

THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 03.07.2013

+ **W.P.(C) No.2982/2013**

SAMBHAVANA

..... Petitioner.

versus

UNIVERSITY OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr Pankaj Sinha

For the Respondent : Ms Pinki Anand, Sr. Advocate with
Mr Mohinder J. S. Rupal.

Dr Anil Aneja, Assoc. Prof. Delhi University
and Mr G. K. Singh, Deputy Registrar (Legal).

CORAM:

**HON'BLE MR JUSTICE BADAR DURREZ AHMED, THE ACTING
CHIEF JUSTICE**

HON'BLE MR JUSTICE VIBHU BAKHRU

JUDGMENT

BADAR DURREZ AHMED, ACJ (ORAL)

1. This writ petition has been filed seeking the following reliefs:-

- A) Issue a Writ, order or direction in the nature of certiorari calling for the records of documents/representations considered in the meeting of Task Force, Academic Council and Executive Council of Delhi University.
- B) Issue a Writ, order or direction in the nature of mandamus directing the Respondent to make necessary provision to introduce a bridge course for students with Vision Impairment in the first year of four years under graduate programme so that they can easily pursue the foundation course and become part of mainstream education system;

- C) Issue a Writ, order or direction in the nature of mandamus directing the Respondent to introduce the foundation course in the second year of the four years under graduate programme;
- D) Issue a Writ, order or direction in the nature of mandamus directing the Respondent to provide accessible reading materials to student with Vision Impairment and to make provision for training of the teachers who will teach the students with Vision Impairment Math's and Science and Life in the four years under graduate programme.
- E) Issue a Writ, order or direction in the nature of mandamus directing the Respondent to provide representation to the Persons with Disabilities or organizations working for the cause of disability as the members of Task Force, Academic Council, Executive Council or any other body of the Delhi University so that needs of Persons with Disabilities can also be taken into consideration while introducing a new four year under graduate programme with multiple degree and framing the syllabus for the said programme.

2. Certain directions were given by the predecessor Bench on 15.05.2013. Thereafter, a report of the Empowered Committee of the University constituted by the Vice Chancellor has been prepared and a copy of the same has been handed over to us today in the Court.

3. The very nature of this writ petition is not adversaid. This is so because the persons with disabilities have to be given special treatment and special care has to be taken so that they are brought into and remain in the mainstream. We are told that the University has admitted about 300 students who were visually impaired. One of the major concerns raised in the present petition is that a four-year undergraduate programme has been

introduced by the Delhi University that requires all students to have some training in Maths and Science. The petitioner has raised the concern that under normal circumstances, visually impaired students do not undergo any training in Maths or Science beyond Class VIII at the school level. However, this is controverted by the learned counsel for the University stating that there are many visually impaired students who have done mathematics even at the 10+2 level. Be that as it may, the concern of the petitioner in respect of the visually impaired students still needs to be addressed. One of the concern is that how would the visually impaired students cope up with the course of study in respect of Maths and Science which are to be undertaken in the first year of study in the said four-year undergraduate course. We feel that the report of the Empowered Committee has addressed these issues from two different stand points. One is the general stand point of providing certain measures which have been categorised as affirmative action measures which are to the following effect:-

- I. Exemption from all kinds of fees, including hostel fees.
- II. 50% rebate in mess charges for students in University/ College hostels.
- III. Providing laptops fitted with all softwares, to all students with disabilities.
- IV. Making travel by Metro Rail free for students with disabilities by issuing Metro cards in collaboration with DMRC.
- V. Plans to arrange International Educational visit to UK during last week of June, 2013 for about 20 students with disabilities in collaboration with British Council.”

4. Some concern was raised by the petitioner with regard to the kind of software that would be provided in the laptops to the disabled students. An immediate answer was given by the learned counsel for the Delhi University by stating that the software would include a software called 'NVDA' (Non Visual Desktops Access). Obviously, this software comes to the aid of visually impaired persons to access the laptop/desktop.

5. The report of the Empowered Committee then refers to the suggestions given by the petitioner organization and in that context it has been observed by the said Empowered Committee as under:-

- “As far as the Course “Science and Life” is concerned, it is relevant to refer to the opening sentence of the section “Objective and Expected Outcomes” of the Course. It states: “The aim of this Course is to build appreciation for Science, develop scientific temper and help the students understanding where and how science is linked to daily life.” It would be obvious from the above objective that the Course does not involve teaching of hard core science nor of different science disciplines-physics, chemistry etc. as independent subjects. This course does not involved any practical work on the part of the students. The committee, is, therefore, of the opinion that students with disabilities including the visually impaired will be able to do the course fully for which they would, of course be provided all requisite technological support as also peer-tutoring, which is a well-recognized mode of learning science for them all over the world.
- The course “Building Mathematical Ability” is a basic level course. The Course is designed not so much to teach mathematics as an independent hand full-fledged subject but to provide a hands on experience to the students for gaining insight in to the world of data and for providing a glimpse in to the practical power of the world of numbers. The students with disabilities including the visually impaired, will be able to complete the Course with ease and efficiency, as the required devices and reading materials would be made available to them.”

