

**In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi.
Phone-011-23216002-04, Telefax: 011-23216005, Email:
comdis.delhi@nic.in**

[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 4/967/2015-Wel./CD/ 6183 - 6186A

Dated: 16/03/18

In the matter of:

Dr. Satendra Singh,
Coordinator Enabling Unit,
University of Delhi,
Guru Teg Bahadur Hospital,
New Delhi-110095.

..... Complainant

Versus

The Hon.General Secretary/ President,
Delhi & District Cricket Association,
Ferozshah Kotla Ground,
New Delhi-110002.

.....Respondent

ORDER

The above named complainant, a person with 70% locomotor disability vide his complaint dated 29.04.2015 submitted that the Feroz Shah Kotla Cricket Stadium is not accessible for persons with disabilities. They cannot enjoy equal access to entertainment,

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recreation and leisure. The complainant also submitted that he could not watch IPL T20 and other cricket matches to be held at that venue. He specifically pointed out that the stadium has huge steps without side railings, there is no separate queue for spectators with disabilities and there are no reserved parking, seats and accessible toilets. He made the following suggestions :

- (i) Reserve seats for people with disabilities in the stadium. These seats should be wheelchair accessible as well. The companion seat should be given so that people with disabilities are not isolated from other spectators or their friends or family.
- (ii) There should be reserved accessible parking for people with disabilities close to the entrance gate or a special gate should be earmarked.
- (iii) The path to the stadium and seat should be accessible so that even a wheelchair user can move independently. Access routes should be either levelled or have the shallowest possible gradient. Any route or part of a route steeper than 1:20 should conform to the recommendations for ramped access.
- (iv) The toilets should be made accessible.
- (v) There should be lift to reach all vertical levels and ramped access for horizontal access.

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(vi) A dedicated officer should be assigned to look into any problem a spectator with disability may have during the duration of the match and his contact number should be given on all reserved tickets allotted for spectators with disabilities.

(vii) Exit should be separate for spectators with disabilities

2. The complaint was taken up with the Chief Administrator, Delhi and District Cricket Association (DDCA) vide communication dated 01.05.2015 with the directions to submit comments.

3. The respondent vide reply dated 20.05.2015 and 08.02.2015 submitted that the DDCA is a Company registered under the Companies Act 1956. Hence the complaint was not maintainable. It was neither Govt./State nor Local Authority as held by the Hon'ble Supreme court in the matter of Dalco Engineering Private Ltd. Vs Shree Satish Prabhakar Padhye and Others (2010). The respondent further submitted that despite being a Private Company it has made suitable arrangements for convenience of persons with disabilities. However, at any given point of time in a match atleast 35000 spectators occupy the ground / stands. Consequently, it becomes difficult to manage the affairs. Sufficient temporary arrangements for disabled friendly toilets are also made during the matches. However, the entire premises cannot be made disabled friendly due to financial and other constraints.

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4. The then Chief Administrator Sh. Pradeep Kr. Banerjee vide his letter dated 12.10.2015 also submitted that he is a mere employee of the DDCA and only the Director of the Company or the President / General Secretary of DDCA would be in a position to represent the DDCA. Therefore, a number of communications were also addressed to the Director, DDCA and subsequently to Joint Secretary/President, DDCA.

5. The then Commissioner for Persons with Disabilities also heard the parties on 24.06.2015, 10.08.2015, 05.10.2015, and 09.11.2015. As there were no updates, the summons to appear U/S 82 of the Rights of Persons with Disabilities Act (the Act) which came into force w.e.f. 19th April, 2017 was issued on 23.10.2017. In the said summons, the attention of the respondent was drawn to Section 46 of the Act which provides that the service provider whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Govt. under Section 40 within a period of two years from the date of notification of such rules. It was also brought to the notice of the respondent that the Rule 15 of the Rights of Persons with Disabilities Rules, 2017 notified by Ministry of Social Justice and Empowerment (Department of Empowerment of Persons with Disabilities) vide

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notification dated 15.06.2017, provides that the standard for public buildings as specified in the 'Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons with Disabilities and Elderly persons' as issued by the Govt. of India, Ministry of Urban Development in 2016 shall be complied by every establishment. The matter was scheduled for hearing on 14.11.2017.

6. Although the main Counsel Sh. Saurabh Chadda was not available during the hearing, in view of the fact that the case was pending since May 2015, the respondent was advised that an access audit of the stadium by persons who are trained in Access Audit should be conducted to begin with. All provisions that are necessary to enable persons with disabilities to access the stadium and other facilities in accordance with the guidelines notified by the Department of Empowerment of Persons with Disabilities should be made accessible to persons with disabilities.

7. On the next date of hearing on 11.01.2018, the main Counsel of the respondent was again not available. Vide RoP dated 12.01.2018 in view of mandatory provisions of the Act on the subject, the respondent was directed to take immediate action to conduct an accessibility audit of the stadium and submit a report by 25.01.2018 and the matter was scheduled for hearing on 08.02.2018.

