

(2004) 03 RAJ CK 0017

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1794 of 2004

Rukam Pal Singh and Others

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 26-03-2004

Acts Referred:

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 — Section 26, 29

Citation : (2004) 4 RLW 2515 : (2004) 3 WLC 105

Hon'ble Judges : Anil Dev Singh, C.J.;Khem Chand Sharma, J

Bench : Division Bench

Advocate : Jai Raj Tantia, for the Appellant; Madhav Mitra, Additional Government Advocate, for the Respondent

Judgement

Anil Dev Singh, C.J.—In this writ petition the petitioners point out that the provisions of "the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995" (for short "the Act") are not being given effect to.

2. Keeping in view the object and the purpose of the Act the State and the local authorities have to ensure that every child with a disability has access to free education in an appropriate environment till he attains the age of eighteen years. Besides, it has to be the endeavour of the State and the local authorities to promote the integration of students with disabilities in the normal schools. The Government and the local authorities are also required to set up special schools in government and private sectors for those in need of special education in such a manner that children with disabilities living in any part of the country have access to such schools.

3. It appears that proper schools need to be set up in the State of Rajasthan and the teachers who can render special education to the children with disabilities, need to be trained and appointed.

4. As per Section 29 of the Act, the appropriate government is required to set up adequate number of teachers' training institutions and assist the national institutes and other voluntary organisations to develop teachers' training programmes specializing in disabilities so that requisite manpower is available for special schools and integrated schools for children with disabilities. This provision is of some significance. It reflects that the legislature recognized the fact that the persons having special training in teaching the students with disabilities can help them to equip themselves with proper education and to overcome disabilities in acquiring education.

5. Having regard to the provisions of Section 26 and 29 of the Act, we direct the State to take steps to impart requisite training to the teachers for imparting special education to the children with disabilities and to appoint them with a view to promote the integration of students with disabilities in the normal schools. The State shall also take steps to promote setting up special schools in the government and private sectors for those in need of special education in such a manner that children with disabilities have access to such schools.

6. With these directions, the writ petition is disposed of.

7. However, the matter be listed for monitoring the compliance of the order. The State shall file a report within three months.

8. List the matter on 5.7.2004.