6. From the above, it is apparent that the course of study with regard to mathematical ability and Science and Life, are not in the strict sense, subjects pertaining to study of Maths proper or the study of Science proper. Therefore, the visually impaired students would be able to undertake those courses of study with help from technology as also peer-tutoring and reading materials being made available to such students in the form in which they can read.

7. We also find that the Empowered Committee has made a series of suggestions and recommendations which are to the following effect:-

“1.12 Suggestions/Recommendations

The committee makes the following recommendations/suggestions for consideration of the University of Delhi incorporating the interim suggestions/recommendations adopted by the academic council on 27th May, 2013 of the empowered committee:

1. No modification in the curricula prescribed for the Courses under reference is called for except, if and wherever applicable, substituting visual content with alternative content. It is further stated that both ‘Building Mathematical Ability’ and ‘Science in Life’ have equal importance for students with disabilities and non-disabled students in the day to day life.
2. A special orientation programme of appropriate duration should be conducted by the experts who formulated the Foundation Courses to enable the teachers in colleges to appreciate the spirit and purpose of these courses as regards content and the teaching methodology. They should also be sensitised with regard to the learning needs of these courses by the Visually Impaired students.
3. Visually Impaired teachers from different colleges should be involved with the orientation programmes so that they can assist the concerned teachers as regards the use of various

devices or possible alternatives that can be used to facilitate learning by the Visually Impaired students.

4. Dean, Faculty of Science and Dean, Faculty of Mathematical Sciences should be requested to get each topic under different units examined by the experts to identify the areas of difficulty for the Visually Impaired students and suggest possible alternative modes of demonstration, if required.
5. All the departments should identify core content for the respective courses so that the same can be made available to the visually impaired students in alternative format.
6. As regards field work/project work, it is suggested that the teachers should form the groups in the class such that the Visually Impaired students are included in the group with other students so that they develop a sense of belonging to the group and contribute to the task at hand to the best of their capability like other students in the group. Teachers and students should be sensitised to this effect.
7. It is recommended that in the case of visually impaired, course on “Science and Life” should be taught in the 1st semester and the course on “Building Mathematical Ability” in the 2nd semester. Such an arrangement is possible within the existing structure of the foundation course under FYUP programme.
8. Tutorials/remedial teaching/cluster teaching sessions should be conducted in these two Courses to address individual students difficulties and fill in the gaps on a regular basis throughout the two semesters.
9. However, in case there are some students with disabilities who do not find it at all possible to study these papers despite support from the University, they should be given the option to study two alternative papers Viz. History of Science and the course on History of Mathematics the syllabus for which should be prepared at the earliest. The concerned departments should be requested to prepare the syllabi of these Courses.
10. The teachers should be requested to describe orally the black board work, all visual contents, presentations, PPTs, animations, demonstration etc. for the benefit of students with disabilities. They should also encourage the fellow students to

describe such contents to the Visually Impaired students.

11. Special assistive devices should be made available to various colleges by the University. Also, appropriate steps should be taken to make libraries accessible for the visually impaired by putting in place appropriate materials and technology. An indicative list of some of the basic devices is given below:-
 - (i) Abacus for each of the student with visual impairment
 - (ii) Taylor frame with arithmetic and algebra types.
 - (iii) Tactile Geometry kit.
 - (iv) Brailor one for each college.
 - (v) Required software and hardware technology as identified by the University involving the visually impaired experts in such and other decision making and implementing processes.
12. Teachers teaching Mathematics at school at class XII level may also be invited to share their experience and expertise in respect of students with visual impairment.
13. Wherever any demonstration is required to be made, the Visually Impaired students should be evaluated on the basis of oral viva voce in case they are unable to make such demonstrations.
14. Principals of colleges should be requested to be more sensitive to the needs of students with disabilities and provide them all possible assistance and facilitation so that they develop a sense of belonging to their respective colleges and enjoy learning.
15. It is recommended that provisions and support for such students may be facilitated as per their requirements in addition to the above recommendations.”

8. Ms Pinki Anand, Senior Counsel, appearing on behalf of the University made a categorical statement that the University shall abide by these suggestions and recommendations in letter and spirit and the University shall ensure that special care and teaching is imparted to the visually impaired students so that they do not suffer any disability in the learning experience with the University. On instructions from Mr G. K.

Singh, Deputy Registrar, Delhi University, she also assures this Court that timely action will be taken in respect of all the suggestions and recommendations so that the visually impaired students do not suffer and feel left behind in the course of studies which the University would be imparting to them. We also make it clear that recommendation No.9 speaks of two alternative papers i.e. “History of Science” and “History of Mathematics”. That recommendation should be implemented immediately so that any students who may have difficulty in the normal course of study of “Building Mathematical Ability” and “Science and Life” could switch over to the alternative course of “History of Maths” and “History of Science” in time.

9. With these observations and directions, the writ petition and all the pending applications are disposed of.

BADAR DURREZ AHMED, ACJ

VIBHU BAKHRU, J

JULY 03, 2013
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