

ਆਈ. ਕੇ. ਗੁਜਰਾਲ ਪੰਜਾਬ ਟੈਕਨੀਕਲ ਯੂਨੀਵਰਸਿਟੀ, ਜਲੰਧਰ
I.K. GUJRAL PUNJAB TECHNICAL UNIVERSITY, JALANDHAR

Ref. No. IKGPTU/DIR/SA/3847

Date: 09/05/16

ਪ੍ਰਿੰਸੀਪਲ/ਡਾਇਰੈਕਟਰ


ਆਈ.ਕੇ.ਜੀ.ਪੀ.ਟੀ.ਯੂ ਨਾਲ ਸਬੰਧਿਤ ਸਾਰੇ ਕਾਲਜ ਅਤੇ ਪੀ.ਆਈ.ਟੀਜ਼

ਵਿਸ਼ਾ:- ਯੂ.ਜੀ.ਸੀ ਵਲੋਂ 'Regarding Strict compliance of Hon'ble Supreme Court orders dated 26.03.2014 in W.P.(Civil) No.116 of 1998-Justice Sunanda Bhandare Foundation Vs Union of India And Anr. ' ਸਬੰਧੀ।

ਸ਼੍ਰੀਮਾਨ ਜੀ,

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ University Grants Commission ਵਲੋਂ ਹਵਾਲਾ ਪੱਤਰ ਨੰ: D.O.No.F.6-7/2015(SCT) ਮਿਤੀ 07-04-2016 ਪ੍ਰਾਪਤ ਹੋਈ ਹੈ। (ਪੱਤਰ ਅਤੇ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਦੀ ਕਾਪੀ ਨਾਲ ਨੱਥੀ ਹੈ) ਯੂ.ਜੀ.ਸੀ. ਵਲੋਂ ਲਿਖਿਆ ਗਿਆ ਹੈ ਕਿ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਅਨੁਸਾਰ ਅਪਹਾਜ਼ ਵਿਅਕਤੀਆਂ ਨੂੰ ਬਰਾਬਰ ਦੇ ਮੌਕੇ, ਭਾਗੀਦਾਰੀ ਅਤੇ ਸੁੱਚਿਆ ਦੇਣਾ ਯਕੀਨੀ ਬਣਾਇਆ ਜਾਵੇ।

ਆਪਜੀ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ University Grants Commission ਦਿਸ਼ਾ ਨਿਰਦੇਸ਼ਾ ਅਨੁਸਾਰ ਵਿਦਿਅਕ ਸੰਸਥਾਵਾਂ ਵਿੱਚ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਦੇ ਹੁਕਮਾਂ ਨੂੰ ਲਾਗੂ ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਇਹਨਾਂ ਨਿਰਦੇਸ਼ਾ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ।


ਵਿਦਿਆਰਥੀ ਸਲਾਹਕਾਰ
(ਵਿਦਿਆਰਥੀ ਮਾਮਲੇ)

ਉਤਾਰਾ:- ਡੀਨ, ਅਕਾਦਮਿਕ (ਜਾਣਕਾਰੀ ਹਿੱਤ)
ਰਜਿਸਟਰਾਰ (ਜਾਣਕਾਰੀ ਹਿੱਤ)
ਕੰਪਿਊਟਰ ਵਿਭਾਗ (ਵੈਬ-ਸਾਇਟ ਤੇ ਪਾਉਣ ਲਈ)



प्रो (डॉ) जसपाल एस सन्धू

सचिव

Prof. Dr. Jaspal S. Sandhu

MBBS, MS (Ortho), DSM, FAIS, FASM, FAFSM, FFIMS, FAMS

Secretary



सत्यमेव जयते

विश्वविद्यालय अनुदान आयोग
University Grants Commission

(मानव संसाधन विकास मंत्रालय, भारत सरकार)
(Ministry of Human Resource Development, Govt. of India)

बहादुरशाह ज़फ़र मार्ग, नई दिल्ली-110002
Bahadur Shah Zafar Marg, New Delhi-110002

Ph.: 011-23239337, 23236288,
Fax : 011-23238858, email : jssandhu.ugc@nic.in

By Speed Post

D.O.No.F.6-7/2015 (SCT)

7th April, 2016

Sub.: Regarding strict compliance of Hon'ble Supreme Court orders dated 26.03.2014 in W.P. (Civil) No. 116 of 1998 – Justice Sunanda Bhandare Foundation Vs Union of India and Anr.

Dear Sir/Madam,

The Constitution of India ensures equality, freedom, justice and dignity to all individuals and implicitly mandates and inclusive society for all including the Persons with Disabilities. In the effort to ensure equal opportunities for Persons with Disabilities and their participation in nation-building, the Government enacted "The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995".

The Hon'ble Supreme Court of India, in its judgement dated 26.03.2014 in W.P. (Civil) No. 116 of 1998 - Justice Sunanda Bhandare Foundation Vs Union of India & Anr, opined that even after lapse of 18 years since the inception of the PwD Act, 1995 it is still to be implemented in its letter and spirit and directed the Central Government, State Governments and Union Territories to implement the provisions of the Act positively by the end of 2014. Still there are certain lacunas in implementation of the Act. Non-implementation of the orders of the Hon'ble Supreme Court of India tantamounts to contempt of the court. The Judgement is available on the website of the Hon'ble Supreme Court.

You are requested to take all necessary measures to implement the Hon'ble Supreme Court's orders in a time bound manner and send compliance with reference to Section 33 of the PwD Act, 1995 to the University Grants Commission by email at sctsection@gmail.com within next one month.

