recommended by the Hon'ble Court of CCPD to ensure that necessary steps are taken in all residential societies across the country to share public information with persons with disabilities of all categories.

4. Accordingly, it is requested that necessary steps may be taken towards compliance of aforesaid orders of Hon'ble court of CCPD in all residential societies in your State/UT. The concerned agencies / urban local bodies/ urban development authorities of your state/ UT may also be advised in this regard.

ACS/2330/2023
NJ (A.K.)

Encl: As above

HK

Warm regards

862

संयुक्त सचिव

(Deepak Agarwal)
Joint Secretary to the Govt. of India
Tel No.: 23061787

22/06/2023

(हेमन्त राव)
अपर मुख्य सचिव
विद्यवाहन एवं सशक्तिकरण विभाग
उत्तर प्रदेश शासन।

प्रतिपत्ति
श्रीमती प्रासमिनी शर्मा

23/6/2023

23/06/23

ACS (अजीत कुमार)

संयुक्त सचिव
विद्यवाहन एवं सशक्तिकरण विभाग
उत्तर प्रदेश शासन।

S.O.3
23/6/23



Case No. 13506/1102/2022/158497

न्यायालय मुख्य आयुक्त दिव्यांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
 दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)
 सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
 भारत सरकार / Government of India

Case No. 13506/1102/2022/158497

Complainant:

Dr. Kalyan C. Kankanala,
 R/n No.40, J.C. Industrial Estate,
 Kankapura-Road, Bangalore,
 Karnataka-560111;
 Email: legal@carefoundation.org

Respondents:

- (1) M/s Adonmo Private Limited,
 Address: Third Floor,
 Smile Dental Hospitals,
 HITEC City, Hyderabad,
 Telangana 500081
 Email: ask@adonmo.com
- (2) The Secretary,
 Ministry of Information & Broadcasting,
 Room No 552, 'A' Wing Shastri Bhawan,
 New Delhi-110001;
 Email: secy.inh@nic.in; subpl-moib@nic.in
- (3) The Secretary,
 Ministry of Electronics and Information Technology,
 Electronics Niketan, 6, CGO Complex,
 Ludhi Road,
 New Delhi - 110003;
 Email: secretary@meity.gov.in
- (4) The Secretary,
 Ministry of Housing and Urban Affairs,
 Room No. 122, 'C' Wing,
 Ninnan Bhavan, New Delhi - 110011;
 Email: secyurban@nic.in

507
 Affected Person: The Complainant, a person with 100% Blindness



श्री प्रतिष्ठान, एमआरडीएसडी गहन, प्लॉट नं. 10, सी 2, रोड नं. 10, द्वारका, नई दिल्ली-110074, दूरभाष 011 20892364, 20892275
 5th Floor, NISD Building, Plot No. G-2, Sector-10, Dwarka, New Delhi-110074; Tel: 011-20892364, 20892275

E-mail: ceand@nic.in; Website: www.ccd disabilities.nic.in

(यदि भविष्य में संश्लेषण के लिए अपरोक्त कास/केस नंबर का उपयोग करना पड़ेगा तो कृपया सूचित करें।)
 (Please quote the above file/case number in future correspondence)

1. Gist of Complaint:

1.1 The Complainant a person with visual impairment and a practicing intellectual property law filed a complaint dated 09.09.2022 against Respondent No.1 for violation of Sections 3, 5, 40, 42 and 46 of the Rights of Persons with Disabilities Act, 2016 and Rule 15 of Rights of Persons with Disabilities Rules 2017.

1.2 The Complainant has submitted that he resides at Elita Promenade Apartment (Community) which is administered and managed by Elita Promenade Apartment Owners Associate (EPAOA). Respondent No. 1 has been authorised by EPAOA to install its display devices in the Community at various locations in the common areas. The Devices display various Community-related notices, circulars, other information/media content relevant to residents and advertisements. However, none of the Devices have accessibility features or audio facilities which may enable persons with blindness to access the information displayed on the Devices. The Respondent No.1 is a company that markets and promotes its ad-based devices in residential complexes and gated communities by stating that they are connected, programmable, immersive, precise and exclusive to locations.

1.3 The Complainant alleged that he requested Respondent No.1 several times for accessibility of those devices, but Respondent No.1 denied accessibility based on two grounds: (a) Enabling voice features on the digital devices will create noise pollution, which will disturb other residents; and (b) Respondent No.1 is not bound by Rule 15 of the RPWD Rules, 2017 and accessibility standards issued thereunder.

2. Submissions made by the Respondent:

2.1 Respondent No.1 filed their reply on affidavit dated 17.11.2022 and submitted that they had multiple interactions with the Complainant and exchanged multiple letters via emails and was fully cooperating with the Complainant and patiently addressing their demand to make the Devices accessible for persons with visual disabilities. The Complainant was never denied and/or refused to make the devices accessible. The Respondent wishes to clarify that in lieu of the specific undertaking requested, it was conveyed in writing vide email dated 07.09.2022 to the Complainant that Respondent believed in complying with the requirements not just in letter but in spirit as well. The reason for not giving an undertaking in writing as requested was to first understand the various options available and then consider the best one which not only benefits Persons with Disabilities but also was financially viable, technically feasible and easy to implement.

