

**COMMITTEE ON PAPERS LAID ON THE TABLE  
(2019-2020)**

**SEVENTEENTH LOK SABHA**

**15**

**FIFTEENTH REPORT**

[Action Taken by Government to the Recommendations/Observations made by the Committee in their Thirty Third Report (Sixteenth Lok Sabha)] on delay in laying of the Annual Reports of the Office of Chief Commissioner for Persons with Disabilities, New Delhi.

**(Presented on 20.03.2020)**



सत्यमेव जयते

**LOK SABHA SECRETARIAT**

**NEW DELHI**

**March, 2020/ Phalguna, 1941(Saka)**

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**COMPOSITION OF COMMITTEE ON PAPERS LAID ON THE TABLE**  
**(2019-2020)**

**Shri Shyam Singh Yadav** - **Chairperson**

**MEMBERS**

2. Shri Shafiqur Rahman Barq
3. Shri Margani Bharat
4. Dr. A. Chellakumar
5. Shri Pallab Lochan Das
6. Shri Chowdhury Mohan Jatua
7. Choudhary Mehboob Ali Kaiser
8. Dr. Amol Ramsing Kolhe
9. Shri Raja Amareshwara Naik
10. Shri Jamyang Tsering Namgyal
11. Smt. Aparupa Poddar
12. Shri T.N. Prathapan
13. Shri S. Ramalingam
14. Shri Saptagiri Ulaka
15. Shri Ashok Kumar Yadav

**SECRETARIAT**

1. Shri B. Srinivasa Prabhu - Joint Secretary
2. Shri Kushal Sarkar - Director
3. Shri Munish Kumar Rewari - Additional Director
4. Smt. Rajni Bhagat - Committee Officer

## **INTRODUCTION**

I, the Chairperson of the Committee on Papers Laid on the Table, having been authorized by the Committee to present the Report on their behalf, present this Fifteenth Report on the Action Taken by Government on the Recommendations/Observations contained in the Thirty Third Report (Sixteenth Lok Sabha) of the Committee.

2. The Committee considered and adopted this Report at their sitting held on 04 March, 2020.
3. For facility of reference, observations/recommendations of the Committee have been printed in bold type in the body of the Report.

**March, 2020**  
**Phalgun, 1941(Saka)**

**Shyam Singh Yadav**  
**Chairperson,**  
**Committee on Papers Laid on the Table**

## REPORT

This Report of the Committee deals with the Action Taken by the Government on the Recommendations/Observations made in their Thirty Third Report (16<sup>th</sup> Lok Sabha) on delay in laying of the Annual Reports of the Office of Chief Commissioner for Persons with Disabilities, (CCPD) New Delhi which was presented to Lok Sabha on 18 December, 2018.

2. The Action Taken replies have since been received from the Government in respect of all the Recommendations/Observations contained in the aforesaid Report. Accordingly, the Statement showing the action taken by the Government on the Recommendations/Observations contained in the Thirty Third Report (16<sup>th</sup> Lok Sabha) is given in Appendix.

3. The Committee note that the Government have accepted all the recommendations of the Committee made in the aforesaid Report except the following recommendation:-

“17. The Committee note that the Office of Chief Commissioner for persons with disabilities (CCPD) was constituted vide Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 under the administrative control of the Ministry of Social Justice and Empowerment. A provision for laying of the Annual Report on the Table of both of the Houses was inserted in Persons with disabilities (Equal opportunities, Protection of Rights of Full Participation) Act, 1995 and Persons with disabilities (Equal opportunities, Protection of Rights of Full Participation) Rules 1996. However, Audited Accounts of the Office of CCPD have not been laid on the Table of the House since its inception stating that the expenditure towards day to day functioning of the Office of CCPD is met from the Non-plan head of the Department with a distinct sub head and the funds are released through the Pay and Accounts Office of the Department, as such there are no separate account maintained by the Office of CCPD. Subsequently, an amendment has been made in the Rights of Persons with Disabilities Act, 2016 by incorporating a section which states that the Audited Accounts of the Commission are required to be laid on the Table of the House. However, no time limit for laying these papers had been inserted in the aforesaid Act. The Committee, therefore, feel that a provision for laying of the Annual Reports and Audited Accounts of the Commission, within nine months from the closure of respective Accounting year, may also be incorporated in the Act/Rules to make the Parliamentary obligations, clear to the Organization. The Committee may be apprised of the conclusive steps taken by the Ministry/Commission in this regard.”

4. The Ministry of Social Justice & Empowerment in their action taken notes have stated as under:-

“As per the Rights of Persons with Disabilities (RPwD) Act, 2016, Government is mandated to appoint Chief Commissioner for Persons with Disabilities (CCPD). Office of CCPD is an attached Office of the Department. It is not an independent autonomous body. Being an attached office, the salary of CCD and its staff is paid from the consolidated Fund of India under the budgetary grant of the Department. Therefore, its expenditure is reflected in the Statement of Accounts of the Department. Hence, there is no separate Statement of Accounts for O/o CCPD.

As regards laying of Annual Report, RPwD Rules, 2017 clearly prescribe the manner of laying of Annual Report by CCPD. Under Rule 40, it is clearly mentioned that Annual Report of CCPD is required to be submitted before 30<sup>th</sup> day of Septemebr, 2018 As such no amendment to RPwD Rules appears necessary.”

5. The Committee is not convinced from the Action Taken Reply furnished by the Ministry that the Office of CCPD, being an attached Office of the Ministry, the salary of CCPD and its staff is paid from the Consolidated Fund of India under the Budgetary Grant of the Department and its expenditure is reflected in the Statement of Accounts of the Department, as the Section 87(4) of Rights of Persons with Disabilities Act, 2016 clearly states that Audited Accounts together with Audit Report of the CCPD should be laid before each House of Parliament by the Central Government. The Committee, therefore reiterate their earlier recommendation made in their 33rd Report(16<sup>th</sup> Lok Sabha) that the Annual Reports and Audited Accounts of the CCPD should be laid within nine months after the closure of respective Accounting year.

6. The Committee further note that the Annual Report of CCPD for the year 2013-2014 has been laid on the Table of the House on 23.07.2019 with delay of 55 months. The Annual Report of the Commission for the years 2014-2015 to 2018-2019 has not been laid as yet. The Committee, therefore strongly recommend that pending Annual Reports of the CCPD should be laid at the earliest and also the Annual Reports and Audited Accounts of the Commission for succeeding years should also be laid within nine months after the closure of respective Accounting year in future. The Committee would like to be apprised the action taken by the Ministry in their regard.

March, 2020  
Phalgun, 1941(Saka)

**Shyam Singh Yadav**  
Chairperson,  
Committee on Papers Laid on the Table

\*The Annual Report of the Commission for the year 2014-15 have been laid on 17.03.2020.

**APPENDIX**

**STATEMENT SHOWING ACTION TAKEN BY GOVERNMENT ON THE  
RECOMMENDATIONS/OBSERVATIONS OF THE COMMITTEE CONTAINED IN THEIR  
THIRTY THIRD REPORT (16TH LOK SABHA)**

**Office of Chief Commissioner for Persons with Disabilities (CCPD)**

**Recommendation No. 17**

17. The Committee note that the Office of Chief Commissioner for persons with disabilities (CCPD) was constituted vide Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 under the administrative control of the Ministry of Social Justice and Empowerment. A provision for laying of the Annual Report on the Table of both of the Houses was inserted in Persons with disabilities (Equal opportunities, Protection of Rights of Full Participation) Act, 1995 and Persons with disabilities (Equal opportunities, Protection of Rights of Full Participation) Rules 1996. However, Audited Accounts of the Office of CCPD have not been laid on the Table of the House since in inception stating that the expenditure towards day to day functioning of the Office of CCPD is met from the Non-plan head of the Department with a distinct sub head and the funds are released through the Pay and Accounts Office of the Department, as such there are no separate account maintained by the Office of CCPD. Subsequently, an amendment has been made in the Rights of Persons with Disabilities Act, 2016 by incorporating a section which states that the Audited Accounts of the Commission are required to be laid on the Table of the House. However, no time limit for laying these papers had been inserted in the aforesaid Act. The Committee, therefore, feel that a provision for laying of the Annual Reports and Audited Accounts of the Commission, within nine months from the closure of respective Accounting year, may also be incorporated in the Act/Rules to make the Parliamentary obligations, clear to the Organization. The Committee may be apprised of the conclusive steps taken by the Ministry/Commission in this regard.

**Reply of the Government**

As per the Right of Persons with Disabilities (RPwD) Act, 2016, Government is mandated to appoint Chief Commissioner for Persons with Disabilities (CCPD). Office of CCPD is an 'attached office' of the Department. It is not an independent autonomous body. Being an attached office, the salary of CCPD and its staff is paid from the Consolidated Fund of India under the budgetary grant of the Department. Therefore, its expenditure is reflected in the Statement of Accounts of the Department. Hence, there is no separate Statement of Account for O/o CCPD.

As regards laying of Annual Report, RPwD Rules, 2017 clearly prescribe the manner of laying of Annual Report by CCPD. Under Rule 40, it is clearly mentioned that Annual Report of CCPD is required to be submitted before 30th day of September of the following year e.g. for the year 2017-18, the Annual Report is required to be laid by 30<sup>th</sup> September, 2018. As such no amendment to RPwD Rules, 2017 appears necessary.

**(Department of Empowerment of Persons with Disabilities (Divyangjan) O.M. No. 22-33(1)/2019-DDRC dated 26.03.2019)**

## **Recommendation No. 18**

**18.** The Committee further note that the Annual Reports of the Commission for the years 2008-2009 to 2012-2013 were laid on the Table of the House on 01 December, 2015 with delay ranging from 1 year and 11 Months to 05 year and 11 months. It is also noted that the Annual Reports of the Commission for the years 2013-2014 and 2014-2015 received by the Ministry concerned on 23.03.2015 and December, 2015 respectively have not been laid on the Table of the House till date, despite the assurance given by Joint Secretary of the Ministry during oral evidence that the aforesaid Reports would be laid in Budget session 2016 and Monsoon session 2016 respectively. The Committee was apprised that the delay in this regard was largely due to obtaining of the Action Taken Report on the recommendations contained in the Annual Report of the Commission as Annual Report are to be laid in the Parliament along-with the Memorandum of Action Taken in respect of the recommendations contained in the Reports. The Committee, however, observe that the Commission itself had taken 09 to 15 ½ months in the process of submission of Annual Reports for the years 2008-2009 to 2012-2013 to the Ministry concerned. Another major delay was noticed on the part of the Ministry who after the receipt of the Annual Reports of the Commission for the years 2008-2009, 2011-2012 and 2012-2013, took 5 ½ months, 15 ½ months and 6 months respectively in circulating the recommendations to all State Governments/ Union Ministries. The time taken in the process of receiving the Action Taken Reports from the all State Governments/ Union Ministries is also from 05 months to 41 months. The Committee was apprised of the administrative arrangements made by the Ministry for timely laying of this documents. The Committee express their displeasure that these assurances given by the Ministry have not been fulfilled. The documents of the Commission for the succeeding years have not been laid as yet. Evidently, no serious efforts have been made by the Ministry or the Commission to ensure timely submission of the documents to the House. This is seen negligence and abdication of responsibility on their part. The Committee directs the Ministry to ensure laying of these documents in the forthcoming Session of Parliament. The Ministry is also directed to strengthen their monitoring mechanism to ensure that the Commission discharges its accountability to Parliament every year within the laid down time frame. The Committee shall be informed of the compliance of these directions as also measures taken by the Ministry to avoid delays in future.

## **Reply of the Government**

The procedure prescribed under the Manual of Office Procedure is followed in the Department. However, for laying of pending Annual Reports of the CCPD, the matter is pursued vigorously with the State/Central Ministries for sending action taken reports at the earliest by sending regular reminders at appropriate levels.

It is submitted that Annual Report of the office of the CCPD for the year 2013-14 has been sent to the Policy Division of the Department for updation as per rights of Person with Disabilities (RPwD) Act, 2016. It is expected that Annual Reports of office of the CCPD for the year 2013-14, 2014-15 and 2015-16 will be laid in the forthcoming Session of Parliament after updation as per RPwD Act 2016 and on receiving comments from concerned Central Ministries and State/UT Governments.

It is also submitted that the work of the Department has increased many fold. A large number of Posts are lying vacant at functioning level (SO's/ASO's etc.), which need to be filled up at the earliest to enable the Department to shoulder increased responsibilities smoothly and effectively.

**(Department of Empowerment of Persons with Disabilities (Divyangjan) O.M. No. 22-33(1)/2019-DDRC dated 26.03.2019)**

## **Recommendation No. 19**

19. The Committee also wants the Ministry to note that in the event of the Annual Reports and Audited Accounts of the Commission not being laid within nine months after the closure of respective accounting year, due to unavoidable reasons they are required to lay within 30 days of the expiry of the prescribed period or as soon as the House Meets, whichever is later, a statement explaining the reasons as to why the Report and Accounts could not be laid within the stipulated period.

## **Reply of the Government**

In the Department the prescribed procedure is followed. However, laying of Annual Report of an organization is based on the provisions of the relevant statute. In the instant case the Annual Report can only be laid after due consideration and acceptance of recommendations of CCPD. The recommendation of the CCPD are wide ranging and therefore concerned action by multiple authorities/departments including State Government/UT Administrations is required. This requires regular consultation with all such authorities before taking any further action for advancement of the recommended strategy.

