

**In the Court of the 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-23216001-04, Email: comdis.delhi@delhi.gov.in
**[Vested with powers of Civil Court
under the Rights of Persons with Disabilities Act, 2016]**

Case No. 2682/1109/2022/07/6773-6774

Dated:07-09-22

In the matter of:

Ms. Kajal Sharma,
Disability Right Activist,
Accessible Consultant
(Email-kajal.rpwd@gmail.com)

.....**Complainant**

Versus

The Secretary,
Arsha Dharma Parishad (Regd.),
Uttara Guruvayurappan Temple Complex,
Krishna Marg, Pocket-III,
Mayur Vihar Phase-I,
Delhi-110091.
(Email-adparishad@gmail.com)

.....**Respondent**

Date of Hearing : 06.09.2022

Present: Shri Parul Sharma, brother of complainant

Shri Girish Kumar, Secretary and Shri Pranav, Advocate
on behalf of respondent

ORDER

Department of Social Welfare, GNCT of Delhi vide email dated 13.07.2022 forwarded a complaint dated 11.07.2022 filed by Ms. Kajal Sharma, Wheel Chair bound woman and a Disability Rights Activist & Accessibility Consultant, under the Rights of Persons with Disabilities Act, 2016, hereinafter referred to as the Act. Vide the said complaint, she submitted that she visited the Uttara Guruvayurappan Temple in Mayur Vihar, New Delhi on 01.07.2022 but she was not allowed to enter the temple premises with her wheel chair. When she

contacted the management of the temple, they asked her to use their wheelchair. She also said that she not allowed to visit inside the temple premises on wheelchair. She felt disheartened and insulted and submitted that this is a violation of provisions of the Constitution of India and the RPwD Act, 2016.

2. Representation of the complainant was also forwarded to this Court by Ministry of Social Justice & Empowerment, Govt. of India vide letter dated 13.07.2022. The matter was taken up with the respondent vide letter dated 19.07.2022.

3. The respondent vide reply dated 27.07.2022 submitted as under:-

- (i) Ever since the inception of this temple, lakhs of devotees, normal and disabled have visited the temple for worship and returned with absolute peace of mind and not a single case akin to the complaint pointed under reference have come to notice.
- (ii) The photograph of the complainant showing her on a wheel chair in front of the entry point, which is less than 10 feet from the “Deity” in the inner precincts of the Temple testifies that she had not been deprived of entry to the temple and her rights to worship are not infringed.
- (iii) It was also informed that wheel chairs, palanquins etc. were not allowed within the inner precincts, surrounding the sanctum sanctorum as per the traditions and customs from the beginning as per norms of the Kerala Temples (a particular sanctum). The circulations path within the inner precincts of the Temple is strewn with installation of several Deities relating to “Saptamathrukkal”, “Devaganas” etc., thus posing difficulties for negotiating the curves and bends for a wheel chair-mounted person.
- (iv) The pattern of construction as per temple architecture evolves raised barricades at the doors and deep or moderate steps into the inner precincts, which cause practical encumbrances or uneven passage for a Wheel Chair.

- (v) However, the Darshan of the Deity is possible for all even at the entry door to the inner precinct for a person using wheelchair.
- (vi) The management of the Temple was engaged in selfless services aimed at ushering an atmosphere of social harmony, progress and inclusiveness. It was assured that the management does not brook practicing any sort of discrimination on the ground of disability.

4. The reply of the respondent was forwarded to the complainant for information. The complainant vide email dated 04.08.2022 submitted that the respondent has made disrespectful and heart breaking statement taking the excuse of traditions and history of temple. She further added that law mandates accessibility at religious places and equal treatment of persons with disabilities at par with other citizens of the country. The management is violating the provisions of the RPwD Act, 2016 by citing reasons of architecture and tradition.

5. Taking into account the replies of the respondent and the complainant, a hearing was scheduled on 06.09.2022. During the hearing, the representative of complainant reiterated the submissions and added that the statement made by the respondent that the complaint is ill-founded and contrary to facts has really hurt them.

6. Respondent submitted that the management had no intention to hurt the complainant and because of nature of the architecture of the temple and a particular tradition being followed, wheel chairs from outside was not allowed inside the temple. However, they have due provision of Wheel Chair/Palanquin etc. by which the PwDs (Wheel Chair bound persons) could be taken inside for Darshan.

7. The Court observed that there should be empathy, sensitization and awareness on the part of the respondent and after listening to both sides and due deliberations on the subject, the following recommendations are made:-

- (i) The management and Secretary should be responsible to ensure that each and every staff including security staff of the temple be sensitized towards the PwDs, their needs and all should be aware about the RPwD Act, 2016 and rights of the persons with disabilities.
- (ii) Whatever be the structure of the temple, the management/administration of the temple should ensure that the temple be made PwD friendly at par with all. If at all there is some problem where the wheel chair is not allowed that should be briefed to the PwD empathetically and due provision should be at place to provide them with Wheel Chair/Palanquin etc. to facilitate them for Darshan.
- (iii) The management should follow Equal Opportunity Policy in respect of persons with disabilities. They should not be discriminated on the ground of disability.
- (iv) The management of the temple should conform to the norms of accessibility as per the RPwD Act, 2016. They should ensure and confirm within next 45 days that it will make complete accessibility for persons with disabilities.

8. The case is closed with the above recommendations.

9. Given under my hand and the seal of the Court this 07th day of September, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities