



सत्यमेव जयते

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

Case No.5194/1101/2015

Dated:- 09.01.2017

In the matter of:

Shri Amit Kumar Mit,
F-52A, Ankur Enclave, Street No. 4,
Karawal Nagar, Delhi-110094,
e-mail <amit@gmail.com>

..... Complainant

Versus

University of Delhi,
Through the Registrar,
Delhi-110007
e-mail <registrar@du.ac.in>

..... Respondent

Date of hearing : 09.12.2016

Present :

1. None on behalf of the Complainant.
2. Prof. Anil K. Aneja, Nodal Officer, PwD, Delhi University, on behalf of Respondent.

ORDER

The above named complainant a person with 40 percent locomotor disability filed e-mail complaint dated 15.09.2015 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act, 1995, hereinafter referred to as the 'Act' regarding inaccessible infrastructure of University of Delhi.

2. The complainant has submitted that the campus environment in Campus of Law Centre, University of Delhi is not disabled friendly. It lacks certain missing infrastructure such as (i) handicapped toilet in Campus Law Centre, (ii) Library study material and computer are not fully equipped to cater the need of visually impaired (Josh, Braille), (iii) no lift facility at Campus of Law Centre, (iv) establish of special desk in every department wherein issues to be addressed and (v) there is no special arrangement in DUSU Elections for differently abled students. In the absence of above, he finds himself helpless in carrying his routine work.

3. The respondent vide reply dated 04.01.2016 has submitted that the University is actively taking all and every possible measures to ensure accessibility for all persons with disabilities likewise the complainant. The University has already set up 'Equal Opportunity Cell' for looking into the grievances of all persons with disabilities like the complainant. The University has also appointed a Nodal Officer for PwD The University has advance scanners and audio recording studios to make materials accessible for all the visually impaired, who are also persons with disabilities like the

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complainant. The complainant is studying in the Faculty of Law, where the facilities of Library and Class Rooms are provided on the ground floor to such persons with disabilities who are unable to access upper floor. The respondent is also continuously and actively engaged in introducing other similar facilities for persons with disabilities like the complainant. The respondent is endeavouring to ensure infrastructural accessibility for persons with disabilities like the complainant. All the above and other works are part of an on-going process, which will take sufficient time.

4. The complainant vide his e-mail dated 25.02.2016 has submitted his rejoinder to the reply dated 04.01.2016 of the respondent. He has submitted that the averments made under the reply of the respondent in point 1 relates to the "contents of complaint filed", the complainant denies the said averments as utterly bogus and totally baseless. The complainant categorically denies all the averments made in point 2 under reply of the respondent except inasmuch as it relates to appointment of nodal officer and with respect to the said averments, it is stated that the complaint pertains to provisions of amenities for disabled in premises of the Law Centre-1 of the Faculty of Law at the University of Delhi and not about the provisions of amenities for disabled at other places in the University campus which are far away from the Law Centre-1. Even if the averments of the respondent about "Equal Opportunity Cell", without admitting it is accepted to be true, may it please be asked from the respondent that how many and in what ways the disabled students from Law Centre-1 stand benefitted from the said Equal Opportunity Cell or how many and in what ways the disabled students from Law Centre-1 stood benefitted from the said Equal Opportunity Cell, how many law books have been provided in the said Equal Opportunity Cell for the law students in general leave aside law students from Law Centre-1. With respect to the averments of the respondent made in point 3 of the reply, it is most humbly submitted that it is unfortunate that the respondent is replying vaguely and generally without any reference to the students of Law Centre-1 of the Faculty of Law and in what respect the availability of said scanners and audio recording studios is helping or hand helped or is going to help the students of Law Centre-1. With respect to averments of the respondent made in Point 4 of the reply, it is submitted that it is misfortune of the complainant that the respondent had not taken the desired points to ascertain the institution, the complainant is currently enrolled with in this context. It is clarified that faculty of law has three centers namely Law Centre-1, Law Centre-2 and Campus Law Centre and that the complainant is currently enrolled in LL.B programme with Law Centre-1. Further, the library of the Faculty of law presently caters only to the need of the students of Campus Law Centre, no books are issued therefrom for the students of Law Centre-1 leave aside the disabled students from Law Centre-1. Furthermore, to the insult of the disabled students, the Library of Law Centre-1 is situated at the Second Floor of the Dr .Ram Kishore Auditorium Building in the premises of Faculty of law and not in the premises of the Law Centre-1 where unfortunately most of the students with the disability find it unable for each, if not impossible. The said averments in point 4 are therefore denied as untrue. With respect to averments of the respondent made under point 5 of the reply, it is most humbly submitted that the said averments are of general nature which the

complainant does not wish to say anything as the averments therein do not directly and substantially relate to the grievance of the complainant. In totality of the facts and attending circumstances in this matter, it is, therefore, most humbly submitted that the acts/omissions of respondent not only stand in direct contravention of Section 46 of the PwD Act, 1995 but they also infract upon the rights guaranteed to the complainant by virtue of Article 21 of the Constitution of India.