Case No. 13506/1102/2023/156497

2.2 The Respondent further submitted that allegation by the Complainant that "Respondent does not wish to enable/facilitate the same because providing such a system would cause disturbance to other residents due to noise pollution" is factually incorrect. Enabling audio features in the Devices does not depend on the will of just Adonmo, since it is the residents of the societies, who are the customers of Adonmo who insist on not enabling audio features due to possibility of auditory disturbances to the entire community in such societies. Therefore, Adonmo has provided the audio feature in the alternate webpage made available to the Complainant.

2.3 Respondent No.1 further submitted that to improve accessibility and engagement with the content on the Devices, Adonmo's technical team have created weblinks and QR codes through which the same content can be consumed on mobiles. Users can scan the QR code posted on the screen which shall land them on a webpage with the exact same information available on an individual's personal device. This allows the users to go through the content at their convenience. Audio is enabled for the content that gets consumed on personal devices. In addition, Persons with visual disabilities can use the accessibility features on mobile such as 'Spoken content', 'VoiceOver', 'Audio Descriptions' etc., wherever applicable and not miss out on the content displayed on the Devices placed on lift lobby screens. For ease of use all society notices have been made available in PDF format making it easier for mobile devices to read out the content. Adonmo has piloted this project in Ahmedabad and some apartments in Hyderabad. The project is expected to be completed for pan-India within the next 3 months. In addition to the above stated feature, for Complainant's convenience, Adonmo has created a dedicated weblink where all of Elita Promenade Apartment's content and advertising content can be accessed through a mobile. The weblink for the dedicated weblink created is - <https://connect.adonmo.com/d3388323-9hc5-4428-9c7f-524807cdebd6>.

2.4 Under Secretary, Min. of Information and Broadcasting, Respondent No.2 filed its reply dated 16.11.2022 and submitted that as per the Government of India (Allocation of Business) Rules, 1961 the Ministry has been entrusted with Broadcasting Policy and Administration, Cable Television Policy, Radio, Doordarshan, Films, Digital/Online Media, Advertising and Visual Publicity on behalf of Government of India, Press Publications etc. The functions/activities/business of Adonmo Private Limited is beyond Ministry's purview. Accordingly, it has been requested to delete their name from the array of Respondents.

2.5 Respondent No.3 - Ministry of Electronics & IT vide email dated 10.11.2022 inter-alia submitted that the matter does not pertain to them. Scientist E, MEITY, vide letter dated 12.04.2023 has submitted that the



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accessibility standards mandated by RPwD Act, 2016 is administered by the Ministry of Social Justice and Empowerment, Department of Empowerment of Persons with Disabilities. He further submitted that being the nodal Ministry of accessibility related activities, it is the responsibility of MoSJE/DEPwD to handle the implementation issues related to accessibility. MHTY has only a limited role in accessibility domain wherein it has provided technical guidelines and the implementation of the accessibility related matter does not fall within the domain of MHTY. The accessibility related matter of Respondent No. 1 may be taken up with the DEPwD.

2. Under Secretary, Ministry of Housing & Urban Affairs, Respondent No.4 - filed its reply dated 14.12.2022 and inter-alia submitted that the thrust of the complaint is regarding alleged non-accessibility of digital device for visually challenged, which is not within their domain. Further, the 'Works, lands and buildings vested in or in the possession of the State' is a State Subject and Ministry of Housing & Urban Affairs is not the appropriate government for implementation of these guidelines. The implementation of these guidelines lies within the purview of respective State/UT/Local Authorities.

3. Submissions made in Rejoinder:

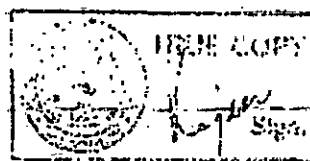
The Complainant filed his rejoinder dated 18.11.2022 to the reply filed by the Respondent No.1; Rejoinder dated 22.11.2022 to the reply of Respondent No.2; Rejoinder dated 25.11.2022 to the reply of Respondent No.3; and Rejoinder dated 30.12.2022 to the reply of Respondent No.4 and requested this Court to grant an opportunity to be heard in this matter.

4. Hearing: The case was heard via Video Conferencing by the Chief Commissioner for Persons with Disabilities on 13.04.2023. The following persons were present during the hearing:

- (1) Dr. Kalyan C. Kankanala, Complainant
- (2) Adv. Surekha Rao, Sri Gyan Vikas S., CFO for Respondent No.1
- (3) Shri. Anarendra Singh, Dy. Secretary, for Respondent No.2
- (4) Shri Kshitij Kushagra, Addl. Director, for Respondent No.3
- (4) Shri Jeideep Roy Chowdhary, Director, for Respondent No.4

5. Observations & Recommendations:

5.1 The Complainant submitted that he resides at Elita Promenade Apartment (Community) which is administered and managed by Elita Promenade Apartment Owners Associate (EPAOA). Respondent No. 1 has



6/1/2023

Case No.13505/107/2022/158492

been authorised by EP/DOA to install its display devices in the Community at various locations in the common areas. The Devices display various Community-related notices, circulars, other information/media content relevant to residents and advertisements. However, none of the Devices have accessibility features or audio facilities which may enable persons with blindness to access the information displayed on the Devices. The Respondent No.1 is a company that markets and promotes its ad-based devices to residential complexes and gated communities by stating that they are connected, programmable, immersive, precise and exclusive to locations.

5.2 The Complainant alleged that he requested Respondent No.1 several times for accessibility of those devices, but Respondent No.1 denied his request.

5.3 Respondent submitted that enabling audio features in the Devices does not depend on the will of Just Adonmo, since it is the residents of the societies, who are the customers of Adonmo who insist on not enabling audio features due to possibility of auditory disturbances in the entire community in such societies. Therefore, Adonmo has provided the audio feature in the alternate webpage made available to the Complainant.

5.4 Respondent No.1 further submitted that to improve accessibility and engagement with the content on the Devices, Adonmo's technical team have created weblinks and QR codes through which the same content can be consumed on mobiles. Users can scan the QR code posted on the screen which shall land them on a webpage with the exact same information available on an individual's personal device. This allows the users to go through the content at their convenience. Audio is enabled for the content that gets consumed on personal devices. In addition, Persons with visual disabilities can use the accessibility features on mobile such as 'Spoken content', 'VoiceOver', 'Audio Descriptions' etc., wherever applicable and not miss out on the content displayed on the Devices placed on lift lobby screens. For ease of use all society notices have been made available in PDF format making it easier for mobile devices to read out the content. Adonmo has piloted this project in Ahmedabad and some apartments in Hyderabad. The project is expected to be completed for pan-India within the next 3 months. In addition to the above stated feature, for Complainant's convenience, Adonmo has created a dedicated weblink where all of Elita Promenade Apartment's content and advertising content can be accessed through a mobile.

5.5 Respondent has not submitted that it is not bound to make the information accessible for divyangjan. Furthermore, perusal of the written Reply of the Respondent suggests that Respondent took measures to make



5/10/2023

Case No. 13506/1107/2022/158497

the information accessible for divyangjan with Blindness. Hence, the issue is not of law and is not related to applicability of the rules and guidelines relating to accessibility but the issue is that of fact, whether, the Respondent is denying accessibility of information to the Complainant.

5.6 During online hearing Respondent submitted that all the information which is published on the display screens placed in the residential buildings is also published on the web page, which can be accessed by using web link or QR code. Respondent claimed that web link as well as the QR codes were shared with the Complainant, however the Complainant denied the fact of sharing such information.

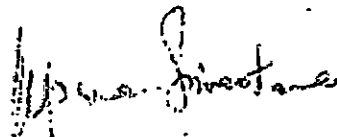
5.7 During online hearing, Complainant also suggested that instead of publishing the information on the website, the same can be made available in accessible pdf file, which can be directly sent on email to him.

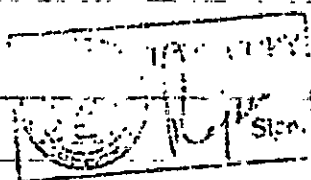
5.8 The Court agrees with the suggestion of the Complainant. Either the Respondent could not successfully share the weblink with the Complainant or else the Complainant could not access the same. However, the main objective which is to be achieved is that the information must be shared with the Complainant. Hence this Court recommends that the Respondent No.1 shall email the Complainant all notices and other public information, which is published for view on display screens in the residential complexes. Furthermore, this Court recommends that M/o Housing & Urban Affairs shall ensure that necessary steps are taken in all residential societies across the country to share public information with persons with disabilities of all categories.

5.9 Respondents are directed to submit the Compliance Report of this Order within 3 months from the date of this Order. In case the Respondent fails to submit the Compliance Report within 3 months from the date of the Order, it shall be presumed that the Respondent has not complied with the Order and the issue will be reported to the Parliament in accordance with Section 78 of Rights of Persons with Disabilities Act, 2016.

5.10 Accordingly the case is disposed of.

Dated: 22.05.2023


(Ujjwal Srivastava)
Chief Commissioner
For Persons with Disabilities



76677/2023/ -3

Email

CHIEF SECRETARY GoUP

Implementation of the order dated 22.05.2023-reg.

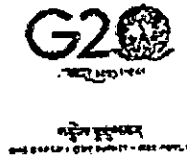
From : Deepak Agarwal <deepakagarwal.edu@nic.in>
Subject : Implementation of the order dated 22.05.2023-reg.
To : CHIEF SECRETARY GoUP <csup@nic.in>
Cc : Jaideep Chowdhury <jaideep.roy@gov.in>, Mahesh Chandra <mahesh.chandra74@gov.in>

Wed, Jun 21, 2023 03:27 PM

1 attachment

Respected Sir,
Please find the attached file regarding the implementation of the order No. 13506/1102/2022/158487 in connection with Hon'ble court of Chief Commissioner for Persons with Disabilities(CCPD) order dated 22.05.2023-reg.

Regards
(A.P. Chawla)
PSO to JS(CV&W)



Uttar Pradesh.pdf
2 MB
