



Bharat Sanchar Nigam Limited
(A Government of India Enterprise)
Corporate Office
2nd floor, Room No. 221, Eastern Court, Janpath
New Delhi – 110 001.
(SCT Cell)

No. 28-01/2013- SCT-SG / 548

Dated 17.07.2014

To

PGMs (Elect.)/ BW/ Arch./ FP/ TF
Sr. GM (Pers.)/ Estt..

Sub:- Implementation of the directions of the hon'ble Supreme Court to implement the provisions of Persons with Disabilities Act 1995 Regarding

Kindly find enclosed here with a copy of letter No. 17-1/2014-SCT dated 08.07.2014 received from Department of Telecom enclosing a letter dated 27th June, 2014 from Deputy Chief Commissioner, Ministry of Social Justice and Empowerment, Department of Disability Affairs on the above cited subject.

You are requested to kindly send the compliance report immediately to this office.

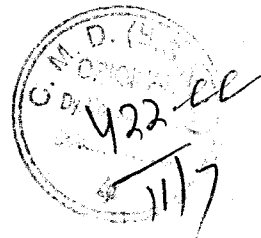
This may kindly be treated as urgent.

Encls: As above.


17/7/2014
Chief Liaison Officer (SCT)
Tele:011-23037363
FAX:011-23766143.

✓
Copy to BSNL Intranet

Government of India
Ministry of Communication & IT
Department of Telecommunications
(SCT Section)
Sanchar Bhawan, New Delhi 110 001

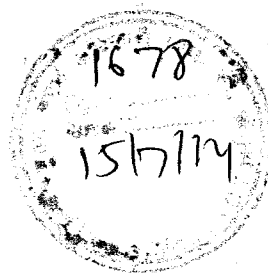
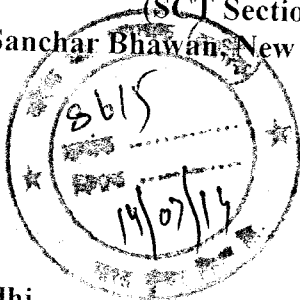


No.17-1/2014-SCT

Dated: 8 .7.14.

To

1. The CMD
BSNL, New Delhi
2. The CMD
MTNL, New Delhi
3. The CMD
TCIL, New Delhi
4. The CMD
ITI Limited, Bangalore
5. The Executive Director
C.DoT, New Delhi.



[Signature]
11/7/14
SM (Pers) - or leave

Sub: Implementation of the directions of Hon'ble Supreme Court to implement the provisions of Persons with Disabilities Act, 1995 in Writ Petition (Civil) No.116 of 1998 – Justice Sunanda Bhandare Foundation Vs. Union of India & Ors.

Sir,

I am directed to enclose herewith a copy of letter No.4-1/CCD/2009-(Vol.II)/R4540 dated 27.6.14 received from Dy.Chief Commissioner, Ministry of Social Justice and Empowerment on the subject mentioned above.

In this connection Ministry of Social Justice and Empowerment has requested to ensure implementation of the provisions of the Persons with Disabilities Act, 1995 positively by the end of 2014 and a report thereof to be sent by 10th of every month. Since the first report had to be furnished by 10.7.14, it is requested to submit the same immediately for onward transmission to Ministry of Social Justice and Empowerment, New Delhi.

~~CLoSCT~~

~~AMCSET~~ - SG

AM/SC/1

[Signature]

[Signature]

15/7/2014

Yours faithfully,

[Signature]
8/7/2014

(Poornima Rajendran)
Director (SR) &
Liaison Officer (SCT)

DM(SU)

Secy (F)
F87945/2014/CR
2/7



कार्यालय मुख्य आयुक्त निःशक्तजन
OFFICE OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
सामाजिक न्याय और अधिकारिता मंत्रालय, भारत सरकार
Ministry of Social Justice and Empowerment, Govt. of India

Most Immedidate

Dated: 27th June, 2014

No.4-1/CCD/2009-(Vol.II) (R4540)

To

The Secretary,
Department of Telecommunications,
Ministry of Communications and IT,
Sanchar Bhawan, Rafi Marg, New Delhi.

Forwarded for n.a.

7/7/2014
A/C

3/7/14
for you pl

Subject: Implementation of the directions of Hon'ble Supreme Court to implement the provisions of Persons with Disabilities Act, 1995 in Writ Petition (Civil) No. 116 of 1998 – Justice Sunanda Bhandare Foundation Vs. Union of India & Ors.

Madam / Sir,

I am directed to enclose a copy of the Hon'ble Supreme Court of India's Order dated 26.03.2014 in the above mentioned case regarding implementation of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 positively by the end of 2014.

2. It is requested that necessary instructions may please be issued to all concerned including Public Sector Undertakings under your administrative control and ensure implementation of the provisions of the Persons with Disabilities Act, 1995 within the above time frame.

3. The implementation may please be monitored on monthly basis and a report thereof be sent to this office by 10th of every month. The first report be sent so as to reach this office by 10.07.2014. The Persons with Disabilities Act, 1995 is available in the website of this office.

Yours faithfully,

(T.D. Dhariyal)

Dy. Chief Commissioner

Encis: As above.

Copy to: Shri D.K. Panda, Under Secretary to the Govt. of India, Ministry of Social Justice and Empowerment (DD-III Section) w.r.t. O.M. No. 29-01/2014-DD-III dated 3rd June, 2014 for information.

सरोजिनी हाउस, 6, भगवान दास रोड़, नई दिल्ली-110001 दूरभाष : 23386054, 23386154 टेलीफैक्स : 23386006

Sarojini House, 6, Bhagwan Dass Road, New Delhi-110001 Tel.: 23386054, 23386154 Telefax : 23386006

E-mail: ccpd@nic.in Website: www.ccdisabilities.nic.in

(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)

(Please quote the above file/case number in future correspondence)

Please Recycle



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REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL/APPELLATE JURISDICTION

WRIT PETITION (CIVIL) NO. 116 OF 1998

JUSTICE SUNANDA BHANDARE FOUNDATION Petitioner(s)

VERSUS

U.O.I. & ANR

Respondent(s)

WITH

WRIT PETITION (CIVIL) NO. 115 OF 1998

WRIT PETITION (CIVIL) NO. 430 OF 2000

CIVIL APPEAL NO. 6442 OF 1998

CIVIL APPEAL NO. 6443 OF 1998

J U D G M E N T

R.M. LODHA, J. :

Writ Petition (Civil) No. 116 of 1998

In this Writ Petition filed by the petitioner - a charitable trust, the prayers made are (i) for implementation of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, '1995 Act'), (ii) direction for the reservation

of 1% of the identified teaching posts in the faculties and college of various Universities in terms of Section 33 of the 1995 Act, and (iii) for declaration that denial of appointment to the visually disabled persons in the faculties and college of various Universities in the identified posts is violative of their fundamental rights guaranteed under Articles 14 and 15 read with Article 41 of the Constitution of India.

2. Initially, two respondents, namely, (one) Union of India through its Secretary, Ministry of Welfare and (two) University Grants Commission (U.G.C.) through its Chairperson were impleaded as party respondents.

3. On 07.10.1998, the Court ordered impleadment of the States and so also the Union Territories and, accordingly, respondent Nos. 3 to 34 were impleaded as party respondents.

4. On 13.09.2001, the Court directed the Chief Commissioner for Persons with Disabilities, Ministry of Social Justice and Empowerment, Government of India to be impleaded as party respondent and

consequently it has been impleaded as respondent No. 35.

5. Then on 18.02.2009, the Court directed Commissioners for Persons with Disabilities of various States and Union Territories to be impleaded as party respondents and consequently respondent Nos. 36 to 70 have been impleaded who are Commissioners for Persons with Disabilities in different States and Union Territories.

6. Certain interim orders have been passed by this Court from time to time.

7. Insofar as U.G.C. (respondent No. 2) is concerned, the Court was informed on 19.03.2002 through counter affidavit that U.G.C. has acted in compliance of the 1995 Act. In paras 3, 6, 7 and 8 of the counter affidavit filed on behalf of the Chief, Commissioner for Persons with Disabilities, it was stated :

"3. It is humbly submitted that in pursuance of Section 32 of the Persons with Disabilities Act (Equal Opportunities Protection of Rights and Full participation) Act, 1995, the

appropriate government (Government of India) has updated the list of identified posts. This list has been issued vide Extraordinary Gazette Notification No. 178 dated 30.6.2001. In this list, the posts of University/College/School Teacher for the blind and low-vision have been listed at Sl. No. 24-27 on page No. 592.

6. The Chief Commissioner for Person with Disabilities has taken cognizance of the arrangements provided by the University Grants Commission for persons with disabilities by way of extending 5% relaxation in cut off marks, appearing in the NET for Junior Research Fellowship and Lecturership. Thus, the arrangement extended by UGC is in consonance with the policy stand taken by Govt. of India in so far as relaxation in minimum standard is concerned. Relaxation in standards has been favoured only when the candidates belonging to reserved categories are not available on the basis of the general standard to fill all the vacancies reserved for them.

7. The relaxation extended to SC & ST candidates as per Maintenance of Standard 1998 of the Universities, provides for a 5% relaxation from 55 % to 50% in the marks obtained at Master's Degree. Since reservation for the disabled is called horizontal reservation which cuts across all vertical categories such as SC, ST, OBC & General. Therefore, all such blind/low-vision persons who belonged to SC, ST vertical category would automatically enjoy the benefit of 5 % relaxation at the minimum qualifying marks obtained at Master's Degree level. Thus, only the blind and low vision belonging to OBC & General

categories are deprived of the relaxation of 5 % marks at masters' level.

8. The blind/low-vision and other visually disabled persons belonging to SC & ST category are in any case enjoying the benefit of 5% relaxation in marks obtained at the master's level for appearing in the NET examination conducted by the UGC. By extending the same relaxation to particularly blind/low-vision and in general all disabled at par with SC & ST disabled would bring parity amongst all persons with disabilities irrespective of their vertical categories."

8. Thus, insofar as U.G.C. is concerned, this Court in the order 19.03.2002 observed that nothing survives for consideration and the matter is disposed of as against U.G.C.

9. On 19.07.2006, the Court directed the Union of India and the State Governments to file their responses in the form of affidavits within a period of four weeks, failing which it was observed that the Court may be compelled to direct personal appearance of the Chief Secretaries of the concerned States though the Court would like to avoid in making such a direction. Some of the States have filed their responses and some have not.

10. Be that as it may, the beneficial provisions of the 1995 Act cannot be allowed to remain only on paper for years and thereby defeating the very purpose of such law and legislative policy. The Union, States, Union Territories and all those upon whom obligation has been cast under the 1995 Act have to effectively implement it. As a matter of fact, the role of the governments in the matter such as this has to be proactive. In the matters of providing relief to those who are differently abled, the approach and attitude of the executive must be liberal and relief oriented and not obstructive or lethargic. A little concern for this class who are differently abled can do wonders in their life and help them stand on their own and not remain on mercy of others. A welfare State, that India is, must accord its best and special attention to a section of our society which comprises of differently abled citizens. This is true equality and effective conferment of equal opportunity.

11. More than 18 years have passed since the 1995 Act came to be passed and yet we are confronted with the problem of implementation of the 1995 Act in its

letter and spirit by the Union, States, Union Territories and other establishments to which it is made applicable.

12. Ms. Sunita Sharma, learned counsel for the Union of India, informs us that insofar as Union of India is concerned, it has implemented the provisions of the 1995 Act and the reservation of 1% of the identified teaching posts in the faculties and college of various Universities in terms of Section 33 of the 1995 Act has been done.

13. In our view, the 1995 Act has to be implemented in the letter and spirit by the Central Government, State Governments and Union Territories without any delay, if not implemented so far.

14. We, accordingly, direct the Central Government, State Governments and Union Territories to implement the provisions of the 1995 Act immediately and positively by the end of 2014.

15. The Secretary, Ministry of Welfare, Government of India, the Chief Secretaries of the States, the Administrators of Union Territories, the Chief Commissioner of the Union of India and the

Commissioners of the State Governments and Union Territories shall ensure implementation of the 1995 Act in all respects including with regard to visually disabled persons within the above time.

16. Writ Petition is disposed of in the above terms.

Writ Petition (Civil) No. 115 of 1998, Writ Petition (Civil) No. 430 of 2000, Civil Appeal No. 6442 of 1998 and Civil Appeal No. 6443 of 1998

Writ Petitions and Appeals are disposed of in terms of the judgment passed today in Writ Petition (Civil) No. 116 of 1998.

2. No costs.

3. Interlocutory Applications for intervention and impleadment filed in Civil Appeal No. 6442 of 1998, in view of the above, do not survive and they stand disposed of as such.

.....J.
(R.M. LODHA)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI;
MARCH 26, 2014

.....J.
(DIPAK MISRA)

JUDGMENT