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

Case No.919/1032/2019/05/3699-3700 Dated: 23/07/2019

In the matter of:

Suo Motu

Vs

Vice Chancellor,  
Dr. B.R. Ambedkar University,  
Lothian Road, Kashmere Gate,  
Delhi-110006.

.....Respondent No.1

The Secretary,  
Directorate of Higher Education,  
Govt. of NCT of Delhi,  
5, Sham Nath Marg,  
Prema Kunj, Civil Lines,  
Delhi-110054.

.....Respondent No.2

Date of hearing: 19.07.2019

Present: Sh. Santosh Kumar Singh, Dean, Student Services,  
Sh. Harsh Kapoor, Asstt. Registrar and Ms. Bindu Nair,  
Asstt. Registrar, on behalf of Respondent No.2.

### ORDER

It was brought to the notice of this court that the drop down box in the online application form 2019 of Dr. B.R. Ambedkar University, Delhi provides only for "PwD Hearing Handicapped", "PwD Orthopedically Handicapped" and

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"PwD Visually Handicapped". Therefore, persons having benchmark disability of all the category of disabilities would not be able to apply.

2. The Schedule to the Act contains the following specified disabilities:-

Locomotor disability, leprosy cured person, cerebral palsy, dwarfism, muscular dystrophy, acid attack victims, blindness, low vision, deaf and hard of hearing, speech and language disability, intellectual disability, specified learning disability, autism spectrum disorder, mental illness, chronic neurological conditions, multiple sclerosis, parkinson's disease, hemophilia, thalassemia, sickle cell disease and multiple disabilities.

3. As per Section 2(r) of the Act, *"person with benchmark disability" means a person with not less than forty per cent of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority.*

4. Section 32 of the Act provides:

*"(1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.*

*(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education."*

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5. The matter was taken up with the respondent university vide Show Cause Notice dated 31.05.2019 with advice to modify the online application format by 07.06.2019 to enable persons with all the specified disabilities mentioned in the Schedule to the Act to apply using appropriate expressions/terms and also provide for a mechanism for instant removal of any difficulty faced by applicants with benchmark disability in applying for admission to various courses offered by the University. Respondent No. 2 was directed to issue appropriate guidelines/advisory to all the Government Institutions of higher education and other higher education institutions receiving aid from the Government to ensure reservation of not less than 5% seats for persons with benchmark disabilities and upper age relaxation of 5 years.

6. Respondent No.1 vide reply dated 12.06.2019 inter alia submitted as under:-

*"The response is as under:-*

1. *The reservation of 5% seats for persons with benchmark disabilities is being followed by AUD. All the persons with benchmark disabilities are given an upper age relaxation of five years for admission.*
2. *As per chapter 4 for Disability under clause 34 the following are the parameters of disabilities:*
  - i. *blindness and low vision*
  - ii. *Deaf and hard of hearing*
  - iii. *Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;*
  - iv. *Autism, intellectual disability specific learning disability and mental illness*

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*It may please be noticed that the in the online application form the above mentioned categories have been broadly categorized as:*

- (i) PwD Visually Handicapped (VH)*
- (ii) PwD Hearing Handicapped (HH)*
- (iii) PwD Orthopedically Handicapped (OH)*
- (iv) PwD Intellectual Disabilities (ID)*

*It may be noted that the \*University has been complying with the PwD Act. However, keeping in view the aforesaid notice received from the commission informing about appropriate expression./terms, the university will modify the online application for to the extent that full form/coverage of various PwD categories will be visible in the form itself.*

*In case you need any further clarifications, please feel free to revert.*

*Yours sincerely,  
Dean, Student Services"*

7. Upon considering the reply of Respondent No.1 and no response from Respondent No.2, a hearing was scheduled on 19.07.2019.

8. While none appeared from Dte. of Higher Education, the representatives of Respondent No. 1 submitted that they have taken action as per their understanding and the University would like to make its campus fully accessible and friendly to persons with disabilities and follow the provisions of the Act in the letter and spirit.

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9. Besides the expression/terms used by the University, not being the appropriate ones, there is a likelihood of the persons having benchmark disabilities not mentioned in the drop down box, may not apply or may not be able to apply for admission against the reserved seats.

10. The usage of the expression "handicapped" has long been recommended to be banned and the Social Welfare Department, GNCT of Delhi has also issued a circular in this regard.

11. It is also pertinent to bring to the notice of the respondents that the Universities and colleges like any other Government establishment, are mandated to reserve seats under Section 32 and vacancies for persons with benchmark disabilities under section 34 of the Act. They need to ensure accessibility to built environment, information technology (website) under section 42, 44, 45 and 46, registration of Equal Opportunity Policy under section 21 and appoint Grievance Redressal Officer under section 23 of the Act and the Delhi Rights of Persons with Disabilities Rules, 2018. The Universities and colleges are also specifically mandated to :-

- (i) implement provisions under section 39 for orientation and sensitization on human condition of disability;
- (ii) induct disability as a component for all education courses for colleges and University teachers, organize training programmes for sports teachers and promote teaching and research in disability studies and establish study centres for such studies under section 47 of the Act and induct rights of persons with disabilities in curriculum in Universities and colleges.

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12. In light of the above, the following recommendations are made:-

- (i) The drop down box for online admission or any form that is used for admissions, should either mention all the specified disabilities as these appear in the Schedule to the Act or it should mention that reservation of seats for persons with benchmark disability under section 32 of the Act is open to persons having benchmark disability of all the categories mentioned in the Schedule to the Act.
- (ii) The expressions/the terms as mentioned in the Act only should be used for various communications, advertisements, website etc. and the expression "handicapped" should not be used.
- (iii) Respondent No. 2 should issue appropriate guidelines/ advisories to all the Government institutions of higher education and other higher education institutions receiving aid from the Government to ensure reservation of not less than 5% seats for persons with benchmark disabilities and upper age relaxation of 5 years. They should also be advised to facilitate admission of candidates with disabilities. In addition, appropriate directions may also be issued to all Universities/Colleges/Institutions of higher education to ensure implementation of various provisions in the Act concerning them which are mandatory.

13. This court be informed of the action taken on the recommendations within 3 months from the date of receipt of this order as required under section 81 of the Act.

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14. The matter is disposed of with the above recommendations.

15. Given under my hand and the seal of the Court this 23<sup>rd</sup> day of July,  
2019.



*(Signature)*  
(T.D. Dhariyal) 23/7/19

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