

**OFFICE OF THE CHIEF COMMISSIONER FOR PERSONS WITH
DISABILITIES**

Ministry of Social Justice and Empowerment, Govt, of India

Case No. 34/1041/11-12

Dated: 24th February 2012

In the matter of:

Shri J.L. Kaul,
Secretary General,
All India
Confederation of the
Blind, Braille
Bhawan
(Behind Rajiv Gandhi Cancer Hospital)
Sector-5, Rohini, Delhi-110 085
.....Complainant

Versus

Staff Selection Commission,
Through: The Chairman,
Block 12, CGO Complex,
Lodhi Road, New Delhi -110003
.....Respondent

Date of hearing: 05.1.2012 & 03.02.2012

Present:

- (i) Dr. Anil Aneja, All India Confederation of the Blind for complainant,
- (ii) Shri. Ahok Kumar Roy, Under Secretary for the respondent

ORDER

Shri J.L. Kaul, Secretary General, All India Confederation of the Blind (AICB), Delhi, filed a complaint dated 31.03.2011 before the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full

Participation) Act, 1995 hereinafter referred to as the 'Act' against Staff Selection Commission (SSC)

2. Shri Kaul inter-alia submitted that the candidates with blindness and low vision were not provided computers loaded with any Screen Reading Software and the keyboard of the computers for Hindi medium candidates was different from the normally used one. That put the candidates with visual impairment to serious disadvantage. Shri Kaul suggested the following options for candidates with visual impairment in the test scheduled on 15.04.2011 for the post of Stenographer;-

(i) SSC may provide standard screen reading software in the computers used by candidates with Visual impairment for the test: or

(ii) the candidates with visual impairment may be allowed to take the test on their own computers loaded with standard screen reading software; or

(iii) the test for candidates with visual impairment may be conducted in the computer training centers for the blind in the NGOs / Government organizations.

3. The matter was taken up with Staff Selection Commission, vide letter dated 07.04.2011 requesting the said Commission to consider the options suggested by Mr. Kaul and to provide commonly used key board for Hindi medium candidates so that they are not put to disadvantage vis-a vis other candidates.

4. Vide his letter dated 26.12.2011, Shri J.L. Kaul submitted that in spite of Office of Chief Commissioner for Persons with Disabilities letter dated 07.04.2011, no favourable action was taken by SSC and as a result many of the eligible candidates could not qualify in the skill test for the post of Stenographer held on 15.4.2011. He also submitted that Ms. Nitu, a person with blindness who had applied for the posts of Stenographer and LDC published in Employment News dated 16-22 July, 2011 had been directed to appear for the skill test using inscript keyboard. The test was to be taken on computers and the inscript keyboard is different from manual type keyboard and does not have any facility of screen reader which is a great disadvantage to persons with visual impairment. Besides,

such an arrangement also adversely affects the performance and prospects of the candidates with blindness and low vision. He also stated that standard screen readers like JAWS for English and SAFA for Hindi were not being allowed in the skill test fixed for 10.01.2012. As the SSC did not file their version, a hearing was scheduled on 05.1.2012.

5. While none appeared for SSC on the day of hearing, Dr. Anil Aneja on behalf of complainant questioned the entire recruitment process undertaken by SSC in pursuance of various advertisements during the year 2011 and raised following issues :-

- (i) As the recruitment process was not accessible for candidates with visual impairment, 1% reservation for them cannot be maintained.
- (ii) The skill tests for the posts of Stenographer and LDC were scheduled to commence from the first fortnight of January, 2012, therefore, immediate directions to the respondent to make those tests accessible were required.

6. In view of the urgency of the matter and in order to protect the rights of the candidates with visual impairment who were likely to appear in the ensuing skill tests for Stenographer and LDC across the country. SSC were directed as under:

- (i) Candidates with visual impairment be allowed the choice of the key Board Layout that is compatible With Mangal Font for taking the skill tests. The appropriate Key Board Layout together with the compatible Screen Reading Software such as JAWS, SAFA, etc. for the purpose of skill test to be provided either by SSC at the venue of the tests, or the visually impaired candidates be allowed to use their own computer / laptop for the skill test.
- (ii) It may be ensured that the softwares are loaded in the computers well in advance so that the concerned candidates with visual impairment are not put to any last minute confusion.
- (iii) Appropriate instructions be issued to all the concerned authorities responsible for conducting the skill tests to ensure that the above directions are implemented at all the centres'.

7. Though, the action taken in the matter along with the reply of SSC was sought by 25.01.2012, nothing was heard from SSC. The matter was, therefore,

fixed for hearing on 03.2.2012 when the representative of respondent Shri Ashok Kumar Roy, Under Secretary in SSC, submitted that the officer of appropriate level was not available on 05.01.2012 due to the Regional Directors' meeting on that day. He also stated that the representation of Shri J.L. Kaul regarding the provision of software, etc., was examined and the matter is being looked into keeping in view the availability of the computers / software across the country especially in small towns and rural areas. He stated that SSC is ensuring appropriate assistance by providing scribe and reader to candidates with visual impairment during the examination / skill tests. He also stated that there were no other representations pointing out the difficulties being faced by the candidates with visual impairment during the skill test.

8. After hearing the parties, the respondent was advised to intimate within a week as to whether SSC would be able to provide facilities of screen reading software such as JAWS, SAFA, NVDA, etc. in a phased manner specifying a time frame to those candidates with visual impairment who wish to use them at the time of skill test; or alternatively, whether the respondent will allow them to use their own computer/laptop having such screen reading softwares for the purpose and to submit a detailed written submission. The complainant was also directed to submit a brief summary of the case highlighting the technical dimensions of the issues involved.

9. While till date SSC have neither submitted any written submissions nor have they responded to the Record of Proceedings dated 03.02.2012, the complainant has filed the following written submissions highlighting the technical aspects of the case:

(i) The specific procedural points of objection involved in the conduct of the skill tests by SSC are;

a) SSC in its call letters to candidates has, in the recent instances, insisted on the use of a specific keyboard while taking the skill test in Hindi.

b) The SSC instead of providing the appropriate screen reading software to the visually impaired at the time of taking the skill tests, provides them with a person to read out the screen while the visually impaired person is typing.

(ii) With reference to point 9(i)(a) above, it has been stated that the visually

impaired persons normally learn typing on a manual typewriter first as a number of government organizations still take skill tests in typing on a manual typewriter. As the manual typing does not have inscript keyboard, a sudden switch over to the inscript keyboard by the visually impaired at the time of taking the skill test would put them at a serious disadvantage in terms of speed and accuracy. This in turn would damage their chances of doing well in the skill test.

(iii) With reference to point 9(i)(b) above, the complainant has stated that a person with blindness learns computer only by using a screen reading software. It is not possible for a blind person to learn and work on computers without the use of a screen reading software. However, at the time of taking this skill test conducted by the Staff Selection Commission, the appropriate screen reading softwares are not being provided. Instead, a person is made available who would read out the screen when needed. This provision places the blind candidate taking the skill test on an unequal footing on following three grounds :-

- a) This is not how he/she has learnt to type on computer. Thus, a sudden change of method in accessing the computer screen may disorient and disturb the visually impaired candidate thereby damaging his/her performance and chances of selection.
- b) As the performance of the visually impaired candidate in the skill test would depend on the efficiency commitment and attention of the person reading the screen (who is not even chosen by the candidate), the candidate may perform better or worse in comparison with his / her performance if he/she was using a screen reading software. In either case, the test cannot be called a true indicator of the candidate's capabilities and thus, the skill test loses its meaning.
- c) The sighted person has the independence of negotiating with the screen independently. If a visually impaired person can also have the same independence by using a software and if the right is not being given to him, then, such a system {of the kind followed by the Staff Selection Commission) puts the visually impaired person at a disadvantage as compared to sighted person taking the test placing a blind or low vision candidate at such disadvantage is against the spirit of article 14 of the Constitution of India as well as against the spirit of the Persons with

Disabilities Act.

(iv). The purpose of any skill test is to either find out what the candidate has learnt or to find out whether the candidate can perform in office. As the visually impaired candidates neither learn computers without using screen reading software nor would they work in offices after selection without using screen reading software, then to take the skill test by using a person to read the screen when a more independent option is available, seems, to say the least, rather ill logical. The system followed by the Stall Selection Commission might have made some sense if the visually impaired persons working in offices were provided dedicated human assistance to help them in their work. As that is not the case at present, the procedure followed in taking the skill test of the visually impaired is most irrational and discriminatory against the visually impaired.

(v). As per the complainant, the screen reading software shall also be included in the term, 'the magnifying software' required by persons with low vision in taking the skill tests.

(vi). As per the provisions of article 9 and article 27 of UNCRPD, India is obliged to make its recruitment processes accessible for all persons with disabilities by using "advance technologies". The present petition is based on the above articles also and seeks to put in place complete accessibility norms for the blind and the low vision in all recruitment processes.

(vii). It is submitted that as there are a number of open source screen reading softwares available, such as NVDA and SAFA, the cost implications on S.S.C to ensure accessibility of screen reading while taking the skill test would not be very high.

(viii). As the software for the skill tests conducted by the SSC is designed by National Informatics Centre (NIC), it should be ensured that this software developed by the NIC is compatible with the screen / softwares normally used by the blind and the low vision.

(ix). Not allowing the visually impaired candidates the facility of screen reading the magnifying softwares, amounts to the violation of Sections 32 and 33 of the Persons with Disabilities Act because, the terms 'reservation' would also include accessible recruitment processes in the absence of which inappropriate candidates

may get selected which in turn would be unjust to those who deserve to get selected. Therefore, in addition to putting in place screen reading and magnifying softwares all recruitments made after the directions of this office to the SSC dated 07.04.2011 to be cancelled.

10. As SSC have not submitted any written submissions in the matter ever since it was referred to them in April 2011, based on the material available on record and other oral submissions of the parties, SSC are directed to provide appropriate Hindi and English Screen Reading Softwares for the purpose of skill test of Stenography and typing in all its examinations in future to the candidates with blindness or low vision at all examination centres for such candidates across the country. It may also be ensured that the softwares are loaded in the computers well in advance so that the concerned candidates with blindness or low vision are not put to any last minute confusion.

11. Without prejudice to the generality of the above directions to the respondent, the Complainant is also advised to introduce, in a phased manner, training in the use of in script Keyboard since persons with blindness, if trained can use in script Keyboard, and, since the practice of using in script Keyboard is getting institutionalized in government establishments.

**(Prasanna Kumar Pincha) Chief
Commissioner for Persons with
Disabilities**