

# Savitribai Phule Pune University

Telephone Nos. :

020 – 25691233

25601258

25601259

25601257



ACADEMIC SECTION

Ganeshkhind, Pune – 411007, INDIA

Telegraph : 'UNIPUNE'

Fax : 020-25691233

Website : [www.unipune.ac.in](http://www.unipune.ac.in)

E-mail : [dyracademic@unipune.ac.in](mailto:dyracademic@unipune.ac.in)

Ref : CA/8507

Date : 17.11.2014

Chairman/Secretary/Principal/Director,  
Affiliated Colleges/Recognized Institutions /Research Centres

Sub : Providing necessary facilities to the students with disabilities


Ref : Order dated 30.10.2014 passed by the Hon'ble High Court at  
Bombay in W.P. No. 6594 of 2014

Sir/Madam,

It is obligatory upon the educational institutions to implement provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, as regards providing necessary facilities to the students with disabilities and to provide a barrier free environment for them.

As per the directions given by the Hon'ble High Court of Judicature at Bombay, vide its Order dated 30.10.2014 in W.P. No. 6594 of 2014 (copy is attached herewith) filed by Akanksha Vardhaman Kale, you are hereby instructed to provide a barrier free environment for students with disabilities by providing facilities like ramps in buildings, adaptation of toilets for wheel chair users, brail symbols and auditory signals in elevators and lifts, etc., to them by 31.03.2015 and send a compliance report in this regard to the University immediately thereafter.

Yours sincerely,

  
17/11/14  
Deputy Registrar  
(Academic Section)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 6594 OF 2014**

Akanksha Vardhaman Kale	..	Petitioner
V/s		
Union of India & Ors.	..	Respondents

Mr. Saket More i/b Mr. Satyavrat Joshi for the petitioner.  
 Mr. S.B. Shetye for respondent nos.1 and 2.  
 Mr. Kapil Moye with Mr. Shreyas Patel and Mr. Meit Sampat i/b Little & Co. for respondent no.8.  
 Mr. Vishal Thadani, A.G.P. for the respondent – State.

**CORAM: MOHIT S. SHAH, C.J. &  
 B.P. COLABAWALLA, J.**

**DATE : 30 OCTOBER 2014**

**PC.:**

Learned counsel for respondent no.8 invites our attention to the statements made in the affidavit dated 21 October 2014 filed by Mr. T. Karthikeyan , Secretary of respondent no.8, and particularly the statement that the order dated 29 September 2014 of this Court has already been communicated to all the offices and branches in all the five regions of the country and they have been asked to provide the necessary barrier free facilities for persons with disabilities, viz. ramp facility, lift, washroom facilities to accommodate wheel chairs, etc. It is of course stated that the same shall be subject to necessary

permissions from municipal and concerned authorities and feasibility depending on the plan/layout approved by the architect.

2. As far as the petitioner's case is concerned, learned counsel for respondent no.8 has placed on record a copy of the letter dated 10 October 2014 from the Principal, Brihan Maharashtra College of Commerce, Pune to the effect that the said college is ready to extend necessary cooperation for permitting the petitioner to appear at the examination at the said college between 7 and 20 November 2014. The principal has, however, stated that the college is going for third cycle of re-accreditation, NAAC and for that purpose repairing and renovation work is scheduled during that period.

3. While we appreciate that Brihan Maharashtra College of Commerce, Pune is going ahead with the repairing and renovation work in the college, we request the college authorities to see that the petitioner is provided noise free and barrier free environment during the examination on seven days on which the petitioner will be appearing.

4. Our attention is invited to the circular letter dated 11 July 2001 issued by the University Grants commission to the Vice Chancellor of all Universities, which reads as under:

"Dr. (Mrs.) Pankaj Mittal  
Joint Secretary

D.O. No.11-5/95(CPP-II)(Vol.III)

11 July 2001

Dear Sir/Madam,

The Commission in its meeting held on 22-5-2001 considered the matter regarding full implementation of persons with Disabilities Act, 1995 in universities and colleges and approved 3% reservation for persons with disabilities in admission to all the courses of study offered by universities and colleges and 3% reservation for disabled people in jobs and also decided that barrier free access for persons with disabilities to the university, buildings, class rooms, laboratories and toilets, etc. be ensured. You are requested to implement the above decision of the Commission strictly."

5. Similarly, on 8 December 2012, the Government of India in the Ministry of Human Resource Development, Department of Higher Education issued instructions to make educational institutions (the buildings of University, colleges and technical institutes, etc.) barrier free and accessible for all types of disabilities.

6. The University Grants Commission also issued the circular dated 9 February 2012 to the Universities to take follow up action to make educational institutions barrier free and accessible for all types of disabilities.

7. Again on 25 May 2012, the Chief Commissioner for Persons with Disabilities issued instructions to Government of Maharashtra in the Technical and Higher Education Department and

pointed out sections 30(b), 46 and 59 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which read as under:

*"Section 30(b) of the Act specifically provides that appropriate Governments shall prepare a comprehensive education scheme which shall inter-alia make provision for the removal of architectural barriers from schools, colleges or other institutitons imparting vocational and professional training.*

*Section 46 of the Act also requires that the appropriate Governments and the local authorities shall, within the limits of their economic capacity and development, provide for -*

- (a) ramps in public buildings;*
- (b) adaptation of toilets for wheel chair users;*
- (c) braille symbols and auditory signals in elevators or lifts;*
- (d) ramps in hospitals, primary health centres and other medical care and rahabilitation institutions.*

*Section 59 of the Act mandates the Chief Commissioner for Persons with Disabilities on his own motion or on application of any aggrieved person or otherwise to look into the complaints inter-alia with respect to matters relating to deprivation of rights of persons with disabilities."*

8. In view of the above, we direct respondent no.6 - University of Pune to issue general instructions to all the colleges/ educational institutions, examination centres and concerned

departments to provide barrier free environment for students with disabilities, viz. ramp facility, lift, washroom facilities to accommodate wheel chairs, etc. Similarly, the Chief Commissioner for Persons with Disabilities at New Delhi and the Commissioner for Persons with Disabilities for Maharashtra State at Pune will also issue general instructions to all the educational authorities in the country calling upon them to provide barrier free environment to students with disabilities.

9. The compliance report regarding issuance of specific instructions to educational institutions/colleges to provide the aforesaid facilities by 31 March 2015 shall be submitted by 15 December 2014.

Stand over to 22 December 2014.

CHIEF JUSTICE

(B.P. COLABAWALLA, J.)