

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Writ Petition No. _____ of 2012

(Public Interest Litigation)

Ms Upneet Kaur Mangat Assistant Professor in Centre for Human Rights and Duties,
Panjab University Chandigarh, Resident Teacher Flat No.13 Panjab University
Chandigarh.

.....Petitioner

Versus

Panjab University Chandigarh

.....Respondent

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Total Court Fee affixed Rs:

Note:-

- ii. The main law points are contained in para on pages of the petition.
- iii. Relevant Statute: @ 226 & 227 of the Constitution of India.
- iv. Whether caveat petition has been filed in this case. No
- v. Identical Case:-.

Note: Affidavit is attached.

Power of attorney is attached

Chandigarh.

Dated: .07.12.2012.

THROUGH COUNSEL:

(S. Buta Singh Bairagi) Advocate

P-1508/06

Counsel for the Petitioners

IN THE HIGH COURT OF PUNJAB AND HARYANA

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(S. Buta Singh Bairagi) Advocate

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Counsel for the Petitioner(s)

List of Dates and Events

- Year 1962 Panjab University established in Chandigarh and now University has 75 teaching and research departments and 15 Centers/Chairs for teaching and research at the main campus located at Chandigarh
- Year 1995 The Persons with Disabilities Act 1995 indicates that differently-abled persons should have access to education at all levels. In the higher education sector, the University Grants Commission (UGC) is supporting universities in the country to involve in special education activities to empower differently-abled persons.
- Year 1998 The UGC had started the scheme of assistance to universities to facilitate teacher Preparation in Special Education (TEPSE) and Higher Education for Persons with Special Needs (Differently-abled Persons) (HEPSN) during the Ninth Five-Year Plan, which continued in the Tenth & Eleventh Plan. Keeping in view the need to provide special education programmes as well as infrastructure to differently-abled persons in higher education institutions, the scheme is extended to the Twelfth Plan (2012-17) too. The details of both the schemes are enumerated as follows:
- 11.07.2001 Joint Secretary University Grant Commission sent letters to Vice - Chancellors of all Universities and informed that Commission in its meeting considered the full implementation of Persons with Disability Act,1995 in Universities and Colleges and also decided that barrier free access for persons with disabilities to the universities, building, class rooms, laboratories and toilets etc. be ensured.
- 10.02.2006 In National Policy for Persons with Disability Ministry of Social Justice and Empowerment Govt. of India endorses that, Barrier free

environment enables people with disabilities to move about safely and freely, and use the facilities within the built environment. The goal of barrier free design is to provide an environment that supports the independent functioning of individuals so that they can participate without assistance, in everyday activities. Therefore, to the maximum extent possible, building/places/transportation systems for public use will be made barrier free.

02.02.2007

University Grants Commission conveyed to the universities and deemed universities regarding implementation of the Persons with Disability Act, 1995 and to implement the Act Commission in its XI plans proposal of the universities for development assistance will also taken into account progress made by each university to implementation of provision of the Act.

2006,2008

The [Convention on the Rights of Persons with Disabilities](#) (adopted in 2006 and entered into force in 2008) sets out international human rights standards for all persons with disabilities in the world. It views persons with disabilities as having legal rights and protects them from discrimination. It requires States, the Private sector and others to take on the responsibility of respecting, protecting and fulfilling those rights.

04.01.2008

Apex Court of India held that ,the disabled too are equal citizens of the country and have as much share in its resources as any other citizen. The denial of their rights would not only be unjust and unfair to them and their families but would create larger and graver problems for the society at large. What the law permits to them is no charity or largesse but their equal rights as equal citizens of the country. (*Bhagwan Dass and Anr v. Punjab State Electricity Board*, (Supreme Court) Civil Appeal No. 8 of 2008, judgment dated 4 January 2008.)

- 29.09.2008 Sh. R.K. Chauhan, Secretary, while issuing notification to Vice Chancellors of all Universities made clear that “ All educational institutions should be made barrier free within a reasonable time frame of, say, two years for universities, and three years for colleges and schools.”
- 09.01.2009 University Grant Commission issued circulars to all Universities regarding Department of Disabilities Studies and taking steps to make the Institution barrier free.
- 18.07.2012 A news item published in Tribune News Paper under the title that PU's apathy: New building without ramp for differently abled: That the New Building of Emerging Areas that will house six departments was inaugurated today at Panjab University today; however, the building does not have a ramp for persons with disabilities
- 02.08.2012 Petitioner submits a Project Proposal to ensure a Barrier Free Access to Panjab University Campus for the disabled students, teachers, employees, etc and also made submission to comprehensive access audit of all the buildings of Panjab University be done through an professional agency dealing with access auditing.

Hence, this petition.

Chandigarh

Dated: 07.12.2012

(S. Buta Singh Bairagi) Advocate

P-1508/06

Counsel for the Petitioner

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Civil Writ Petition (PIL) No.

Of 2012

Ms Upneet Kaur Mangat Assistant Professor in Centre for Human Rights and Duties,
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Chandigarh.

Petitioner

Versus

Panjab University Chandigarh, through its registrar

Respondent

Petition under Articles 226/227 of the Constitution of India for issuance of a writ of Mandamus or any other writ, order or directions to respondent Ensure a barrier free access to all buildings of Universities, Colleges, Departments, Libraries, Hostels and Offices to follow University Grant Commission (UGC) circulars Status Note on Equal Opportunity for Disabled Persons – Persons with Disabilities/ Differently Abled- [Circular No. & Dated: No.F-6-1/2006 (CPP II) 9th January, 2009]

With Further praying to direct the respondent to Setting up of Equal Oppurtunity Cell and Resource Centre that would specialize in addressing the needs of PwDs in all categories including Visual, Hearing, Orthopedic, Neurological etc.

With further praying to direct the respondent for extensive physical Audit of the existing built environment through an professional organisation .

1. The petitioner has no direct or indirect concern with prayer mention in this public interest litigation and has no any other motive behind it. Petitioner is Assistant Professor in department of Human rights and duties in Panjab university Chandigarh by virtue of citizen of India and as such is competent to invoke an extra ordinary writ jurisdiction of this Hon'ble Court under Article 226/227 of the Constitution of India by filing this public writ petition.
2. That it is duty of Educational Institutions to Provide Inclusive Education to Students with Disabilities. Those disabled people have Right to Life and Personal Liberty and government shall take necessary steps to ensure that persons with disabilities enjoy the right to life with dignity and to personal liberty guaranteed by Article 21 of the Constitution of India on an equal basis with others. Moreover no person shall be deprived of his personal liberty only on the ground of disability.
3. That seventeen years after The Persons with Disability Act 1995 was implemented, and Main chapter along with relevant Articles relating to access is reproduced below :-

Chapter VIII - Non Discrimination

This chapter focuses on non-discrimination towards persons with disabilities in various areas. This is the Chapter that covers access issues at large. In sections 44 to 46, it coves issues pertaining to :

- accessibility to public transport including buss, trains and air travel
- Accessibility in pedestrian environment with mention of curb cuts, engraving on the surface of the zebra crossing, engraving on the edges of railway platforms, and warning signals at appropriate places.
- Access to public buildings by providing ramps, Braille symbols and auditory signals in elevators or lifts;

4. **Access to Public Buildings** - In order to ensure that there is no discrimination in access to public buildings by persons with disabilities, the **PWD Act** requires the appropriate governments and local bodies to take positive steps to provide for access.

Section 46: The appropriate governments and the local authorities shall, within the limits of their economic capacity and development, provide for :

- Ramps in public buildings;
- Braille symbols and auditory signals in elevators or lifts;
- Ramps in hospitals, primary health centres, and other medical care and rehabilitation institutions.

5. The University Grants Commission (UGC), the nodal authority for most Indian universities, has come out with special schemes enabling a barrier-free disabled-friendly environment at universities. In 1998, during the Ninth Five Year Plan, the UGC came out with two special schemes - Teacher Preparation in Special Education (TEPSE) and Higher Education for Persons with Special Needs (HEPSN) - to create a barrier-free education system. True copy of Schemes are attached here as an **Annexure P-**

6. That on 11.07.2001 Joint Secretary University Grant Commission (UGC) sent letters to Vice Chancellor of all Universities and colleges informed that Commission in its meeting held on 22.05.2001 considered the full implementation of Person with Disability Act 1995 in universities and approved reservation for persons with disability in admissions, jobs and also decided that barrier free access for persons with disabilities to the universities, building, class rooms, laboratories and toilets etc. True typed copy of letter is attached here as an **Annexure P-**

7. That National policy for person with disability launched by ministry of Social Justice and Empowerment Govt. of India on 10.02.2006 endorsed that, Barrier free environment for people with disabilities to move about safely and freely, and use the facilities within the built environment. The goal of barrier free design is to

provide an environment that supports the independent functioning of individuals so that they can participate without assistance, in everyday activities. Therefore, to the maximum extent possible, building/places/transportation systems for public use will be made barrier free. National Policy for People with Disabilities (2006) is annexed here as an **Annexure P-**

8. **Ministry of Social Justice and Empowerment Schemes for Universities under the Persons with Disabilities (Equal Opportunities Protection of Rights and full participation) Act, 1995** : A number of schemes are being formulated also under the Persons with Disabilities (Equal Opportunities Protection of Rights and full participation) Act, 1995. Schemes under implementation at present are as under:-

- **Models to promote awareness about accessibility features in public buildings** : Funds are being provided to Universities / Administrative Training Centres in the States/UTs and State Secretariats etc. for installing lifts etc. to provide barrier free access to persons with disabilities. (<http://socialjustice.nic.in/schemespro3.php#a5>)

9. That on 02.02.2007 University grant Commission observed that some of the universities are not implementing the guidelines notified by the UGC and the provisions of Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 regarding reservation in admission and employment and creation of facilities. And also convey to all the universities and deemed universities for implement the various provision of Act is mandatory. More over to implement the act commission in his XI plans proposal of the universities for development assistance will also taken into account progress made by each university to implementation of provision of the Act. True Copy of Letter is attached here as an **Annexure P-**

10. The World Disability Report (2011), of World Health Organisation & World Bank , focuses on measures to improve accessibility and equality of opportunity; promoting participation and inclusion; and increasing respect for the autonomy and dignity of persons with disabilities.

11. Internationally, the concept of barrier-free environment is premised on **Article 7 of International Covenant for Economic, Social, and Cultural Rights (ICESCR)** that mandates ‘providing and modifying devices, services or facilities, or changing practices or procedures in order to afford participation in equal terms, including installation of wheelchair ramps, elevators for people with mobility impairments, introduction of part-time work schedules for workers with severe conditions, availability of readers for visual impairments and essential sign translation for people with hearing impairments.
12. The **UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities 1993 (UNSR)** recognizes as one of the pre-conditions for equal participation of persons with disabilities in society, the supply of support services including assistive devices and eight target areas are recognized – these include accessibility in terms of physical environment and information and communication.
13. Following the entry into force of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), disability is increasingly understood as a human rights issue. In **Article 24**, the CRPD stresses the need for governments to ensure equal access to an “inclusive education system at all levels” and provide reasonable accommodation and individual support services to persons with disabilities to facilitate their education
14. Environments can either disable people with health problems or foster their participation and inclusion in social, economic, political, and cultural life. Environments – physical, social, and attitudinal – can either disable people with impairments or foster their participation and inclusion. The United Nations *Convention on the Rights of Persons with Disabilities* (CRPD) stipulates the importance of interventions to improve access to different domains of the environment including buildings and roads, transportation, information, and communication. These domains are interconnected – people with disabilities will

not be able to benefit fully from improvements in one domain if the others remain inaccessible. Improving access to buildings and roads, transportation, and information and communication can create an enabling environment which benefits not only disabled people but many other population groups as well. Negative attitudes are a key environmental factor which needs to be addressed across all domains. (World Disability Report, World Health Organisation & World Bank, 2011).

15. It would be relevant to mention here that the Convention on the Rights of Persons with Disabilities (adopted in 2006 and entered into force in 2008) sets out international human rights standards for all persons with disabilities in the world. It views persons with disabilities as having legal rights and protects them from discrimination. It requires States, the private sector and others to take on the responsibility of respecting, protecting and fulfilling rights of disabled persons. And Chapter 9 of the convention deals with accessibility.

16. The **CRPD, in its preamble**, recognizes the social model of disability that discrimination results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others. It mandates in its **Article 9** that to enable persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communication technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

The UNSR and the CRPD acknowledge that environmental barriers are a great impediment to participation in society and barrier removal through legislation, universal design provision for accommodation and other means has been identified as the key to equalization of opportunities for persons with disabilities. That true copy of relevant articles of the convention is attached here as an **Annexure P-**

17. 04.01.2008 Apex Court of India held that ,the disabled too are equal citizens of the country and have as much share in its resources as any other citizen. The denial of their rights would not only be unjust and unfair to them and their families but would create larger and graver problems for the society at large. What the law permits to them is no charity or largesse but their equal rights as equal citizens of the country. (*Bhagwan Dass and Anr v. Punjab State Electricity Board*, (Supreme Court) Civil Appeal No. 8 of 2008, judgment dated 4 January 2008.) Copy of Judgement dated 04.01.2008 is attached here as an **Annexure P-**

18. In May 2005, in a public interest petition filed by ILS Law College Legal Cell, the Bombay High Court directed that all government buildings, schools, hospitals and other public places including courts, both at the district and village level, were to have ramps, railings, and toilets that were fully accessible to the disabled within a period of six months.¹

19. Another petition similar to the one filed by the students from ILS Law College was filed by the students of Salgoankar Law College in Goa against the non-implementation of Sections 44, 45 and 46 of the PWD Act. The Division Bench of the Bombay High Court at Goa directed the state government to frame a comprehensive policy for disabled persons by first conducting an access audit (a survey of built environment to identify barriers that prevent disabled people from having full access), and subsequently to suggest changes and modifications so as to make public buildings accessible.

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20. India Centre for Human Rights & Law v Union of India & Ors

**Writ Petition No 27 of 2007, Bombay High Court
Sections 44 & 46 : Accessibility of local trains in Mumbai**

The Petition was filed by India Centre for Human Rights and Law along with Nilesh Singit and Raju Waghmare seeking that local train travel in Mumbai be made more accessible for persons with disabilities. The Ministry of Railway, Western and Central Railways are impleaded as Respondents in the Petition. By an interim order of the Hon'ble Bombay High Court, the petition was extended to cover long distance trains as well and the Respondents were directed to frame a plan in order to make train travel in Mumbai and outside accessible for persons with disabilities. Pursuant thereto, the Ministry and Railways are in the process of preparing a phase wise plan to make local train stations and the facilities available thereat, local trains and long-distance trains more accessible. Following a direction made by the Court, the Petitioners conducted a joint inspection and audit of the Bombay Central Railway Station in Mumbai along with Railway officials and prepared a report and submitted the same in Court. At the suggestion of the Court, the officials of the Railway have met with the Petitioners to arrive at a set of measures to make train travel more accessible and the time frame within which the measures would be implemented.

Various Orders (In The High Court Of Judicature At Bombay Ordinary Original Civil Jurisdiction Public Interest Litigation No.27 Of 2007 India Centre For Human Rights And Law And Others Petitioners Versus Union Of India And Others (<http://bombayhighcourt.nic.in/ordjudgement.php>))

21. Ms Bhuneshwari Devi Vs The A & N Administration and others WP No 180 of 2008 (PIL) - The petition was necessitated by the lack of accessibility features for disabled in public places like offices which amounts to an arbitrary and flagrant violation of the constitutional rights of disabled

persons. A writ application was filed under article 226 of the constitution of India in larger public interest seeking direction to the respondents to take measures towards ensuring a certain level of safety and accessibility in roads, public transport and related facilities for disabled persons in the Union Territory of the Andaman and Nicobar islands. The petition was necessitated by the lack of accessibility features for disabled in public places like offices which amounts to an arbitrary and flagrant violation of the constitutional rights of disabled persons. In the year 1995 Persons with disabilities (Equal Opportunities ,Protection of Rights and full participation) Act was enacted . Under Chapter VIII under the head of Non Discrimination under Section 44 to 46 measures were to be provided by the Government to provide a non discriminatory and barrier free environment and accessibility for all disable persons. The act has come in the year 1995 but till date no implementation of these measures were made by the respondents for making at least government establishment disable friendly and barrier free. The Disabilities act seeks to mainstream and provide equal opportunities to person with disabilities, who are otherwise forced to lead isolated lives with in their homes and families. Accordingly the act specifically spells out the responsibilities and duties of the state towards ensuring protection and safeguarding their rights. One of the important features of which was the creation of a barrier free built environment which is not done so far hence this writ application.

22. High Court asks architects body to contact survey of disability access of

all government buildings -Nagpur, Mar 22: In a ray of hope for disabled and senior citizens, the Nagpur bench of the Bombay high court has asked the Indian Institute of Architects (IIA) to conduct a survey of all the government/semi-government buildings in the city on facilities being offered. The IIA has been told to take the help of Nagpur Municipal Corporation (NMC) town planning officer and submit the report within four months.

