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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-2
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. 4/1424/2016-Well/CD/ 695 - 644

Dated: 05/6/17

In the matter of:

Suo-Motu

Versus

The Director,
Directorate of Education,
Old Secretariat,
New Delhi-110054.

.....Respondent No. 1

The Commissioner,
North Delhi Municipal Corporation,
4th Floor, Dr. S.P.M. Civic Centre,
J.L.N. Marg, New Delhi-110002.

.....Respondent No. 2

The Commissioner,
East Delhi Municipal Corporation,
419, Udyog Sadan, Patparganj
Industrial Area, Delhi-110096.

.....Respondent No. 3

The Commissioner,
South Delhi Municipal Corpn.,
9th Floor, Dr. SPM Civic Centre,
J.L.N. Marg, New Delhi-110002.

.....Respondent No. 4

The Chairperson,
New Delhi Municipal Council,
Palika Kendra, Parliament Street,
New Delhi-110001.

.....Respondent No. 5

Case No. 4/1067/2015-Well/CD

In the matter of :

Sh. Diwakar Pathak
128, D-Block, Sector-18, Rohini, Delhi-110089

.....Complainant

Versus

✓ The Director,
Directorate of Education,
Old Secretariat,
New Delhi-110054.

.....Respondent

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Court of Commissioner (Disabilities)
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02

Date of hearing: 22.05.2017

Present Sh. A.K. Goel, Dy. Director, Sh. V.P. Singh, OSD(L&E) and
Dr. Mukesh Chand, DEO/OSD(IEDSS) on behalf of
Respondent No.1.


ORDER

Sh. Brajesh Kumar vide an email dated 26.09.2016 highlighted certain issues relating to barrier free access for persons with disabilities in the Govt. schools of NCT of Delhi without mentioning his address. He also drew the attention of the Commissioner for Persons with Disabilities to case No. 4/1065/2015-Wel/CD filed by Sh. Diwakar Pathak regarding issues concerning persons with disabilities in Govt. Boys Sr. Secondary School, Badli, which according to him remained unresolved.

2. Taking Suo-Motu cognizance of the said email, the matter was taken up with the Commissioners of North Delhi Municipal Corporation, South Delhi Municipal Corporation, East Delhi Municipal Corporation, New Delhi Municipal Council and Directorate of Education vide communication dated 07.10.2016. The respondents were advised to submit their comments and the status with regard to disabled friendly environment in the schools under their control.

3. New Delhi Municipal Council vide letter dated 14.12.2016 submitted a detailed chart indicating the status of various facilities in its 50 schools which indicates that most schools have barrier free facilities; but not all the facilities as prescribed are available in all the schools.

4. South Delhi Municipal Corporation vide letter dated 15.12.2016 intimated that out of 21 of its 581 schools have ramps and western commode seats for children with special needs and, 21 were under construction. They also informed that the Special Assessment Camps are being organised every year, Special Educators are available to attend the children with special needs and provision of equipment and materials are ensured. In the year 2016-17, para sports were introduced for children with special needs and competitions*were organised at zonal level.


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5. The East Delhi Municipal Corporation also informed vide letter 01.12.2016 that in most of its schools ramps and other facilities are being provided.

6. As the information from Directorate of Education had not been received, a hearing was scheduled on 25.04.2017 and another hearing was held on 22.05.2017.

7. On 22.05.2017, the representatives of the respondent submitted a written statement dated 19.05.2017 of Special Director (Education), as per which Govt. of NCT of Delhi is currently running 1029 Govt. Schools functioning from 729 buildings (in morning and evening shifts). 48 buildings do not have ramps and 39 are lacking in disabled friendly toilets. The Public Works Department has already provided the list of those schools for construction of ramps and toilets in the said schools. All the Head of Schools have also been directed to ensure the provisions of accessibility facilities like hand rails, grab bars sitting arrangements, lighting etc. However, they are not the technical experts and the prescribed standards have to be ensured by the construction agencies. They also stated that besides Public Works Department, GNCT of Delhi, the construction work is also done through DTTDC, Irrigation and Flood Control Department, etc.

8. As mentioned in para 1 above, in the email dated 26.09.2016, it was also pointed out that some of the issues raised by Sh. Diwakar Pathak in case No. 4/1067/2015-Wel-CD remained unresolved. In that complaint Sh. Diwakar Pathak had brought out various issues inter-alia concerning the physical accessibility of the Govt. Boys Senior Secondary School (GBSSS), Badli. On 19.07.2016, Shri Diwakar Pathak submitted a written statement to the effect that the facilities of modified toilets, ramps had been provided to persons with disabilities in the school and he was thankful for the facilities and sensitivity to persons with disabilities. Vice-Principal of the school also submitted the action taken report on provision of access for students of different classes and Special Educators. An inspection of the Govt. Boys Senior Secondary School, Badli was carried out on 04.05.2017 through the Welfare Officers of the Office of the State Commissioner for Persons with Disabilities. As per their report, the following facilities for example are either not available or are not according to the prescribed standards:

- i) Signage for toilet, ramp, drinking water facilities, classrooms and parking in campus.

- ii) Reserve parking for person with disabilities close to building entrance as per the accessibility guidelines.
- iii) Ramp at the main entrance of the campus is not of appropriate standard.
- iv) Ramp at the newly constructed building is very steep.
- v) Ramp at corridor connecting old buildings is slippery.
- vi) The hand rails are too far away at the entry to newly constructed auditorium.
- vii) There are no hand rails and grab bars in corridor.
- viii) There is no ramp/elevator to the first floor.
- ix) The doors of the main toilet and toilet for the disabled collide. That is a serious hazard and barrier for persons with disabilities to access the toilet near the office of the Principal.
- x) The height of notice boards is too high for children with disabilities to read.

9. Section 16(ii) and (iii) of the Rights of Persons with Disabilities Act, 2016 which has come into force w.e.f. 19.04.2017, also mandates that all educational institutions funded and recognised by the appropriate government and local authorities shall make buildings, campus and various facilities accessible and provide reasonable accommodation according to the individuals requirements. Ministry of Urban Development, Govt. of India has prescribed standards for various barrier free features in their publication of February, 2016 entitled '**Harmonised Guidelines for Space Standards for Barrier Free Built Environment for Persons with Disability and Elderly Persons**'.

10. Ministry of Human Resource Development have uploaded the guidelines for barrier free access to children with special needs to physical environment as well as to curriculum, teaching learning, process under SSA. Those guidelines also contain disability category specific guidelines. The general guidelines with regard to access to physical environment for example, are as under:-

- The path from the gate to the school buildings and playground must be clear levelled
- All entrances and doorways in the school buildings should be between minimum 4' to 5' feet wide.
- The toilet inside the school should be accessible to CWSN. The toilet should be fitted with commode and grab-rails.
- The drinking water outlet should be accessible to CWSN also avoid sharp turns in the walkways.
- The walkway must be clear of any hung and protruding obstructions such as windows, lights, low branches, flower pots and sign posts etc.
- A handrail should be provided at any dangerous point in the walkway. Guard

rails and kerbs are a must in situations where there is a sudden change in the level of height including stairs and verandah.

- *The ends of the handrails should be bent downwards to avoid injury.*
- *Steps should be of equal and even heights.*
- *Bright colours (preferably yellow) should be used at every change in slope, at the beginning and ending of a staircase for easy recognition.*
- *All signages should be in print, visuals and Braille at the readable height (min 3 ft) of the children.*
- *All the surfaces should be non-slip, and loose gravel or cobbles should be avoided.*
- *Natural lighting should be optimized. There should be enough windows to allow adequate ventilation and lighting.*
- *Safety of all children should be ensured by provision of hazard free environment (broken window panes, broken steps, broken fixture and furniture, unsafe ceilings, etc).*
- *The school/ classroom design should allow the teacher to be able to pay personal attention to the child, including effective positioning and placement, keeping in mind the individual needs of CWSN.*

11. The above guidelines can be accessed from the link **[ssa/nic.in/inclusive-education/guidelines/bfa%20guidelines. Pdf/act..../file](http://ssa/nic.in/inclusive-education/guidelines/bfa%20guidelines.Pdf/act..../file)**. It is observed that these guidelines were framed much before the guidelines of February 2016 published by the Ministry of Urban Development. Therefore, there is a need to develop a concise Hand Book of barrier free access guidelines containing the essential components for barrier free access to children with special needs indicating their measurements where required, in accordance with the standards prescribed by Ministry of Urban Development. The Hand Book should be available in every school and its library so that any construction or retro-fitting that is undertaken by any agency within the school premises complies with the prescribed guidelines and standards under the close supervision of the concerned Principal/HOS who should also be made accountable alongwith the construction agency. Compliance with the guidelines and standards should be part of construction process and be linked to certificate of completion of the work and payment thereof.