Rule 40 of the RPwD Rules 2017, provides that Annual Report of the office of CCPD shall contain information in respect of the following matters, namely:-

- (a) Name of officers, staff of the Board and a chart showing the organizational set up;
- (b) The functions which have been entrusted to the Chief Commissioner under Section 75 and 76 of the Act and the highlights of the performance in this regard;
- (c) The main recommendation made by the Chief Commissioner;
- (d) Progress made in the implementation of the Act; and
- (e) Any other related matter deemed appropriate for inclusion by Chief Commissioner as specified by the Central Government from time to time.

The Annual Report of the Chief Commissioner for Persons with Disabilities has to cover the above mentioned parameters as also to indicate State – wise progress made in the implementation of the RPwD Act, 2016 Non-receipt of information from States/Central Ministries etc. in time results in delay in laying of the reports and the Action Taken Report thereof.

**(Department of Empowerment of Persons with Disabilities (Divyangjan) O.M. No. 22-33(1)/2019-DDRC dated 26.03.2019)**

**EXTRACTS OF THE MINUTES OF THE THIRD SITTING OF THE  
COMMITTEE ON PAPERS LAID ON THE TABLE (2019-2020)**

The Committee sat on Wednesday, 04<sup>th</sup> March 2020 from 15:00 hrs to 16:00 hrs. in Committee Room 'E', Parliament House Annexe Building, New Delhi.

**PRESENT**

Shri Shyam Singh Yadav - **Chairperson**

**MEMBERS**

2. Shri Shafiqur Rahman Barq
3. Shri Pallab Lochan Das
4. Choudhary Mehboob Ali Kaiser
5. Dr. Amol Ramsing Kolhi
6. Shri Raja Amareshwara Naik
7. Shri Jamyang Tsering Namgyal
8. Shri T.N. Prathapan
9. Shri Saptagiri Ulaka
10. Shri Ashok Kumar Yadav

**SECRETARIAT**

1. Shri B. Srinivasa Prabhu - Joint Secretary
2. Shri Kushal Sarkar - Director
3. Shri Munish Kumar Rewari - Additional Director

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2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee and explained the purpose of convening the meeting.

3. The Committee then took up for consideration Eight Draft Reports (Original) regarding delay in laying of the Annual Report and Audited Accounts of :-

- i. Bharat Broadband Network Limited (BBNL), New Delhi;
- ii. SEZ- FALTA Kolkata, SEEPZ Mumbai and NOIDA;
- iii. Rashtriya Madhyamik Shiksha Abhiyan (RMSA), New Delhi;

- iv. National Council for Teachers Education, New Delhi;
- v. Science & Engineering Research Board, New Delhi;
- vi. National Sports Development Fund (NSDF);
- vii. Five Zonal Cultural Centres i.e., South Zone Cultural Centre (SZCC) Thanjavur, West Zone Cultural Centre (WZCC) Udaipur, South Central Zone Cultural Centre (SCZCC) Nagpur, North Central Zone Cultural Centre (NCZCC) Allahabad and North East Zone Cultural Centre (NEZCC), Dimapur;
- viii. Export Inspection Council of India (EIC),

After deliberations, the Committee adopted the Eight Original Reports without modifications.

4. Thereafter, the Committee took up for consideration Fifteen Action Taken Reports regarding Recommendations/Observations made by the Committee in their Original Reports regarding delay in laying of the Annual Reports and Audited Accounts of:-

- i. Central Pollution Control Board (CPCB), New Delhi;
- ii. National Council of Educational Research & Training (NCERT), New Delhi;
- iii. Banaras Hindu University, Varanasi;
- iv. Aligarh Muslim University, Aligarh;
- v. Nehru Yuva Kendra Sangthan (NYKS), New Delhi;
- vi. National Institute of Solar Energy (NISE), New Delhi;
- vii. Office of the Chief Commissioner for Persons with Disabilities (CCPD), New Delhi;
- viii. National Commission for Scheduled Castes (NCST), New Delhi
- ix. National Commission for Safai Karamcharis (NCSK), New Delhi
- x. National Institute of Technology, Meghalaya;
- xi. National Institute of Technology, Mizoram;
- xii. National Mission for Clean Ganga (NMCG), New Delhi;
- xiii. AIIMS (Bhopal, Bhubaneswar, Jodhpur, Patna and Rishikesh);
- xiv. Centre for Development for Telematics (CDOT), New Delhi; and
- xv. National Institute of Pharmaceutical Education Research (NIPER), Mohali.

After deliberations, the Committee adopted the Fifteen Action Taken Reports without modifications.

5. The Committee authorized the Hon'ble Chairperson to present both the Original and Action Taken Reports to the Parliament.

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**The Committee then adjourned.**

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