With kind regards,

Yours sincerely,

(Jaspal S. Sandhu)

The Vice-Chancellor
Punjab Technical University
Jalandhar-Kapurthala Highway,
Near Pushpa Gujral Science City,
Kapurthala-1446-1,
Punjab.

Registrar

JW

20.4.16

All Deans
Director (UGC Cell)

21/4/16

Amran
25/4/16

OA 10.18 1.1.16

Registrar Office
No. 229 Date: 20-4-16

I.K.G. Punjab Technical University
Vice Chancellor Office
Diary No. 359 Date: 20-4-16
Sent to Regd. 5

F. No. C 30013/48/2015-Ad.IV A
Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise and Customs

5th Floor, HUDCO Vishala Building
Bhikaji Cama Place, New Delhi

Dated, the 01st July, 2015

To

All the Chief Commissioners/Directors General and
Commissioners under CBEC.

Subject: Order of Hon'ble Supreme Court dated 26.03.2014 in the matter of
W.P.(Civil) No. 116 of 1998 – Justice Sunanda Bhandare
Foundation vs. UOI & Ors – reg

Sir/Madam

I am directed to enclose herewith a copy of d.o. letter no. 29-1/2014-DD-III
dated 30.03.2015 from the Secretary, Ministry of Social Justice & Empowerment
on the subject mentioned above and to say that in compliance to the orders dated
26.03.2015 of Hon'ble Supreme Court (copy enclosed) it may be ensured that the
provisions of the PwD Act are implemented.

It is requested that Action Taken Report in this regard be sent to the Board
urgently for further intimation to the Ministry of Social Justice and the Chief
Commissioner of Persons with Disabilities

Encls: a/a

Yours faithfully,

(Rajpal Singh)

Under Secretary to the Govt. of India

Copy for similar action to

1. DG HRD, New Delhi
2. Director (Ad.II)
3. DS (Ad.IIA & B)
4. DS (Ad.IIIB)

सचिव

Secretary

Tel: 011-24369055, Fax: 24369067
E-mail: secretaryda-msje@nic.in



5वां तल, पर्यावरण भवन, सी.जी.ओ. कॉम्प्लेक्स

लोदी रोड, नई दिल्ली-110 003

Government of India

Ministry of Social Justice & Empowerment
Department of Empowerment of Persons with Disabilities
5th Floor, Paryavaran Bhawan,
CGO Complex, Lodhi Road, New Delhi-110 003

DO No. 29-1/2014-DD III

Dated 30th March, 2015

N.A. pl -

Dear Shri Das,

Please refer to this Department's OM of even No dated 03.06.2014 regarding order of Hon'ble Supreme Court dated 26.03.2014 in the matter of W.P. (Civil) No. 116 of 1998 – Justice Sunanda Bhandare Foundation Vs. Union of India & Others.

2. The Hon'ble Supreme Court in its order dated 26.03.2014 has directed implementation of the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 immediately and positively by the end of 2014. Action taken in this regard by the Ministries/Departments is not known to us.

3. I shall be grateful, if you kindly look into the matter personally and issue necessary instructions to all concerned including all public sector undertakings, autonomous bodies under your administrative control to ensure implementation of the provisions of the PwD Act in compliance of the order of the Hon'ble Supreme Court. Action taken in this regard may be intimated to Chief Commissioner of Persons with Disabilities urgently under intimation to us.

With regards,

Yours sincerely,

[LOV VERMA]

Shri Shaktikanta Das,
Secretary,
Department of Revenue
Ministry of Finance
New Delhi-110001



75-74561
10/4/15

कार्यालय मुख्य आयुक्त विकलांगजन
Office of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
विकलांगजन सशक्तीकरण विभाग
Department of Empowerment of Persons with Disabilities

Supreme Court Matter

No.4-1/CCD/2009(Vol.II) / R3440

Dated: 6th April, 2015

To

The Secretary,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi - 110001

Subject: Implementation of the directions of Hon'ble Supreme Court vide order dated 26.03.2014 in Writ Petition (Civil) No. 116 of 1998 - Justice Sunanda Bhandare Foundation Vs. Union of India & Ors. to implement the provisions of Persons with Disabilities Act, 1995.

Sir,

I am directed to refer to this office letter of even number dated 29th August, 2014 on the above subject in pursuance of the directions of Hon'ble Supreme Court of India.

2. Hon'ble Supreme Court inter-alia directed the Central Government, State Governments and Union Territories to implement the provisions of the Persons with Disabilities Act, 1995 positively by the end of 2014.

3. Hon'ble Court also directed the Secretary, Department of Disability Affairs, Government of India, the Chief Secretaries of the States, the Administrators of the UTs, the Chief Commissioner for Persons with Disabilities and the State Commissioners for the State Governments and Union Territories to ensure implementation of the PWD Act, 1995 by 31st December, 2014.

4. The Section-wise consolidated information regarding implementation sought in pursuance of the above mentioned directions of the Hon'ble Supreme Court has not yet been received.

5. It is once again requested to ensure implementation of each and every Section and sub-section of Persons with Disabilities Act, 1995 relevant to your Ministry and send a confirmation thereof by 24.04.2015. The certificate may please be signed by an Officer not below the level of Deputy Secretary to the Government of India.

Yours faithfully,

(T.D. Dhariyal)
Consultant

13/4/15
45 (C) Report up urgently
15/4/15
So (Coordn)
15/4
15/4/15

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)