



सत्यमेव जयते

न्यायालय मुख्य आयुक्त निःशक्तजन
Court of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.492/1033/2013

Dated:-27-05-2014

In the matter of:

Miss Ranjita Kumari,
C/o Ram Sevak Thakur,
Vaishno Enclave Apartment,
Apartment No. 1C, Arsandey,
Main Road, Kanke,
Ranchi – 839006 (Jharkhand)

..... Complainant

Versus

Central Institute of Psychiatry,
Through – Director,
Kanke, Ranchi – 834006 (Jharkhand)

..... Respondent

Date of hearing : 01.05.2014

Present :

1. Shri K. K. Thakur on behalf of the complainant.
2. Dr. Arvind Kumar, Medical Officer, CIP & Shri Vipin Prasad, VAL on behalf of Respondent.

ORDER

The above named complainant, a person with 40% locomotor disability filed complaint dated 19.09.2013 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act for overlooking and non-cooperative treatment by the Central Institute of Psychiatry with reference to difficulties being faced by her in her Ph.D programme.

2. She submitted that she was a student of Ph.D in Clinical Psychology in Central Institute of Psychiatry (CIP) and was facing problems in walking freely due to her physical disability. She uses caliper and needs an attendant while walking and going up and down. She had to walk a lot for academic and other work. She could not use bathrooms and toilets in CIP as there were no grabbers, handrails and the floors non-slippery. She was posted in Unit-II, which did not have railings for support. She also submitted that some authorities in CIP were hurting her dignity and self-respect every now and then in the name of providing education and training. They call her into their chambers and scold and insult her. Their instructions are humiliating. It was very difficult for her to talk to them. She, therefore, requested to provide her with barrier free environment as soon as possible to enable her to do her duties.

.....2/-

3. Section 46 of the Act provides that the appropriate Governments and the local authorities shall, within the limit 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 rehabilitation institutions.

4. The matter was taken up under Section 59 of the Act with the respondent vide letter dated 02.12.2013.

5. The respondent vide letter No. Dir/1116-17 dated 18.12.2013 submitted that the complainant had taken admission in Ph.D. Course for the Session 2013-16 on 01.05.2013. She was absenting from the institution without getting the leave sanctioned by the competent authority and was not attending the training. In spite of written directions of the Director, she was not attending the course. She met her Guide, Prof. S. Haque, Professor of Excellence only once with her father. After that she did not meet her Guide in spite of his guidance and directions. C.I.P. campus and hospital is completely free from barriers and no complainant has ever been received from any student in respect of structure. However, after the complaint of the complainant, the Executive Engineer, CPWD (Civil) was asked to do the needful. The hospital of the C.I.P. and the training place is totally barrier free. The bathrooms and toilets have grabbars, handrails and non-slippery floors. The charges levelled by the complainant against Smt. Neha Sayeed and other faculty members are totally baseless and without any facts. The complainant did not meet her Supervisor in spite of his directions.

6. The complainant vide her rejoinder dated 20.0.2014 inter-alia submitted that she faced problems due to disability. Knowing the importance of the basic training on the clinical work, she joined the CIP. Though Ph.D course is available in her own state. She had no motive to remain absent from the institute but due to pain in her foot, she was forced to remain absent. It was wrong to say that she was absent continuously from 16.07.2013. As per her, neither her problems were solved nor any assurance was given. She sent the proof of her leave on dated 16.07.2013 through the attendant. But Mrs. Neha Sayeed did not allow him to enter in the campus. She alleged that the Institute was totally insensitive. She could not deposit her report due to non-cooperative attitude of the Supervisor. Due to problems faced by her time and again, she could not meet her supervisor. She had met with the Director of the institute on 30.10.2013 and explained her problems. He blamed her for making an issue of her disability. Such instances pained her. As she did not expect any help from the Institute, she decided to leave the Ph.D. programme.

7. Upon considering the reply dated 18.12.2013 of the respondent and rejoinder dated 20.01.2014 of the complainant, a hearing was scheduled on dated 01.05.2014.

8. On the date of hearing, both the parties reiterated their written submissions.

9. As one of the allegations of the complainant was that the built environment in the Institute was not barrier free, a copy of the Joint Assessment Report conducted by the visiting Experts on 19th to 21st December, 2013 in respect of the Institute to conduct M.Phil in Clinical Psychology was obtained from the Rehabilitation Council of India. Part "B" of the said Joint Inspection Report contains the assessment of barrier free environment which includes report on accessible Class Rooms, Work Stations and accessible toilets. In their report, the Visiting Experts have given 3 marks out of 4 for barrier free environment. The experts have recorded that the infrastructure etc. was adequate except differently built friendly system in the Library. Referring to their reply, the representatives of the respondent submitted that the Library of the institute is totally computerized and is available on-line.

10. Shri K.K. Thakur, brother of the complainant, who appeared on her behalf, when asked to specify the inadequate accessible features in the institute, stated that appropriate grabbars should be provided right from the gate so that persons with calipers can get proper support in walking. He also submitted that all the facilities including the classrooms should be closer to the gate so that students with disabilities can attend the classes with less difficulty. He particularly pointed out that some faculty members had been so insensitive that his sister had finally resigned on 22.01.2014 and Director, CPI has accepted the same on 26.04.2014. According to him, she was forced to resign due to the circumstances created by the concerned faculty members. He requested that his sister should be reinstated and a proper environment should be created so that she can do her Ph.D properly.

11. The representative of the respondent submitted that Miss Ranjeeta Kumari took examination in 2013. She had some problems which she communicated to her seniors and Director in June and July, 2013. The issues concerning the accessibility were taken up with the CPWD immediately. Some of the wards already have the railings. Wherever the railings were needed, the same were constructed through the CPWD. Thereafter she remained absent without giving enough time to the authorities to address the issues, if any. Although, a number of letters/memos were issued advising her to join, yet she did not join and resigned in January, 2014. Her guide also had reported that she did not report to him when required for discussing the topic. The institute has already submitted its comments to National Human Rights Commission and Ministry of Health & Family Welfare. Since her resignation has already been accepted, she has to apply through All India Entrance Examination afresh if she wants to continue Ph.D. Since the complainant herself was not present during the hearing nor did we have an opportunity to interact with her, this Court can only advise the complainant to meet her guide Dr. S. Haque who, after discussing with her, may suggest ways and means to enable the complainant, if so wishes, to continue her studies. This Court would also advise complainant to seriously consider continuing her studies and attend classes regularly. As regards, the issues concerning accessibility, the same may be addressed by organizing an Access Audit of Central Institute of Psychiatry, Ranchi and if required, necessary modifications/alterations may be done.

12. The case is disposed off accordingly.

Sd/-

(P.K. Pincha)
Chief Commissioner
For Persons with disabilities