5. After considering the respondent's submission dated 04.01.2016 and complainant's rejoinder dated 25.02.2016, a hearing was scheduled on 09.12.2016.

6. During the hearing, none appeared on behalf of the complainant. Nor any intimation was received about received about his inability to attend the hearing despite the fact that the Notice of Hearing was sent on 06.12.2016 by Speed Post. The Court noted with serious concern, the utter disregard shown by the Complainant by neither intimating his inability to attend the hearing nor caring to send his version of the case.

7. Professor (Dr.) Anil Aneja, Nodal Officer, PwD, Delhi University representing the respondent-Delhi University submitted that the complaint in reference may be disposed of as being frivolous and having no substance whatsoever. As stated by the respondent, Delhi University in its reply dated 04.01.2016, the University has taken all possible measures within its economic capacity to ensure required support systems and facilities for students with disabilities. The University has set up Equal Opportunity Cell headed by two Officers on Special Duty, who are themselves persons with disabilities to oversee the needs of students with disabilities. The University has already appointed a Nodal Officer PWD. The required technology and other accessibility support is being provided to such students.

8. Coming to the specific complaint relating to Law Centre-I, it is submitted that the Law Faculty and Law Centre-I have been shifted to a new building which is fully accessible having ramps, lift and toilets. Therefore, all accessible issues raised by the complainant in respect of accessibility for orthopedically handicapped students in Law Centre-I have already been addressed. The University has also utilized grant received under the SIPDA Scheme of Ministry of Social Justice Empowerment to construct ramps and accessible toilets in several buildings. As per the issue raised by the complainant regarding inaccessible computers for the handicapped persons is concerned, it is stated that this issue does not concern the complainant and therefore, is not within the purview of the complaint which can be filed under Section 59 of the Persons with Disabilities Act. Without prejudice to this, however, it is stated that all those visually impaired students who wanted screen reading software, have been provided the licensed version of NVDA on individual basis. Also, the EOC Computer Lab is fully accessible and available to all students with disabilities. The allegation of the complainant that there were no special arrangements for students with disabilities during the Students Union elections, is also totally baseless and incorrect. All accessibility arrangements for students

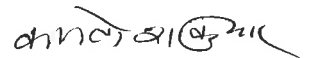
with disabilities during Delhi University Students Union (DUSU) elections are being made for a number of years now. He further submitted that the complainant has not exhausted internal available remedies before filing this complaint and on this ground alone, the complaint is liable to be dismissed. In view of this, it is prayed that the present complaint may be summarily disposed off forthwith.

9. As per Section 46 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (the Act) provided that the appropriate Government and the local authorities shall within the limits of their economic capacity and development, provide for –

- (a) ramps in public buildings.
- (b) adaptation of toilets for wheel chair users;
- (c) Braille symbols and auditory signals in elevators or lifts; and
- (d) ramps in hospitals, Primary Health Centres and other medical care and rehabilitation institutions.

10. After hearing the submissions of the respondent, this Court observed that accessibility is an on going process and it will take time to make the things accessible for the students with disabilities including persons with visual impairment. However, in the complaint, the complainant has raised the questions regarding (i) inaccessible toilets in the Campus of Law Centre, (ii) library study material and computer are not fully equipped to cater the need of visually impaired, (iii) no lift facility for differently abled students in Campus of Law Centre, (iv) there should be special desk in every department wherein issues to be addressed (waiting time), (v) no special arrangement in DUSU elections for differently abled students. The respondent clarified that the University is taking all possible measures to ensure accessibility for persons with disabilities. As regards, provision of English toilets in Campus Law Centre, the University is actively taking all and every possible measures to ensure accessibility for persons with disabilities. The University has advance ideal regarding study material accessible for all visual impaired students. The facilities of library and class rooms in the Faculty of Law are provided on the ground floor to persons with disabilities who are unable to access upper floors. The respondent University has already set up Equal Opportunity Cell for looking into the grievance of students with disabilities. Besides this, the Respondent has also appointed a Nodal Officer for persons with disabilities vide its Notification dated 13.04.2011 as per the direction of Hon'ble Supreme Court of India.

11. In view of the above and due to non appearance of the complainant on the date of hearing, the case is closed without any direction to the respondent.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities