

**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, Email: comdis.delhi@delhi.gov.in**

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

Case No. 2827/1141/2022/11/7573-7575

Dated:22-11-22

In the matter of:

Ms. Ganatara Komal Parvinbhai,
Email: komalganatra888@gmail.com

.....Complainant

Versus

**Ms. Niharika Rai, IAS
Chairperson, Young Women's Association,
Block C-3, Safdarjung Development Area,
Hauz Khas, New Delhi-110016.**

**Ms. Madhubala,
Secretary, Young Women's Association,
Block C-3, Safdarjung Development Area,
Hauz Khas, New Delhi-110016.**

.....Respondents

Date of Hearing: 21.11.2022

Present: Ms. Ganatara Komal Parvinbhai, Complainant alongwith
Dr. Renuka Tyagi, Director, Armed Forces HQs

Ms. Madhubala, Secretary, Ms. Tanu Sharma, Warden,
Ms. Ranjana Joshi, Srecretarial Asstt. appeared on behalf of
Respondent.

ORDER

The complainant, a person with 70% visual impairment vide her email dated 8.11.2022 filed a complaint regarding harassment by authorities of the

Young Women's Association (YWA) Hostel, Saket under the Rights of Persons with Disabilities Act, 2016 here in after referred to as the Act. This complaint was also forwarded to the Office of the State Commissioner for PwDs by the Deptt. of Women & Child Development Deptt., GNCT of Delhi vide letter dated 10.11.2022. Complainant informed that she belongs to Gujarat and presently working as Assistant Director at Ministry of Defence, Govt. of India, in the Armed Forces Headquarters Civil Service. She got admission in the Young Women Association working women hostel, Saket on 29.10.2022 after depositing security amount of Rs. 10,000/-. She alleged that on 05.11.2022 she was given a Notice to vacate the hostel in case she failed to submit the NOC from the previous hostel for bearing good character by Ms. Madhubala, Secretary, YWA. She was also threatened that a FIR would be filed against her or if she contacts any higher authority in this matter. Thus, she requested this Court to intervene in the matter at the earliest against unnecessary harassment by hostel authorities.

2. The matter was taken up with the Respondents vide Summon dated 11.11.22 and a hearing was scheduled on 21.11.2022. In the meantime, Ms. Niharika Rai, Chairperson, YWA vide her written submission dated 14.11.2022 requested for exemption from personal appearance on 21.11.2022 in the instant case as she has to attend the forthcoming Pre-conference brainstorming session of All Union Territories at Chennai – “On Cost of Regulation / Regulatory Impact Assessment” on 21.11.2022 under 2nd

National Conference of Chief Secretaries. She further intimated that Ms. Madhubala, Secretary, YWA will attend the hearing with all relevant facts.

3. During the hearing, the complainant appeared alongwith her senior Dr. Renuka Tyagi, Director, Armed Forces HQs, M/o Defence and reiterated her submissions and added that no requirement of any such NOC was mentioned either in the hostel rules or in the list of required documents of hostel application form. She also submitted a letter of Ministry of Women & Child Development, Govt. of India dated 7.11.2022 which clearly states that as per the guidelines of Working Women Hostel, M/o Women & Child Development, there is no provision of any NOC required for admission to any hostel. She further informed that she has filed a civil suit in Patiala House Court against her previous hostel i.e. Indira Niketan Hostel, thus it is not possible for her to get such character certificate/NOC from there. She requested that being person with severe disability she should not be harassed & may be allowed to stay in the Hostel with safety and dignity. It was brought out during the discussion that she has applied for a govt. accommodation which would be forthcoming in the near future and she only wanted to stay in the YWA Saket hostel for this interim period.

4. Ms. Madhubala, Secretary, YWA vide her written submission dated 17.11.2022 intimated about the decision and observations made by the Disciplinary Committee and Office Bearers Committee, in the special meeting held on 14.11.2022 wherein the matter of the complainant was discussed. The case brief was as under:

- i) Application of the complainant for hostel admission was submitted on 29.10.2022 at the time of interview before the Admission Committee. The Application was supported with undertaking from local guardians (her mother- in-law) in Muzaffarnagar and her husband (also in Muzaffarnagar), a fitness certificate from DRDO Health Centre, INMAS, a certificate from PS to Addl. Directed dated 26.10.2022, Aadhar Cards of self, husband and her mother-in-law. However, the complainant did not submit her disability certificate during the admission to the hostel and the hostel authorities were not aware of her disability (visual impairment).
- ii) During the interview on 29.10.2022, it was pointed out to her that the certificate issued from PS to Addl. Director was not on a letter head nor was the name of the officer mentioned with stamp and it mentioned her designation as Section Officer not as Assistant Director. The Admission Committee told her that the certificate cannot be construed or counted as a letter of reference from local persons (not related to the applicant). The Committee felt the need for additional documentation as the local guardians were members of her family and the above certificate issued by PS to Addl. Director was not in order. Further she was asked to share her appointment letter/ ID to authenticate that she was working as Asstt. Director in the Ministry of Defence.
- iii) During the interview process she did not mention about her disability nor could the members of Admission Committee notice her visual impairment. The YWA was not kept informed by the applicant of her disability or the Medical Officer of DRDO in the medical fitness certificate.
- iv) As a special case in good faith, complainant was allowed to stay as a guest in the hostel and admission on regular basis was kept pending till submission of the following documents:
 - a. NOC from the previous hostel as per our Rule Book (the Rule No. 4 mentions that the Admission Committee may ask the candidate to produce additional document, if found necessary).
 - b. Local Guardian mentioned is from Muzaffarnagar, whereas details of two local references and one local guardian (Delhi NCR) were asked. The candidate was asked verbally to provide a local

