

Rights Activists Seek Action Against DDA Vice-Chairman For Insulting Disabled Officer

BY [GAURAV VIVEK BHATNAGAR](#) ON [13/01/2017](#) • [LEAVE A COMMENT](#)

The new disabilities law mandates protection of employment and promotions. Will this be a test case for Modi to prove he is serious about disability rights?



Disabled officer Rishi Raj Bhati. Credit: PTI

New Delhi: The decision of Delhi Development Authority Vice-Chairman Udai Pratap Singh to [repatriate the new Director](#) (Public Relations) Rishi Raj Bhati, within hours of his joining the post on January 10, allegedly on the grounds of his being a person with disability and therefore not fit enough to go for inspections or perform “extensive outdoor duties” has left disability rights activists aghast. They have not only termed the decision a gross violation of the new Rights of Persons with Disabilities Act, which came into force in December 2016 and has replaced the Persons with Disabilities Act 1995, but have also demanded sacking of the officials for humiliating the officer.

Anjlee Agarwal, co-founder of Samarthyam National Centre for Accessible Environments, said the action of DDA V-C was completely wrong. “The new Act provides a clear cut mandate in the section on employment that there cannot be a discriminatory approach towards a PwD on the ground on his disability. So they cannot refuse him the job or his promotion later on.”

The rights activist said the general rules which are applicable in this case demand that “DDA cannot deny him a job if he is getting it on merit”. “There is a strict mandate for denying jobs to PwDs. Even if DDA has fulfilled its 4% reservation for the PwDs, they still cannot deny him the job if he comes on merit. Also, they cannot remove him from the job like this by just saying he is not fit for it. They also need to bear in mind that even the current employees can suffer some disability due to accident, natural calamity or terrorism. Even in such cases, they cannot chuck them from the job.”

Agarwal, who has worked to make Delhi’s streets, public transport and buildings barrier-free, said Bhati should battle it out and approach the courts. “There is the Office of the Chief Commissioner for Persons with Disabilities which has the powers of the judiciary to call the Vice-Chairman or any DDA official without even the complainant’s filing a proper court case. They can also summon the official suo motu.” She said there can be punitive action against the erring official and a fine can also be imposed on him.

Bhati has in the meantime also declared that he would be approaching the chief commissioner for PwDs.

RTI and disability rights activist Satendra Singh, who is also an associate professor of physiology at the University College of Medical Science and GTB Hospital in Delhi, said: “I can relate to it. Despite being on a permanent post at UCMS, UPSC rejected my application for same post twice.” He said it was only after he fought a four-year battle that 1600 posts were unlocked not only for him but for all the doctors with disabilities.”

Singh said there is a list of identified posts for PwDs and the PRO post was not out of it. “I checked the DDA circular for post of Deputy Director (PR) and the DDA notification clearly states that the disabled can apply for it.”

Reacting to the V-C’s assertion, Singh said, “what the officer can do or cannot do shouldn’t be the assumption of non-disabled officials. What if the senior official, god forbid, met with an accident and becomes say temporarily disabled?”

Letter to PM

Not one to just react to this affront and humiliation to Bhati, disability rights activist Javed Abidi said he has decided to approach Prime Minister Narendra Modi over the matter. “I am writing to the Prime Minister, and not the Lieutenant-Governor or the Urban Development Minister, because I want to say that this is a test case which would really show the political will of the government. If you really mean what you have said in “Mann ki Baat” on three separate occasions, and if you stand by what is the purpose of the Accessibility India campaign and the Rights of Persons with Disability Act 2016, then the V-C has to go.”

Incidentally, the Disabled Rights Group, of which Abidi is convener, has announced its decision to hold a protest demonstration on the issue at DDA headquarters on January 16.

Abidi said he was very clear in his mind that “if the senior officer has discriminated, punishment has to be meted out and the punishment has to be exemplary, it has to be visible and it has to be measurable.”

“In this case,” he said, “a post was vacant for which many applied. Dr. Bhati was selected on merit and he was selected by the Delhi Development Authority. DDA also issued him a letter and he joined duty on January 10. It was only when he reached DDA to join duty that they realized that he was a person with disability. When the Vice-Chairman saw him and realised that he was a PwD, he was inflicted with polio and walked with a limp, he said how will this person work. This was because he has got cobwebs in his mind. This was an archaic 18th century way of thinking.”

“But,” Abidi said, the sad part was that this discrimination has taken place at the highest level even though “India enacted the disability law in 1995 law, it witnessed two decades of disability rights movement, hundreds of thousands of case laws and court interventions came along, the Prime Minister himself talked of disability, the whole Accessibility India campaign was launched by this government and the Rights of Persons With Disability Bill 2016 was passed.”

Moreover, he said, “if discrimination had taken place in a remote part of India, he could have still taken a deep breath and said the knowledge or awareness was not there; if this kind of discrimination had been caused by some lower functionary, you may still say okay, but this official is the vice-chairman of DDA, he is a senior IAS officer and holding such a high position in New Delhi.”

So, Abidi said, he would repeat that “it is the V-C who is unfit for the job and not Dr. Bhati.” “I have demanded that Bhati should be immediately reinstated with full honours and the Vice-Chairman must be sacked and immediately removed from the job. The incident has exposed his mindset, he is unworthy of this high position.”

On the ground taken by DDA that this was a physically demanding job, Abidi said issues should not be confused. “Even in government jobs, there is 3% reservation which has now been increased to 4%. The government job list states that these jobs are open to persons with disability. This is called identification of jobs.”

He said earlier civil services were not open to PwDs and then they opened up. “Now but for the police service and the forest service, they have opened up to PwDs. So when you write a civil services exam, you know before hand you will not get into Indian Police Service. In civil services, a person with the nature of disability of Dr. Bhati can be an Indian Administrative Service officer. And the first service which had opened up for PwDs was Indian Information Services. So this is a gross case of abuse of power by the officer.”

Even in the private sector, where the quota does not apply, Abidi said lakhs of persons with disability are appointed on sheer merit. “This despite there being no law to force them to employ such people. Yet they employ people who move on wheelchairs, forget lesser degree of disability as in the case of Dr. Bhati.”

“Many of my friends have reached high position. The government has now included other disabilities like down syndrome and autism in the new Bill whereas the private sector has been employing them for a long time. SAP Labs has been taking on board people with autism for a long time, Lemon Tree hotels has been employing those with down syndrome for many years. They are all role models,” he said.

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