A division bench comprising justices Dilip Sinha and Ashok Bhangale also

directed the authorities to install facilities in the Vasantao Deshpande Hall within a stipulated time. The bench was hearing a plea filed by a city-based retired disabled scientist PN Andhare through his counsel Trupti Udeshi who too is disabled people.

The petitioner, who is 80% disabled, had filed the PIL through an NGO Indradhanu praying for compliance of Maharashtra government resolution of 2005 which mandated facilities for disabled people. The NGO's secretary Prakash Sohoni is another petitioner.

According to the duo, local authorities including the NMC should make efforts to implement by-laws, guidelines and measures to ensure a barrier-free built environment and non-discrimination in transport for disabled people and senior citizens. Even banks and NMC have failed to set up ramps or a guide rail.

Pointing out several lacunae on the roads and footpaths, the petitioners claimed that they were laid in such a way that it becomes difficult for both the disabled and elderly to move, and the encroachment on all the footpaths provides obstacles in their movement.

They contended that despite Lokayukta's recommendations, the master transportation plan for the city has no provisions for disabled and there is no monitoring system by which the implementation of the Persons for Disabilities Act can be verified. Additionally, there is no grievance redressal mechanism by which these issues can be resolved. Citing RTI query, the petitioners claimed that NMC could not cite even a single government building where facilities are provided for disabled people.

During the last hearing, the court had directed the state government to ensure all facilities for disabled people including railings, ramps and handles in all government, semi-government buildings and those belong to statutory public

bodies. The court wanted to know how many parking places in the city provide reserve parking for disabled people as per government resolution of April 5, 2005. The issue of providing special toilets for such persons in the government buildings was also raised by the court. **(Source: <http://timesofindia.indiatimes.com>)**

23. State assures barrier-free environment for disabled :TNN Sep 16, 2011, 06.31am IST NAGPUR: Maharashtra government on Thursday assured the high court here that it would immediately remove all barriers from public buildings to allow smooth movement to physically challenged and the elderly.

A division bench of Justices Sharad Bobde and MN Gilani asked the government to file a reply informing about efforts taken in this regard in two weeks and also to furnish details regarding expenditure of Rs 7.60 crore funds released by the Centre for every state for welfare of handicapped and senior citizens. These funds were allocated in October last year for construction of hand rails and ramps in government buildings that are frequently used by people.

The court further directed the state to constitute a coordination committee having politicians and bureaucrats for welfare of such citizens. When the additional government pleader Bharti Dangre stated it might be in existence, the judges tersely asked the government to then "wake up" its members. The bench was hearing a plea filed by a city-based disabled scientist PN Andhare through his counsel Trupti Udeshi who is also physically handicapped.

The petitioner, who is 80% disabled, had filed the PIL through an NGO Indradhanu praying for compliance of Maharashtra government resolution of 2005 that mandated facilities for disabled. Secretary Prakash Sohoni is another petitioner. As per the duo, local authorities including the NMC should make efforts to implement by-laws, guidelines and measures to ensure a barrier-free

built environment and non-discrimination in transport for the handicapped and senior citizens.

Even the banks and NMC failed to set up ramps or a guide rail for such persons. Pointing out several lacunae on the roads and footpaths, petitioners claimed that they were laid in such a way that it becomes difficult for both disabled and elderly to move. Encroachments on all footpaths created further obstacles to movement.

They contended that despite Lokayukta's recommendations, the master transportation plan for the city had no provisions for disabled. There was no monitoring system by which implementation of the Persons for Disabilities Act could be verified. Additionally, there was no grievance redressal mechanism by which these issues could be resolved. Citing reply to an RTI query, the petitioners claimed that NMC could not cite even a single government building where facilities were provided for the disabled.

During last hearing, the court asked the Indian Institute of Architects (IIA) to conduct a survey of all the government/semi-government buildings in the city regarding such facilities. The IIA has been told to take help of Nagpur Municipal Corporation (NMC) town planning officer and submit report in four months. (http://articles.timesofindia.indiatimes.com/2011-09-16/nagpur/30165099_1_nmc-senior-citizens-nagpur-municipal corporation)

24. Delhi University demands more cooperation from colleges for persons with disabilities

DELHI, Nov 16, 2012: For 1,300 students belonging to the disability category in Delhi University (DU) smoother facilities may still be a distant dream because of lack of coordination among various colleges. Vice-chancellor Dinesh Singh, on completing two years in office, had stated that everything had been done to ensure that students belonging to the category had the best facilities in DU. The DU administration now claims that there needs to be greater cooperation from colleges.

“While we have come a long way in helping the students belonging to the PH category, we are very

disappointed at the lackadaisical response from colleges. Colleges such as Daulat Ram have not admitted these students and instead taken in OBC category students. Others such as Ramjas and Kirori Mal have yet to give them a fee waiver and refund fees of some PH students. We need to see greater cooperation from colleges,” said Vipin Tiwari, deputy dean of students' welfare. Malti Gupta, principal of Daulat Ram College, denied such claims and said they had admitted 10 students in the PH category across all courses as per the recommendations of the university. Meanwhile, the principal of Ramjas College, Rajendra Prasad, was not available for comments. This is not the only gap that DU is struggling to bridge. Attempts at making metro travel free for PH category students has come to a halt with the Delhi Metro Rail Corporation (DMRC) claiming that no one is permitted free travel.

Source: Hindustan Times

26. Accessible public amenities demanded in India :

GUWAHATI, Nov 23, 2012: It is a life of acute physical isolation for a person, who once enjoyed the sights and sounds of the outdoors. Preetam Das (name changed) cannot even hope to travel inside Guwahati city where she was born and educated. Stricken by polio as a child, she rues that even though the city has grown in so many ways, it does not have a transport system conducive to people with disabilities and elderly people. “I feel sad that I cannot travel in a vehicle that would provide me the required comfort and safety...using any form of public transport is out the question for someone in my condition,” the senior citizen said. Subhash, a young businessperson and a city resident, had met with an accident last year and seriously injured his legs. He was referred to a hospital in Patna, and his journey by train proved to be the most painful one in his life. The railways, he mentioned, are absolutely unfair to the disabled particularly when it comes to sanitation. ***“I have seen a dangerous situation developing right before my eyes inside the Guwhati University Campus. Students and visitors with disabilities face great hurdles in crossing the road that bisects the campus. They confront considerable risks before they can cross the busy road near the main gate,”*** observed Hazart Ali, a faculty with Paschim Guwahati Mahavidyalay. He favoured a pedestrian overbridge with a disabled friendly design that would enable safe passage to all, including wheelchair users.

In Guwahati, as in other fast developing urban areas of the State, the disabled face a nightmare when it comes to sanitation in commercial areas or other public places. Although citizens have made repeated complaints, tangible developments are yet to be seen. Reports of similar nature have frequently come in from various parts of Assam, all hinting that the authorities concerned have created an insensitive place for people with disabilities and the elderly when it comes to providing amenities both from the public and the private sector. According to sources working in the disability sector, the divide between a healthy adult and people with disabilities has grown in urban areas when it comes to transport, sanitation and leisure activities. While the options open to the general population has expanded manifold, the disabled are being denied access to most facilities, a fact even more ironic in a state that has a substantial population of people with disabilities. A senior engineer of a State Government Department, who did not wish to be named, admitted that the issue of disabled friendly design is not integral to most projects which are going on or are in the planning stage. 'Instructions to engineers and contractors do not specifically mention such aspects,' he stated.

Those in the disability sector argue that 'inclusive design' should be made mandatory in all public buildings and infrastructure. According to them, it does not cost much to create such amenities if they are incorporated at the planning stages.

Source: Assam Tribune (<http://www.disabilitynewsasia.com/home-mainmenu-1/1259-accessible-public-amenities-demanded-in-india-.html>)

27. On 29.09.2008 Sh. R.K. Chauhan, Secretary, while issuing notification with reference to meeting of Group of Ministers, Government of India held on 13.06.2008 direct to vice chancellor of all universities and made clear that to implement higher education and scheme as per the provision of PWD Act and

the direction issued by the Government of India inter-alia made the following recommendations pertaining to education in relation to person with disabilities:

“ All educational institution should be made barrier free within a reasonable time frame of, say, two years for universities, and three years for colleges and schools. They should also to facilities to provide Braille books and talking books. Sign language interpreter should also be provided in institutions having hearing impaired students.”

“ Most Central Universities and, at least one state universities in each state should have a Department of Disability Studies, which should address all issues relating to persons with disabilities-specifically human rights, rehabilitation, education, etc.”

True copy of notification dated 29.09.2008 is attached here as an **Annexure p-**

28. That on 09.01.2009 University Grants Commission issued circular to all Universities regarding Department of Disabilities Studies and taking steps to make the Institution barrier free and also gave stressed that eleventh Plan includes that building should be disabled friendly. Barrier free access for persons with disability. Copy of circular dated 09.01.2009 is attached here as an **Annexure P-**
29. **UGC Compilation based on the Deliberations of the Working Group for Higher Education in the 12th Five Year Plan i.e. 2012-17 :Inclusive and Qualitative Expansion of Higher Education Report (12th Five – Year Plan, 2012 -17)** This document contains the core of ideas towards reform initiatives in higher education. Since the reforms have to take roots at the university level, the university leadership has contributed to this document significantly in shaping the policy planning processes at the macro level and in recommending strategies for achieving the targets set.

To materialize a "quantum jump" in achieving the triple objectives of access and expansion, equity and inclusion, and quality and excellence, with an emphasis on

consolidation and optimal use of infrastructure already created during the 11th FYP, it is proposed to focus on the following strategies during the 12th FYP:

9. Equal Opportunity Cells, which were initiated in the 11th FYP, will be set up in all institutions, including institutions covered under Section 2(f) of the UGC Act. These will monitor and oversee the implementation of policies and programmes for the weaker sections and their progress in their respective institutions in achieving social inclusion.

30. On 18.07.2012 a news item published in Tribune News Paper under the title that PU's apathy: New building without ramp for differently abled. And in the news item it has also been explained that the New Building of Emerging Areas that will house six departments was inaugurated; however, the building does not have a ramp for persons with disabilities. Copy of news items is attached here as an **Annexure P-**
31. That on 02.08.2012 Petitioner submits a Project Proposal on behalf of Samarthyam to ensure a Barrier Free Access to Panjab University Campus for the disabled students, teachers, employees, etc and also made submission to comprehensive access audit of all the buildings of Panjab University. But university did not pay any heed towards the project proposal of petitioner and more over towards the apathy of disabled students. True copy of project proposal is attached here as an **Annexure P-**

32. Best Practices in Indian Universities

In compliance with UGC scheme of setting up of Equal Oppurtunity Cell (EOC) in Indian Universities to address these and other urgent issues concerning SC, ST, OBC and PwD, the Equal Opportunity Cell was set up by the University of Delhi on 27th June, 2006 and a policy Draft was released ensuring a barrier free, equitable and accessible space to the PwDs in the field of Higher Education. (<http://eoc.du.ac.in/>)

33. Access Audit Report of Delhi University can be accessed at the web link <http://www.du.ac.in/index.php?id=787>. (copy attached in Annexure -). It reveals

they engaged a professional organisation Samarthyam engaged in access auditing. It can also be seen from the project proposal submitted by the petitioner to the Panjab University authorities that Samarthyam has previously done access auditing of various educational institutions in India and also Sant Longowal Institute of Engineering & Technology (SLIET, a Deemed University established by Government of India at Longowal, District, Sangrur in Punjab.

It is pertinent to mention here that access auditing requires technical expertise and requires assessment which cannot be done by engineers and architects without proper training on access auditing or engaging professional organisations like Samarthyam who are pioneer in making buildings all inclusive.

34. A status report may be sought from Panjab University, Chandigarh and its affiliated colleges whether they have complied with the PWD Act, 1995 and UGC Guidelines as well as from all the Universities (government as well as private) and their affiliated colleges in the region and ensure time-bound commitment to make higher education in the region all inclusive.
35. That UGC has been issuing circulation notification and letters to all the universities for Initiatives to improve Accessibility in University and to implement the provisions of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. But respondent university has not paying any heed to implement the act or made buildings barrier free. That it would be relevant to mention here that respondent university is one of the oldest university of the country and having more than seventy five departments and fifteen centres and new centre's building are also not following the provisions of PWD Act, 1995.
36. The main law points arising in this petition are as under:
 - a. Whether respondent university not violating the human rights of persons with disabilities to not providing barrier free buildings?
 - b. Whether persons with disability have no right to live his life similar to other human being and whether have no rights to access public buildings?

- c. Whether respondent university is not bound to implement the provisions of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ?
 - d. Whether respondent university is not bound to follow the recommendation of (UGC) University Grant Commission?
37. That no other remedies either by appeal or revision is available with the petitioner except to approach this Hon'ble Court by way of filing the present writ petition.
38. That no such or similar petition has earlier been filed by the Petitioner Association/ organization in this Hon'ble Court or in the Hon'ble Supreme Court of India.

Prayer

In view of the facts and circumstances referred above it is, respectfully prayed that this Hon'ble Court may grant the following reliefs:

- i) Issuance of a writ of Mandamus or any other writ, order or directions to respondent Ensure a barrier free access to all buildings of Universities, Colleges, Departments, Libraries, Hostels and Offices to follow University Grant Commission (UGC) circulars Status Note on Equal Opportunity for Disabled Persons – Persons with Disabilities/ Differently Abled- [Circular No. & Dated: No.F-6-1/2006 (CPP II) 9th January, 2009]
- ii) Issue direction to the respondent to Setting up of Equal Opportunity Cell and Resource Centre that would specialize in addressing the needs of PwDs in all categories including Visual, Hearing, Orthopedic, Neurological etc.
- iii) Issuing direction to the respondent for extensive physical Audit of the existing built environment as access auditing which requires technical expertise and assessment cannot be ordinarily done

by engineers and architects without proper training on access auditing should be entrusted to professional organisations like Samarthyam who are pioneer in making buildings all inclusive ?

- iv) Issue direction for seeking a status report from Panjab University, Chandigarh and its affiliated colleges whether they have complied with the PWD Act, 1995 and UGC Guidelines as well as from all the Universities (government as well as private) and their affiliated colleges in the region and ensure time-bound commitment to make higher education in the region all inclusive?
- v) Any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the fact and circumstances of the present case.
- vi) Exemption from filing certified/true typed copies of Annexure P-1 to P- 1 may kindly be granted.
- v) Cost of the petition be granted to the petitioner.

Chandigarh

Dated: 07.2.2012

Petitioner.

Through Counsel:

(S. Buta Singh Bairagi) Advocate

P-1508/06

Verification:

Verified that the contents of my above petition from para 1 to are true and correct to my knowledge and the contents of para to are based on legal advice of the counsel. No part of the petition is false and nothing has been concealed therein.

Chandigarh.

Dated: 07.12.2011.

D. O. No. F. 6-2/2006 (CPP-II)

February 02, 07

Dear Vice Chancellor,

The Commission, from time to time, has been conveying to the Universities and Deemed Universities, the policy decisions, including reservations in admissions and employment, of the Government of India pertaining to the persons with disabilities. In addition, the decisions taken and the guidelines framed at the level of the Commission in this regard have also been notified to all Universities for implementation. The Commission had also circulated the Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 to the Universities.

It has been observed that some of the Universities and Deemed Universities are not implementing the guidelines notified by the UGC and the provisions of the Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 regarding reservation in admission and employment and creation of facilities. It may please be noted that the implementation of the various provisions of the Act is mandatory for all Universities and Deemed Universities whether state or self-financed. The Commission, while considering the proposals of the Universities for the XI Plan Development Assistance will also take into account the progress made by each University in the implementation of the provisions of the Act. The status of the implementation of these provisions in Private Universities and Self Financed Deemed Universities will also be strictly monitored by the Commission and action may be initiated against the institutions not adhering to the Rules and Guidelines.

The Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and other Guidelines pertaining to the persons with disabilities are available on the website of the Chief Commissioner for persons with disabilities are available on the website of Chief Commissioner for persons with disabilities (Ministry of Social Justice and Empowerment, Government of India)- <http://ccdisabilites.nic.in/>.

All the Universities and Deemed Universities are requested to ensure the strict implementation of the Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 and different Guidelines of the UGC on the subject.

With Regards,

Yours sincerely,

(P.Prakash)

All Vice Chancellors/Directors
Universities and Deemed / Private Universities

Copy to:

1. Shri Madhukar Sinha, Director (ICR), Government of India, Ministry of Human Resource Development, Department of Secondary & Higher Education, Shastri Bhawan, New Delhi -110001 with reference to his letter No. F.2 -40/2006-U-3-A dated 13.10.2006.

R.K Chauhan

Secretary

UNIVERSITY GRANTS COMMISSION

Bhadhur Shah Zafar Marg.

New Delhi- 110002(INDIA)

Phone:(011) 23239337,23236288

Fax : (011) 23238858

Email: rkchauhan @ugc.ac.in

D.O.No.F.6-1/2006(CCP II)

29th September,2008

Dear Sir/Madam,

With the Notification of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation) Act,1995, the Central Government has recognized and legislated the rights of the Persons with Disabilities. The Act, apart from 3 percent reservation in the employment in all Government and Government aided institutions, provides for education and promotion of research in the area of prevention of disability, rehabilitation in relation to Persons with Disabilities.

The National policy for the Persons with Disabilities announced in February, 2006, attempts to clarify the frame to ensure a dignify life for person with Disabilities in terms of providing equal opportunities, protection of their rights, and ensuring full participation in the societies in order to empower them.

These documents are available on the website of Ministry of Social Justice and Empowerment of Government of India.

The UGC, on its part, is committed to implement higher education related guidelines and schemes as per the provisions of the PWD Act and the directions issued by the Government of India from time to time.

The group of Ministers, Government of India, on Equal Opportunities to the Differently-abled Persons in its meeting held on 13th June, 2008, inter-alia made the following recommendations pertaining to Education in relation to Persons with Disabilities :

“All educational institutions should be made barrier free within a reasonable time –frame of say, two years for universities, and three years for colleges and schools. They should also have facilities to provide Braille books and talking books. Sign language interpreter should also be provided in institutions having hearing impaired students.”

“Most Central Universities and, at least one State University in each State should have a Department of Disability Studies, which should address all issues relating to persons with disabilities – specially human rights, rehabilitation, education, etc.”

I write this to request you to kindly consider the above recommendation of the GOM which will go along way in fulfilling the agenda of affirmative action of the Government of India aimed at providing equal opportunities to Persons with Disabilities and ensuring their full participation.

With Regards,

Yours Sincerely,

(R.K. Chauhan)

To The State Education Secretary (All States/Union Territories)

To The Vice-Chancellors (All Universities)

Copy to

1. The Education Secretary, Government of India, M/HRD, Deptt. (HE), Shastri Bhavan, New Delhi.
2. Director (HE), Government of India, M/HRD/HE, New Delhi.
3. The Deputy Director General, M/HRD, Deptt.(HE), New Delhi, (Ref: F.11-1/2008 (SC/ST) dt. 28.08.2008)
4. All Regional Offices, UGC.
5. JS (CU)/JS (DU)/JS (SU)/JD (NRCB)/JS (RO)/JS (DC)/JS (MRP)/JS (HRVE), UGC, New Delhi.
6. Publication Officer, UGC, for Posting on the UGC Website.
7. PS to Cm/PS to V.Cm/PS to Secretary, UGC, New Delhi.
8. Guard File.

(V.K. Jaiswal)
Under Secretary

UNIVERSITY GRANTS COMMISSION
Bhadhur Shah Zafar Marg.
New Delhi- 110002

No.F.6-1/2006 (CPP II)

9th January, 2009

Subject : Status Note on Equal Opportunity for Disabled Persons –

Persons with disabilities/ Differently abled persons –

UGC Circulars/Schemes towards Assistance to Universities/Colleges for

Disabled Persons (Physically Handicapped) .

The University Grants Commission (UGC), from time to time, has been conveying to the universities and Deemed Universities, the policy decisions, including reservations in admissions and employment of the Government of India pertaining to the persons with disabilities. In addition, the decisions taken and the guidelines framed at the level of the Commission in this regard have also been notified to all Universities for implementation. The Commission had also circulated the Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 to the universities requesting them to strictly follow the provisions contained therein.

The circulars issued by the Universities, inter-alia, include the following :

S.No.	Purpose	UGC Reference
1.	Extending Facilities of cassette recorders for Blind students in Universities.	No. F.15-3/80(CP) dt. 23.04.1980
2.	Employment of the Physically Handicapped in Teaching Posts.	No. F.11-5/95(CCP II) dt. 14.10.1997
3.	3% Reservation for the persons with disabilities in the appointment of lecturers.	No. F.11-5/95(CCP II) dt. 03.02.2000
4.	3% Reservation for persons with disabilities for admission to all courses and 3 % Reservation in jobs.	No. F.11-5/95(CCP II) (Vol.III) Dt. 18.07.2001 No. F.6-1/2006(CCP II) Vol .II Dt. 21. 10.2005/1.11.2005
5.	5% percent relaxation of marks at Master's level for physically handicapped persons for appearing in the NET examination.	No. F.6-1/2002(CCP II) Dt 5.06.2002
6.	Relaxation in Upper Age limit (upto 5 years) to persons with disabilities in Admission to various courses.	No. F.6-1/2002(CCP II) Vol. III Dt. 02.08.2006
7.	Directions to all universities to strictly follow the provisions of Disabilities (Equal Opportunities, Protection of Rights, and Full	No. F.6-1/2002(CCP II) Dt. 02/13.02.2007

	Participation) Act, 1995.	
8.	Facilities to Physically Handicapped/ Visually Handicapped Persons – UGC NET Exam Candidate	Extract from the UGC NET Exam. Application Advertisement
9.	Circular to all Universities regarding Department of Disabilities and taking steps to make the Institutions barrier free.	F.6-1/2006(CCP II) dt. 29/30.9.2008

A copy each of the above letters is included.

XI Plan Guidelines for Universities and Colleges for Construction of Buildings

The UGC XI Plan Guidelines includes that building should be disabled –friendly. Barrier free access for persons with disability.

XI Plan UGC Schemes

Besides, the UGC is also implementing plan schemes for the benefit of persons with disabilities. These schemes are part of the plan Development grant to the universities/colleges.

Relevant extracts of the guidelines are enclosed.

All the UGC Guidelines are also available on its Website : www.ugc.ac.in.

(V.K. Jaiswal)

Under Secretary

SNAPSHOTS of Disability Access of Panjab University, Chandigarh



Hotel Management Institute - Entry Raised Entrance Threshold & Staircase (New Building)



ICSSR Building - Entrance – Staircase (Seminar Halls)

Contd ...



Teachers Flats - Entrance

Contd ...

New Building - Institute of Emerging Areas in Social Sciences

(includes Centre for Social Work, Human Rights & Duties, Police Administration, Adult & Continuing Education, Women Studies', & Fashion Technology)



Contd ...



Parking Area – Cross/Jump these Cement Blocks then one can enter Student Centre



Entry to Student Centre



Public Toilets

Contd ...

Way to Coffee House, ATM, Placement Office



Way to Library through Student Centre

Eateries At Student Centre



Open Air Stage

University Institute of Open Learning (USOL)

Contd ...

Bank and ATM (University Market)



Contd ...

University Market



Entry to Administrative Block, Enquiry Counter, SBI Fee Counter, CET Cell



Contd...



Entry to Library



UGC XI Plan Guidelines for Universities & Colleges

General Development Assistance to Central, State and Deemed Universities (Includes 16 merged schemes)

- Equal Opportunity Cell
- Facilities for Differently-Abled Persons

Development Grant to Colleges (includes 14 merged schemes) (Revised Guidelines):

- Equal Opportunity Center in Colleges.
- Schemes for Persons with Disabilities.

FACILITIES FOR DIFFERENTLY-ABLED PERSONS

A. Teacher Preparation in Special Education (TEPSE)

B. Higher Education for Persons with Special Needs (HEPSN)

C. Visually-handicapped Teachers

INTRODUCTION

The Persons with Disabilities Act 1995 indicates that differently-abled persons should have access to education at all levels. In the higher education sector, the University Grants Commission (UGC) is supporting universities in the country to involve in special education activities to empower differently-abled persons.

The UGC had started the scheme of assistance to universities to facilitate Teacher Preparation in Special Education (TEPSE) and Higher Education for Persons with Special Needs (Differently-abled Persons) (HEPSN) during the Ninth Five-Year Plan, which continued in the Tenth Plan. Keeping in view the need to provide special education programmes as well as infrastructure to differently-abled persons in higher education institutions, the scheme is extended to the Eleventh Plan too.

The details of both the schemes are enumerated as follows:

A) Teacher Preparation in Special Education (TEPSE) Scheme The Teacher Preparation in Special Education (TEPSE) scheme is meant for assisting

Departments of Education to launch special education teacher preparation programmes to prepare special teachers to teach children with disabilities in both special and inclusive settings. The scheme provides financial assistance to offer B.Ed. and M.Ed. degree courses with specialization in one of the disability areas.

Specific Objectives of TEPSE

The specific objectives of the TEPSE scheme are as follows:

To encourage Universities to start M.Ed. special education courses to prepare teacher educators to serve in higher education institutions offering special education teacher preparation courses.

Eligibility

Higher education institutes offering special education course at B.Ed. and/or M.Ed. level will be given assistance under the following.

conditions.1. The university department should have the approval of the Rehabilitation Council of India for starting the concerned teacher preparation course in special education.

2. The university should have a model school where differently-abled children are admitted. In the absence of its own model school, university should produce in writing the acceptance of a special/integrated school in the vicinity to function as a model school.

3. The university should have a minimum of five years of experience in running B.Ed. level teacher preparation courses.

4. The university should have constituted an expert committee involving faculty members from the university, experts in the field and differently-abled persons themselves. The committee should meet at least once a year to review the activities related to the scheme(s) concerned.