contact number and a Government ID to show her employment status which she agreed to.

- v) It was also brought to the notice of the Court that the complainant was allotted a room on double sharing but she does not leave her keys or allows any other girl to share the room. YWA has received complaint from the warden that she refused to accommodate a girl in her room and also not paying her dues and on questioning her, it is always a rude and arrogant nature of behaviour.
- vi) Complainant was permitted to stay till 30.11.2022 but till date she has not submitted her disability certificate to YWA official.
- vii) In the meantime they came to know that the complainant who earlier stayed for 5 years at Indira Niketan Working Women Hostel, Sarojini Nagar was evicted through the High Court Orders.

The matter was discussed in detail by the members and concluded as follows:

- Till date YWA has not denied admission to anyone disabled or otherwise, if they fulfil the stipulated conditions. YWA has also admitted completely visually impaired girls to the hostel in the past.
- Complainant has misled the Admission Committee by not informing them that she is visually impaired and later made allegation of harassment. She seems to have done this deliberately to create trouble in YWA. The "Whomsoever It May Concern" certificate submitted by her was not in order.
- Complainant was allowed to stay as a Guest pending her submission of papers. In spite of not providing all the documents she was allowed to stay as a guest pending fulfilling the requirements of YWA which she agreed to.
- The allegations of harassment made by complainant to various agencies are baseless.
- YWA runs hostels for working women and wellbeing and maintaining harmony is a priority. YWA takes extra precaution by taking all the documents from candidates to run a hostel that is safe for its residents. Till date no residents have refused to provide the needed documents. Making an exception for anyone will compromise procedures and the safety of the other residents.

- The Office Bearers and members of the Admission Committee concluded that as complainant has mislead the Admission Committee, not submitted proper documents, not following the rules of the YWA and misbehaved with the staff of the hostel and therefore does not qualify for admission on long terms basis. She may be once again asked to vacate the hostel on 30.11.2022.

5. After due deliberations / discussion and considering the submissions of the complainant & respondents, the Court observed / recommended as under:-

- i) Complainant clarified the reason for her eviction from the previous hostel, because she exceeded the prescribed time limit of stay i.e. the five years maximum. Thus, demand of such NOC/Character Certificate from her previous hostel by respondent is not relevant. Besides she is a govt. servant and she can submit her current ID in lieu of Character Certificate.
- ii) Complainant should be accommodated in the YWA, working women hostel at Saket preferably on single sharing basis because of her disability and condition. As it was submitted that she has already applied for Govt. accommodation in Delhi, her stay in YWA Hostel will only be for the interim period till she is allotted the govt. accommodation.
- iii) Complainant is directed to submit a copy of letter / confirmation as a proof of her official ID and details of local guardians as required by the YWA for which Dr. Renuka Tyagi, Director, Armed Forces Headquarters has also agreed to help with during the hearing and the same should be provided to YWA at the earliest.

- iv) It was also clarified to the respondent that Court cannot take any cognizance on the apprehensions of any nature and the same should not be reason to deny lawful accommodation to a person with disability as that will tantamount to be discrimination and at cross purposes with the Rights of Persons with Disabilities Act, 2016. Instead both the parties are recommended to solve their minor differences amicably and maintain cordial & congenial relation for which it is essential that complainant also should abide by all the rules of the YWA hostel and not to create any problem or obstacles so far as the management of the YWA is concerned. On the other hand Respondent is also directed to not to unnecessarily provoke the complainant and take cohesive measures and steps wherein complainant's confidence level or her mental peace is disturbed.
- v) In the past also an order was passed in the similar matter vide Case No. 379/1141/2018/07/12510-511 dated 22.11.2018 wherein Ms. Renu Mishra, a visually impaired girl was allegedly harassed and the Court then also advised YWA for conducting sensitisation programmes and create an inclusive environment as a regular practice. The same is again being reiterated here.

6. Given under my hand and the seal of the Court this 22nd day of November, 2022.

(Ranjan Mukherjee)
State Commissioner for Persons with Disabilities