

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-  
110002

Phone: 011-23216003-04, 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.908/1108/2019/05/9203-9204

Dated: 3/12/2019

In the matter of:

Suo-Motu

Versus

The Joint Secretary & Chief Administrative Officer  
O/o the Joint Secretary & Chief Administrative Officer  
Ministry of Defence, Govt. of India  
E-Block, Dalhousie Road New Delhi-110011  
no.1

.....Respondent

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

.....Respondent no.2

ORDER

It was brought to the notice of this Court that some areas in  
National War Memorial did not meet the prescribed accessibility  
norms. Some examples were as under:-

- (i) the doors of the accessible toilets open inside due to which wheelchair user cannot close the door;
- (ii) the toilet units did not have provision for ambulant disabled and have stepped down entry towards urinals;
- (iii) there were no signages for internal navigation and orientation for the visually impaired users;

*[Handwritten signature]*  
State Commissioner for Persons with Disabilities  
National Capital Territory of Delhi  
25-D, Mata Sundari Road, New Delhi-110002

(iv) the ramps/inclines did not meet the prescribed gradients and there is no tactile orientation in the complex;

(v) there was no accessible parking for persons with disabilities;

2. *Section 44 of the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act, no establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under Section 40 and no establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.*

3. 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 notification dated 15.6.2017 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 Government of India, Ministry of Urban Development in March, 2016 shall be complied by every establishment.

4. The matter was taken up with vide showcause-cum-hearing notice dated 07.06.2019 and the respondents were directed to submit the reason for not providing accessible facilities to persons with disabilities and as per the prescribed standards. Respondent No.2 was directed to clarify, how the compliance with the Harmonised Guidelines on the subject issued by Ministry of Urban Development are ensured while granting permission to build any structure and issuing

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

completion/occupation certificate as envisaged in Section 44 of the Act and a hearing was also scheduled on 04.07.2019.

5. During the hearing, the representatives of respondent No.1 submitted a reply dated 03.07.2019 explaining therein the response to the issues mentioned in the Show Cause Notice and the details of the facilities already created and additional facilities being considered in due course under perspective planning. As per the reply, the five points mentioned in the Show Cause Notice had been addressed or would be addressed although the issues like the curves and the landings in the ramps did not find a mention.

6. Respondent No. 1 was advised to make a tactile map of the National War Memorial for the benefit of persons with visual impairment. The details of the memorial could also be explained in sign Language on a screen/LED panel in picture-in-picture mode for guiding and better understanding by persons with deafness and hard of hearing and make the National War Memorial a model accessible monument with the use of latest technology and by incorporating best available accessible facilities. The App proposed to be developed should also have the facility to explain in sign Language.

7. The contact details of some experts namely Sh. DipendraManocha, Sh. Prashant RanjanVerma for ICT and Sh. Jawahar Lal Kaul, Secretary General, All India Confederation of Blind for Braille and Tactile Map were given to the representatives of the respondent No.1. Sh. Kaul promptly contacted the Bharat Education Store, who make the maps and informed vide his email dated 04.07.2019 that the cost of the dye would be very high i.e. approximately Rs. 10.00 Lakhs and therefore he suggested that the

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

tactile maps might be made manually through some noted schools for the blind.

8. Sh. S.C. Vashishth, Director, Svayam, Global Centre for Inclusive Environment, who had brought the issues to the notice of this court and was requested to assist this court as amicus curiae in the matter, could not reach for the hearing and subsequently requested that a copy of the reply may be made available to him for his suggestions. Accordingly, a copy of the reply dated 03.07.2019 of respondent No.1 was emailed to Sh. Vashishth.

9. Upon receipt of the suggestions of Sh. Vashishth and after consulting Sh. Dipendra Manocha, Sh. Prashant Ranjan Verma, Sh. J.L. Kaul or any other expert, respondent No.1 was to submit an action plan before an order was passed.

10. The respondent no.2 vide email dated 07.05.2019 submitted that *"The plans in r/o National War Memorial were approved by the Competent Authority vide orders dt. 09.02.2018 after receiving mandatory approval from DUAC & CFO. The plans were sanctioned on the basis of UBBL-2016 and MPD-2021 however the applicant (Ministry of Defence) is being directed to carry out necessary rectifications/implementation as per the observation of your good office and as per the provisions for universal design of differently-abled, elderly and children (chapter-XI) of UBBL-2016. It is also ensured that completion certificate/completion plan shall be released only after the compliance of these provisions. This issued with the prior approval of Chief Architect, NDMC.*

(Vijay Kaushal)  
Dy. Chief Architect(BP)"

11. Sh. Rajesh Tiwari, Dy. CAO(Spl Project), Ministry of Defence, Gol, O/o JS & CAO vide letter dated 13.11.2019 submitted that a

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

meeting was held in MoD on 23.07.2019 under the chairmanship of Chief Project Coordinator, NWM&M to work out the directions of the this Court. The meetings were attended by the representatives from Information and Communication Technology (ICT), All India Confederation for Blind (AICB) and Svayam Global Centre along with officials from NDMC. National War Memorial project had catered for facilities to make the premises friendly for persons with disabilities in the initial designing stage which have been implemented. Though, after the approval/construction certain additional requirements have come through Hon'ble Court which are also being addressed in a phased manner. Further, issues raised by this court were being deliberated by all the stakeholders and detailed reply would be submitted in due course.

12. Though, no further communication has been received from respondent no. 1, considering the positive response and the actions taken so far or proposed to be taken, the matter is disposed of with the a following recommendations;

(i) Respondent No. 1 should implement the recommendations made vide R.O.P dated 08.07.2019 as per the suggestion of the experts involved/ consulted for the purpose.

(ii) Respondent No. 2 should ensure compliance with the provisions in Section 44 of the Act.

13. The complaint is disposed of.

14. Given under my hand and the seal of the Court this 31<sup>st</sup> day of December 2019



*9/F*

**State Commissioner for Person with Disabilities**

*(T.D. Dhariyal) 31/12/19*  
**Court of Commissioner (Disabilities)**  
**National Capital Territory of Delhi**  
**Room No. - 1**  
**25-D, Mata Sundari Road, New Delhi-02**