5. University applying for the scheme should have been approved by the UGC under sections 2(f) and 12(B).

Financial Assistance

Financial assistance to the university departments of education will be given by the UGC as per the following norms:

1. The university departments will be sanctioned one professor or one reader and two lecturers to run a B.Ed. course; and one professor, one reader and three lecturers when the university offers an M.Ed. course too in special education in any one of the specific disability areas with a minimum of 20 students and a maximum of 30. In the case of University departments desirous of offering M.Ed. special education courses only, provided one of its constituent/ affiliating colleges offers B.Ed. special education in the same specialisation, one professor, one reader, and one lecturer will be sanctioned. The staff appointed for special education courses should have necessary educational qualifications prescribed by the Rehabilitation Council of India.

2. Assistance from the UGC will be for the Eleventh Plan period and the implementing university should give an undertaking that it will continue the course with the assistance of the state government or generate its own resources to meet the expenditure of the course after the Plan period.

3. The implementing University should also provide extension services to the special schools and integrated schools to strengthen the quality of special education in those settings.

4. In addition to the salary grant, the UGC will provide a maximum of Rs. 2,00,000/- per institute towards purchase of books, journals, use of services from collaborating institutions, special aids and appliances for its special education teacher preparation courses when it runs a B.Ed. special education or M.Ed. special education course only and provides an assistance of Rs. 4,00,000/- when it runs both B.Ed. and M.Ed. special education courses. However, this grant will be sanctioned only after the staffs approved have been appointed by the university.

5. The continuation of the grant to the institute is contingent upon the demonstration of satisfactory performance during the mid-term evaluation to be carried out by the UGC.

PROFORMA A

1. Name and address of university
2. Year of establishment
3. Does the institute come under sections 2(f) and 12(B) of the UGC Act?
4. Teacher preparation courses currently offered by the university
5. Special education courses, if any, offered by the university
6. Is the university recognised by the Rehabilitation Council of India to offer special education courses?
7. Name of the course for which assistance from the UGC is sought
8. How many students will be admitted to the course?
9. What will be the requirement of staff for running the new course?
10. Does the university provide any extension services to differently-abled individuals or schools or both?
11. Brief history of the university
12. Annual expenditure of the course (recurring and non-recurring)
13. Undertaking from the University that it will meet the expenditure of the course after the completion of the XI plan period.

Date Signature of Head of university department

B) HIGHER EDUCATION FOR PERSONS WITH SPECIAL NEEDS (HEPSN) SCHEME

The HEPSN scheme is basically meant for creating an environment at the higher education institutions including Universities to enrich higher education learning experiences of differently-abled persons. Creating awareness about the capabilities of differently-abled persons, constructing facilities aimed at improving accessibility, purchase of equipment to enrich learning, etc., are the broad categories of assistance under this scheme.

Specific Objectives of HEPSN

The specific objectives of the HEPSN Scheme are as follows:

1. To provide equal educational opportunities to differently-abled persons in higher education institutions.
2. To create awareness among the functionaries of higher education about the specific educational needs of differently-abled persons.
3. To equip higher education institutions with the facilities to provide access to differently-abled persons.
4. To provide special devices to higher education institutions that will augment the learning experiences of differently-abled persons.
5. To monitor the implementation of all existing and future legislation and policies, which are pertaining to higher education of differently-abled persons.

Eligibility

Higher education institutes will be provided assistance under the HEPSN scheme when they fulfill the following conditions.

1. The university should have enrolled a minimum of 10 disabled persons, including persons with visual impairment, hearing impairment, and locomotor disability, etc., in its various courses. The definitions of disability are in accordance with the Persons with Disabilities Act 1995.

2. The university applying for the scheme should have been approved by the UGC under sections 2(f) and 12(B).

3. The university should have constituted an expert committee involving faculty members from the university, experts in the field and differently-abled persons themselves. The committee should meet at least once a year to review the activities related to the scheme(s) concerned.

Provision of Facilities and Financial assistance

The HEPSN scheme has three components. They are enumerated below:

Component 1 - Establishment of Enabling Units for differently-abled persons:

In order to develop awareness in the higher education system and also to provide necessary guidance and counseling to differently-abled persons, it is proposed to establish resource units in universities in the country, which will be called as Enabling Units. The functions of this Enabling Units will be to:

1. facilitate admission of differently-abled persons in various courses;
2. provide guidance and counseling to differently-abled individuals;
3. create awareness about the needs of differently-abled persons, and other general issues concerning their learning; and
4. assist differently-abled graduates to gain successful employment in the public as well as private sectors. The special unit will be coordinated by a faculty member to be nominated by the head of the institution. He/she will work as honorary coordinator for which a token honorarium of Rs. 4000/- per month will be paid. There is also a provision for appointment of a honorary counselor-cum-placement officer for the Enabling Unit from amongst the faculty members of the university and he/she will be paid a token honorarium of Rs.3000/- per month. Honorarium will be paid from the date of joining. The coordinator and the placement officer can avail the services of experts and personnel for organising awareness programmes, counseling sessions, etc., and for this purpose a provision of Rs.4,000/- per month will be available. The unit will also

have a budgetary provision of Rs.30,000/- per year towards general administration, stationery, contingencies, etc., for efficient and independent functioning in order to achieve its objectives. The Enabling Unit will also be involved in arranging awareness programmes on disabilities within the university and also in other higher education institutions in the university area/district. A budgetary provision of Rs.40,000/- per unit per year will be made by the UGC for this purpose.

The higher education institution availing of assistance for Enabling Unit should make adequate space available for this unit. The major functions of the Enabling Unit will be as follows:

- a. To provide counseling to differently-abled students on the types of courses they could study at the higher education institutions.
- b. To ensure admission of as many differently-abled students as possible through the open quota and also through the reservation meant for them.
- c. To gather orders dealing with fee concessions, examination procedures, reservation policies, etc., pertaining to differently-abled persons.
- d. To assess the educational needs of differently-abled persons enrolled in the higher education institutions to determine the types of assistive devices to be procured.
- e. To conduct awareness programmes for teachers of the institution about the approaches to teaching, evaluation procedures, etc, which they should address in the case of differently-abled students.
- f. To study the aptitude of differently-abled students and assist them in getting appropriate employment when desired by them after their studies.
- g. To celebrate important days pertaining to disability such as the World Disabled Day, White Cane Day, etc., in the institution and also in the neighbourhood in order to create awareness about the capabilities of differently-abled persons.

- h. To ensure maintenance of special assistive devices procured by the higher education institution under the HEPSN scheme and encourage differently-abled persons to use them for enriching their learning experiences.
- i. To prepare annual reports with case histories of differently-abled persons who are benefitted by the HEPSN scheme sanctioned to the higher education institution.

An expert team appointed by the University Grants Commission will carry out evaluation of the functioning of the Enabling Unit from time-to-time to enrich their services to differently-abled persons

Component 2 - Providing Access to Differently-abled persons

It has been felt that differently-abled persons need special arrangements in the environment for their mobility and independent functioning. It is also a fact that many institutions have architectural barriers that disabled persons find difficult for their day-to-day functioning.

Under this scheme the universities are expected to address accessibility related issues as per the stipulations of the Persons with Disabilities Act 1995, and ensure that all existing structures as well as future construction projects in their campuses are made disabled friendly. The institutions should create special facilities such as ramps, rails and special toilets, and make other necessary changes to suit the special needs of differently-abled persons.

For this purpose, the UGC will make a one-time grant of up to Rs. 10 lakhs per university during the plan period. The construction plans should clearly address the accessibility issues pertaining to disability. Guidelines on accessibility laid out by the office of the Chief Commissioner of Disabilities, Government of India (website: www.ccdisabilities.nic.in) may be followed in the case of construction and making the environment disabled friendly.

Component 3 - Providing Special Equipment : to augment Educational Services for Differently-abled Persons Differently-abled persons require special aids and

appliances for their daily functioning. These aids are available through various schemes of the Ministry of Social Justice and Empowerment. In addition to the procurement of assistive devices through these schemes, the higher education institution may also need special learning and assessment devices to help differently-abled students enrolled for higher education. Availability of devices such as computers with screen reading software, low-vision aids, scanners, mobility devices, etc., in the institutions would enrich the educational experiences of differently-abled persons.

Therefore, universities are encouraged to procure such devices. The UGC will provide an ad hoc one-time grant of up to Rs. 8.0 lakhs per university/college during the Eleventh Plan period.

How to Apply for the Scheme

1. Application for specific projects should be sent in the prescribed proforma in triplicate (Proforma B)
2. Each proposal should have been scrutinized and recommended by the expert committee to be formed by the implementing institutions.
3. PROFORMA-B

1. Name and address of university

2. Year of establishment

3. Does the university come under sections 2(f) and 12(B) of the UGC Act?

4. Nature of services currently offered by the university for the welfare of disabled persons

5. How many disabled persons are currently enrolled in the university?

6. Name of the component(s) of HEPSN for which assistance from the UGC is sought

7. How the scheme will be implemented?

8. Whether the proposal has been forwarded through the University?
9. Brief history of the university
10. List of the managing committee members of the university
11. Annual expenditure of the course (recurring and non-recurring)
12. Any other relevant information supporting the proposal

Date Signature of Head/Authorised

Signatory of university (with seal)

C) Visually- Challenged Teachers

INTRODUCTION The Scheme has been formulated to help visually challenged permanent teachers to pursue teaching and research with the help of a reader and by using teaching and learning aids by way of providing Reader's Allowance and funds for purchase of Braille books, recorded materials, etc.

OBJECTIVES

To provide facility to help visually challenged permanent teachers to achieve self dependence by using various aids for teaching, learning and research.

ELIGIBILITY/TARGET

All the visually challenged teachers who are working in universities, which are included under Section 2(f) and 12(B) of the UGC Act, are covered under the scheme.

NATURE OF ASSISTANCE

The Commission proposes to enhance the existing ceiling allowance to visually challenged permanent teachers to Rs.18,000/- p.a. The amount is to be utilized for the following purposes:

- (a) Payment to reader.
- (b) Purchase of Braille Books/Material

(c) Purchase of recorded materials

(d) Any other related/required material/equipment for research, teaching and learning. The amount payable to reader shall not exceed Rs.50/- per hour. The

University shall reimburse the amount to visually challenged teachers on receipt of actual bills, duly countersigned by the teachers, and on receipt of the actual amount received by the reader. The scheme will end with the plan period.

PROCEDURE FOR APPLYING FOR THE SCHEME

The applications with respect to Universities may be sent to the main office of UGC. The University should prepare a consolidated list of all the visually challenged teachers in their Institution and send the same to the University Grants Commission for the first instalment of the grant.

UGC will make an yearly review.

The Convention on the Rights of Persons with Disabilities (adopted in 2006 and entered into force in 2008) sets out international human rights standards for all persons with disabilities in the world. It views persons with disabilities as having legal rights and protects them from discrimination. It requires States, the private sector and others to take on the responsibility of respecting, protecting and fulfilling those rights. It promotes international cooperation towards development and humanitarian assistance. It requires national and international independent monitoring. The Optional Protocol to the Convention provides a means for individuals to complain when their rights are not respected. The main Article of this convention is reproduce as it is:-

Persons with disabilities: definition, general principles

- *Definition of persons with disabilities (CRPD, art.1);*
- *Definition of communication, language, discrimination on the basis of disability, reasonable accommodation, universal design (CRPD, art.2);*
- *General principles: inherent dignity, autonomy, independence, non-discrimination, full and effective participation and inclusion in civil society, respect of difference and acceptance, equality of opportunity, accessibility, equality between men and women, respect for the evolving capacities of children with disabilities. (CRPD, art.3).*

Persons with disabilities: accessibility, mobility

- *Accessibility (to the physical environment, transportation, information and communications, including information and communications technologies and systems) (CRPD, art. 9);*
- *Signage in Braille and in easy to read and understand forms;*
- *Live assistance and intermediaries (including guides, readers and professional sign language interpreters),*
- *Personal mobility (including quality mobility aids, devices and assistive technologies) (CRPD, art.20).*

PU'S APATHY: NEW BUILDING WITHOUT RAMP FOR DIFFERENTLY ABLED

Amit Sharma

Tribune News Service

Chandigarh
July 18, 2012

The New Building of Emerging Areas that will house six departments was inaugurated today at Panjab University today; however, the building does not have a ramp for persons with disabilities.

Although the Persons with Disabilities Act, 1995, clearly indicate the need for a disabled-friendly infrastructure in buildings; the new building lacks a ramp even at the entry. The Act makes it compulsory for the buildings to have ramps for persons with disabilities. It also mandates the building to have hand railings and separate toilets for them.

The building, presently, has three separate staircases and a provision for an elevator; however, the elevator is also yet to be installed.

"The departments have already been shifted to the building; however, if a physically challenged person takes admission in these departments, that student would have no means to reach the upper floors of the building," said a PU official.

Harman Sidhu who runs an NGO, Arrive Safe, said the inauguration of a building without ramps showed how insensitive the PU authorities were towards the needs of the physically challenged people.

The new building will house Centre for Social Works, Centre for Human Rights, Centre for Police Administration, University Institute of Fashion Technology and Vocational Development, Department of Life Long Learning and Extension, and Centre for Women Studies.

Quoting his own example, Sidhu said he had also applied for admission in the Department of Police Administration two years back when the department was operating in another building; however, he could not join the department as the building didn't have a ramp. "Despite the department being shifted to the new building, I still can't take admission," he said.

Sidhu further said the elevator in the building could not be used at the time of a fire, which necessitated a ramp for physically challenged students.

Outgoing Vice-Chancellor RC Sobti, who inaugurated the building today, said he would inquire with the construction department as to why the facility of a ramp was not provided in the building. "There is still Rs six crore left with the university of the fund allotted for this particular project. It can be utilised for the construction of a ramp in the building," Sobti said.

Annexure –

(Email to Vice –Chancellor Panjab University, Chandigarh.)



upneet mangat <upneetmangat@gmail.com>

Project Proposal on Disability Access Audit of Panjab University, Chandigarh

1 message

upneet mangat <upneetmangat@gmail.com>

Wed, Aug 1, 2012 at 11:28 PM

To: vc@pu.ac.in

Respected Sir,

I am writing to submit project proposal on Disability Access Audit of Panjab University, Chandigarh to ensure a Barrier Free Access to Panjab University Campus for the Disabled students, teachers, employees, etc. A comprehensive access audit of all the buildings of Panjab University needs to be done by a professional body as early as possible so that every building would be accessible to persons with disability of any kind and higher education becomes all inclusive.

Please find attached the detailed project proposal for your perusal.

Thanking you in anticipation.

Yours Sincerely,
Ms Upneet Kaur Mangat
Assistant Professor,
Centre for Human Rights & Duties
Panjab University, Chandigarh - 160014
Ph : 09815064997

 ACCESS AUDIT OF PANJAB UNIVERSITY CAMPUS - Final.doc
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(Submitted the proposal in person to Secretary to VC on August 2, 2012)

The Vice Chancellor
Panjab University
Chandigarh.

August 2, 2012

Subject: Project Proposal Relating to Disability Access Audit of Panjab University Campus, Chandigarh.

Respected Sir,

I am writing to submit a Project Proposal to ensure a Barrier Free Access to Panjab University Campus for the disabled students, teachers, employees, etc. A comprehensive access audit of all the buildings of Panjab University needs to be done by a professional agency as early as possible so that every building would be accessible to persons with diverse disability.

Since Access Auditing requires technical expertise project needs to be handed over to Samarthyam which is a national information, technical assistance and research organization. Under its Project "National Centre for Accessible Environments", it evaluates, develops, and promotes accessible & universal design in built & outdoor environments, transportation systems and products. Their mission is to improve environments through access audits, design innovation, research, capacity building trainings and design assistance (www.samarthyam.org).

Samarthyam is consultant with Ministry of Urban Development, Government of India and has and access audited around 50 prime buildings of CPWD viz. PMO, Parliament House, Supreme Court, Nirman Bhawan, Vigyan Bhawan, Shastri Bhawan, etc. to be made barrier free. <http://samarthyam.org/project-in-progress.html>

Samarthyam's Access Resource Group comprises master trainers trained by United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), access auditors and professionals with diverse disabilities. They are the pioneers in conducting access audits and are accredited access auditors by the Government of India. <http://samarthyam.org/project-sakshar.html>

Background on other Universities access audited:

Samarthyam has access audited several premier Universities of India viz. University of Delhi, IGNOU, IIT Kanpur, Sant Longowal Engineering (SLIET) University of Punjab, University of Jaipur (Rajasthan), University of Garhwal (Campus at Tehri, Pauri and Srinagar), University of Kurushetra, vetted plans of University of Utrakhand. Access audits of JNU, Ravenshaw University Odisha and English University of Hyderabad is under process. Access audit reports by Samarthyam will give insight on the access provisions required in the campus buildings and will help to get funding from the Ministry of Social Justice & Empowerment: SIPDA scheme amounting to Rs. 50 lakhs per building. Almost all the universities audited by Samarthyam has availed benefit under this scheme.

The elements covered in an access audit include:-

- **Getting to the premises** - access from road or car/scooter park, lighting, signage, surfaces
- **Getting into the premises** – entrance, steps, thresholds, doors, lobby/reception area, seating, and lighting

- **Getting around the premises** – corridors, doors, stairs, lifts, signage, floor surfaces, tonal contrasts and lighting
- **Using the services in the premises**– toilets, washrooms, eating areas, room layout, lighting, heating, switches, handles, seating, furniture, alarm, health and safety issues.
- **Getting out of the building in an emergency** – fire exits, emergency routes, lighting and warning systems and safe refuge

Areas to be covered:

Parking; building entrances- ramps, staircases and lifts; handrails & grab-bars; way finding and room signage; information and service counters/reception; class rooms and lecture theaters; Seminar hall/ Auditorium; Libraries; Labs; communications facilities and illumination; flooring; general circulation area- corridors, doors and hardware material, passages; safety exit points- emergency routes, lighting and warning systems and safe refuge; seating & furniture; toilets, etc.

Output:

It is expected that minimum design considerations for persons with diverse disabilities can be provided based on the access audit recommendations. This will not only make PU campus “Accessible to All” including students, teaching and non-teaching staff but also serve as a model of barrier free environment.

The detailed project proposal on behalf of Samarthayam is attached as Annexure 1.

Yours Sincerely,

Ms. Upneet Kaur Mangat
Assistant Professor,
Centre for Human Rights & Duties,
Panjab University, Chandigarh.
09815064997
upneetmangat@gmail.com

Contd...



National Centre for Accessible Environments

A project of Samarthyam Trust (Regd. No. 35922)

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Email: samarthyaindia@yahoo.com

Web site: www.samarthyam.org

2/08/2012

DISABILITY ACCESS AUDIT OF PANJAB UNIVERSITY CAMPUS, CHANDIGARH

Purpose:

An access audit is regarded as the first step towards improving accessibility and inclusion of all persons including those with disabilities in the society. **It may be pertinent to mention that access audit is not a fault finding exercise.**

The objective of the access audit is to assess the existing facilities and provide suggestions for further improvement, which benefits not only students with diverse disabilities but also persons with reduced mobility (such as senior citizens, women in family way, temporary ill and persons carrying luggage/baggage, etc.). The access audit provides a "base-line" assessment against which recommendations can be made that comprises of accessible design standards to make them barrier free. With the results of the access report, Panjab University Campus, buildings, hostels, libraries, auditoriums, etc. will be better equipped to bring key changes in the site access audited.

The reports will assist Panjab University in obtaining grant-in-aid from Ministry of Social Justice & Empowerment under Scheme for Implementation of Persons with Disabilities Act 1995 (SIDPA).

Access Audit team:

Samarthyam's Access Resource Group comprises master trainers trained by United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), access auditors and professionals with diverse disabilities. We are the pioneers in conducting access audits and are accredited access auditors by the Government of India. Team will comprise of:

1. Ms. Anjee Agarwal, Access Consultant (wheelchair user)
2. Mr. D. Chakravarti, Access Auditor (person with low vision)
3. Ms. Nidhi Madan, Architect & Access Auditor

Background on other Universities access audited:

Samarthyam has access audited several premier Universities of India viz. University of Delhi, IGNOU, IIT Kanpur, Sant Longowal Engineering (SLIET) University of Punjab, University of Jaipur (Rajasthan), University of Garhwal (Campus at Tehri, Pauri and Srinagar), University of Kurushetra, vetted plans of University of Utrkhand. Access audits of Ravenshaw University

Odisha and University of Hyderabad is under process. Attached herewith are some of the work orders and MoUs. <http://samarthyam.org/project-sakshar.html>

Samarthyam is consultant with Ministry of Urban Development, Government of India and has access audited around 50 prime buildings of CPWD viz. PMO, Supreme Court, Nirman Bhawan, Vigyan Bhawan, Shastri Bhawan, etc. to be made barrier free. <http://samarthyam.org/project-in-progress.html>

Process:

The access audit team starts from building approach, covers connecting pathways, entrance and facilities including public facilities, emergency evacuation and all usable areas of the buildings. The team takes photographs of the existing barriers, discusses possible solutions with the engineering team/architect, takes measurements, draws sketches and considers accessible design consideration for access improvement for students with vision impairment, mobility impairment, hearing impairment, intellectual/learning disabilities and developmental disabilities. Presence of Engineer/ officers of University on the days of the audits are proposed.

The elements covered in an access audit depend on the type and nature of the building and services under consideration. Buildings and sites vary considerably and no two will be exactly the same. **The elements covered in an access audit include:-**

- **Getting to the premises** - access from road or car/scooter park, lighting, signage, surfaces.
- **Getting into the premises** – entrance, steps, thresholds, doors, lobby/reception area, seating, and lighting.
- **Getting around the premises** – corridors, doors, stairs, lifts, signage, floor surfaces, tonal contrasts and lighting.
- **Using the services in the premises**– toilets, washrooms, eating areas, room layout, lighting, heating, switches, handles, seating, furniture, alarm, health and safety issues.
- **Getting out of the building in an emergency** – fire exits, emergency routes, lighting and warning systems and safe refuge.

Areas to be covered:

Parking; building entrances- ramps, staircases and lifts; handrails & grab-bars; way finding and room signage; information and service counters/reception; class rooms and lecture theaters; Seminar hall/ Auditorium; Libraries; Labs; communications facilities and illumination; flooring; general circulation area- corridors, doors and hardware material, passages; safety exit points- emergency routes, lighting and warning systems and safe refuge; seating & furniture; toilets, etc.

Access Audit Report:

A report is compiled after the access audit with the access auditors and architects of Samarthyam. The report recommendations of the access audit will be based on ground realities, provide cost effective solutions; comprehensive photographs, illustrations and plans and will take care of aesthetics & ambiance of the campus. Space for provision of accessible facilities such as toilets etc. will be given along with illustrations.

Output:

It is expected that minimum design considerations for persons with diverse disabilities can be provided based on the access audit recommendations. This will not only make Panjab

University Campus “Accessible to All” including students, teaching and non-teaching staff but also serve as a model of barrier free environment.

Buildings: Total nos. to be informed by Panjab University, Chandigarh

Access Audit: 4-5 days

Access Audit Report: 30 days. Observations and photos of access audit will be discussed in detail with the design team- architects/engineers of Samarthyam and comprehensive audit report with drawings/illustrations will be sent.

Deliverables: Access audit report recommendation will be delivered in a soft copy (CD).

Co-ordination: Officer/s from University to co-ordinate for all buildings identification, facilitating access audit with photography, opening of buildings, etc.

MoU:

On approval of the proposal, MoU shall be signed between the Panjab University, Chandigarh and Samarthyam to undertake the activities of the project.

(A) Tentative Budget break-up of Grant-in-aid

Particulars	Unit	Rate	Amount	Remarks
Access audit per building with report recommendations	No. of buildings to be indicated	Rs. 21,000/- per building of any no. of floors		As per no. of buildings
Total Grant-in-aid payable in lumpsum/two instalments (as the case may be) by DD in favour of Samarthyam Trust				

(B) Other expenses

S. No.	Particulars	Unit	Amount
1.	Miscellaneous expenses (co-ordination costs, computer work, internet, fax/courier, etc.)	Lumpsum	4,000.00
2.	To and fro vehicles charges to Chandigarh (Innova preferred for wheelchair users) As per travelling days	7 days @ 4000/-	28,000.00
3.	Accommodation and meals for access audit team of 3 persons <ul style="list-style-type: none"> Two double bed rooms with attached bath and western toilet 	To be provided in the Guest House of the University/hotel	

	• Veg meals- B/F, lunch and dinner		
Total amount			

Note: Budget details to be finalised between concerned University Officials and Executive Director, Anjee Aggarwal as per number of buildings of the University to be audited (inclusive of number of floors of the building)

Billing and payment terms:

- Samarthyam is a not for profit (non – profit) charitable TRUST, hence TDS should not be deducted on payments made to the Trust. It is requested that the total amount of project should be taken as “grant-in-aid” for the project.
- Advance 50% payment of budget break up (A) to be provided before the commencement of the access audits. DD in favour of “Samarthyam Trust” to be provided.
- Balance 50% payment of budget break up (A) to be made within 15 days from the receipt of the final reports and bill. DD in favour of “Samarthyam Trust” to be provided.
- Other expenses as mentioned in (B) should be reimbursed in advance by DD in favour of “Anjee Agarwal” to cover travel expenses.

Contact person:

Ms. Anjee Agarwal

Executive Director and Access Consultant

Samarthyam, National Centre for Accessible Environments, www.samarthyam.org

(M) 09810558321, 09711190806

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