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8. On 08.02.2018, Sh. Rohit Bhagat Proxy Counsel of the respondent submitted that an affidavit of compliance of the directions vide Record of Proceedings dated 11.01.2018 had been prepared but the same was awaiting signature of the authorised officer in DDCA. The affidavit would be filed in a few days.

9. The complainant who was heard on telephone suggested that a joint visit of the stadium by him, Civil Engineer and a representative of this Court should be organised to ensure that provisions of appropriate facilities for persons with disabilities are as per the prescribed standards.

10. The respondent was directed to arrange a visit of the stadium by a Team comprising the complainant, who has experiential knowledge of Access Audit besides bring a person with disability, the concerned Civil Engineer of DDCA and other officials as deemed fit and an officer from this court on any mutually convenient date between 15.02.2018 and 28.02.2018. The team would submit its recommendations for provision of appropriate facilities. It was also suggested that DDCA could consider making Feroz Shah Kotla Stadium as a Model Accessible Stadium for persons with disabilities in Delhi. Inputs from the 'Guide Book on Creating Sporting & Recreational Activities for Persons with Disabilities' published by the Office of Chief Commissioner for Persons with Disabilities in 2007 would also be taken. It was however, made clear that this suggestion should not delay the process of implementing the current proposals of the respondent to make the stadium accessible.

11. The respondent vide affidavit of compliance dated 21.02.2018 inter-alia submitted as under:

"(i) That in compliance of the above said order dated 11.01.2017 immediate directions were given to Sh. Ajay Kumar Chaurassia, Civil Court of Commissioner (Disabilities) National Capital Territory of Delhi Room No. - 1 25-D, Mata Sundari Road, New Delhi-02

Engineer of DDCA by the Hon'ble Justice (Retd.) Vikramjit Sen, who is presently the Court appointed Administrator of the respondent DDCA, to conduct an audit of the Feroz Shah Kotla Ground. Furthermore, Chief Engineer was instructed to give his proposals regarding the subject herein and submit a report immediately. The same is produced in the following paras.

- (ii) That it is submitted in this regard that construction of the toilets for the Disabled persons and installations of railing for the ramp exits has been completed and is well maintained in the Hill A area, whereas in relation to Hill B area construction work of toilet for the handicapped, grab bar in toilet and installations of railing for the ramp is under process.
- (iii) That construction of seating area at the ground floor of East as well as of West stand for the Disabled persons has been proposed having fully furnished facilities which includes proper barricading along with ramp and overall capacity of 50 persons each stand.
- (iv) That appointment of the volunteers to assist the physically handicapped persons/spectators during the time of a match/event and to escort them to these stands is proposed.
- (v) That in addition to the above it is also proposed to allocate some points inside as well as outside the premises of the Feroz Shah Kotla Stadium from where handicapped persons can be picked up by a vehicle from the respective stands and dropped at the stadium gate".

12. The respondent organised an access audit of the stadium on 27.02.2018, by an Access Audit Team comprising of the complainant, a Civil Engineer & an Architect of DDCA and two functionaries of this Court. The Access Audit Committee has submitted its report with its recommendations.

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13. It will be in the fitness of things for this Court to also incorporate in this order, the specific provisions in the Act to ensure effective participation in sporting activities of the persons with disabilities for which accessibility of stadia and all other sports facilities is pre-requisite. The relevant sections are Section 30 and Section 47(1)(e) which are reproduced below:

Section 30;

"(1) The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(2) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the appropriate Government and the sports authorities shall take measures to,—

(a) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities;

(b) redesign and support infrastructure facilities of all sporting activities for persons with disabilities; (c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities;

(d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities;

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(e) allocate funds for development of state of art sport facilities for training of persons with disabilities;

(f) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events”.

Section 47 (1) (e):

“.....the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall—

.....(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities”

14. With a positive approach of DDCA now, it is expected that the stadium will be made truly accessible to persons with disabilities to make their rights to participate in sports activities real and on equal basis with others. It is reiterated that any support that is possible for this Court, will be extended to make the Feroz Shah Kotla Stadium a model accessible stadium for persons with disabilities in Delhi which can be replicated elsewhere in the country.

15. An ATR be submitted to this Court within three months from the date of receipt of this Order as required under Section 81 of the Act.

16. Considering that accessibility of stadia and sports facilities throughout the country is critical for effective participation in sporting activities of persons with disabilities on equal basis with others, a copy of this order is being sent to the concerned Ministries / Departments and other authorities in the Government of India among others for necessary


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action as deemed fit and if necessary to support and guide DDCA in making Ferbz Shah Kotla Cricket Stadium a model accessible stadium.

17. The matter is disposed off accordingly.

18. Given under my hand and the seal of the Court this 16th day of March, 2018.




(T.D. Dhariyal) 16/3/18

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Copy to :

1. Secretary, Department of Sports, Ministry of Youth Affairs and Sports, Govt. of India, R.No. 3, C-Wing, Shastri Bhawan, New Delhi.
2. Secretary, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, 5th Floor Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110003.
3. Secretary, Social Welfare Department, GNCT of Delhi, Delhi Gate, New Delhi.

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