12. The information that has been made available by the respondents at this stage is not adequate to assess the status of barrier free access for children with disabilities to the physical environment in the schools of the national capital; more particularly whether the facilities are in accordance with the prescribed standards. For a better appreciation therefore, accessibility audit of at least a sample of schools across the national capital territory under the control of the Government and the local authorities should be done. The access audits should be done with reference to the prescribed guidelines under Sarva Shiksha Abhiyan (SSA) / Inclusive Education for the Disabled at Secondary Stage (IEDSS). The standards for various components such

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as ramps, hand rails, doors, door handles, water taps, toilets, sitting and lighting arrangements, placement of the black board, position of electric panels, access to library, laboratory, assembly place / auditorium etc. should be assessed with reference to the standards prescribed by Ministry of Urban Development, Govt. of India in their publication of February, 2016.

13. In the light of the position brought out above, the following recommendations are made:

- i. Directorate of Education, GNCT of Delhi should develop a Hand Book of barrier free access for children with disabilities to schools detailed in Para 11 above and make it available to all its HOS and the school libraries. A ready to print soft copy of the Hand Book should be provided to all the private schools under Directorate of Education, GNCTD and Commissioners of the three Municipal Corporations in Delhi, New Delhi Municipal Council and C.E.O of Delhi Cantonment Board for printing and use as stated hereinbefore in their respective schools.
- ii. Directorate of Education and all the other authorities and private schools mentioned in sub-para (i), should conduct accessibility audit of some of their schools in each zone as sample including the GBSSS, Badli through the Accessibility Audit Teams comprising trained experts, preferably persons with disabilities, an architect or a civil engineer within three months from the date of receipt of this order.
- iii. Based on an objective analysis of the access audit reports, get the necessary modifications and retro-fittings done in the audited schools which can serve as model barrier free schools for replication or even training.
- iv. Modify rest of the schools as per an action plan for each school agreed to by the concerned authority.
- v. The soft copies of the access audit reports referred to the sub-para (ii) and the action plan for modification of the schools under Directorate of Education, GNCTD, South Delhi Municipal Corporation, North Delhi Municipal Corporation, East Delhi Municipal Corporation and New Delhi Municipal Council referred to in sub-para (iv) above be submitted to this Court as soon as these are ready but within five months from the date of receipt of this order so that the implementation of the action plans can be monitored.

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14. As the representatives of the respondent informed during the hearing on 22.05.2017 that the construction work of new schools, renovation / retro-fittings etc. are carried out through the Public Works Department, GNCT of Delhi, DTTDC and Irrigation and Flood Control Department etc., copy of this order is being forwarded to the Secretary, PWD, Chairman, DTTDC and Chief Engineer, Irrigation and Flood Control Department for information and appropriate action e.g. training of the concerned functionaries.

15. Secretary, PWD is requested to issue necessary directions to concerned authorities for deputing the concerned engineers /architects for the purpose of carrying out the accessibility audit of the schools.

The matter is disposed of accordingly.

Given under my hand and the seal of the Court this 05th day of May, 2017.


(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

516/17

Copy to:

1. Secretary, Public Works Department, Govt of NCT of Delhi, PWD Secretariat, 5th level, B Wing, Delhi Secretariat, I.P Estate, New Delhi-110002
2. Chairman, DTTDC, Delhi Tourism & Transportation Development Corporation Ltd. Head Office - 18-A, DDA SCO Complex, Defence Colony, New Delhi - 110 024
3. Chief Engineer, Irrigation and Flood Control, L. M. Bund Office Complex, Shastri Nagar, Delhi-110031