



न्यायालय मुख्य आयुक्त दिव्यांगजन
 COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
 दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)
 सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment
 भारत सरकार/Government of India
 5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011)20892364
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Case No.14183/1040/2023

In the matter of:

Mx. A P

...Complainant

Versus

The Director, National Testing Agency

...Respondent

1. Gist of the Complaint

1.1 The Complainant, a person with **benchmark intellectual disability**, alleges a violation of rights during the **CUET (UG) 2023 examination** conducted on 02.06.2023. The grievances relate to:

- (a) delay in commencement of the exam because the scribe was made to fill documents instead of providing reading assistance;
- (b) inaccessibility of the test centre, located on the first floor without adequate accessible features;
- (c) inadequate scribe support, including the scribe's inability to read effectively; and
- (d) lack of reasonable accommodation, contrary to the **Rights of Persons with Disabilities Act, 2016** ("RPwD Act").

1.2 The Complainant further submits that she identifies as a **transgender woman**, and her passport reflects her gender as "Female". However, she was frisked by male security staff and subjected

to repeated identity checks due to gender-marker discrepancies. The absence of gender-neutral toilet facilities also caused discomfort and humiliation.

2. Reply of Respondent

2.1 The complaint was forwarded to the Respondent vide notices dated **20.06.2023** and **27.07.2023**.

2.2 No response has been received.

3. Hearing

3.1 A hybrid hearing was held on **10.07.2025**. The following appeared:

Sl. No.	Name	For	Mode
1	Mx. A P	Complainant	Online
2	(i) Mr. Rajesh Kumar, Director	Respondent	Online
	(ii) Ms. Sanjeeta, Consultant		

3.2 The Complainant reiterated the difficulty faced during the CUET examination: inaccessible infrastructure, delay caused by the scribe's tasks, and lack of competent scribal support.

3.3 The Respondent submitted that the incident relates to 2023 and sought clarity on the Complainant's specific request for relief.

4. Observations

4.1 Under **Sections 16 and 17** of the RPwD Act, educational authorities must ensure equal opportunity, non-discrimination, and provision of reasonable accommodation. The complaints relating to inaccessible centres and inadequate scribe support indicate potential systemic lapses in ensuring barrier-free access.

4.2 As per the **DEPwD Guidelines for Conducting Written Examinations (2018)**, candidates with disabilities other than blindness/low vision must produce a **medical certificate recommending a scribe**. The Complainant did not possess such a certificate during the examination. To avoid such difficulties in future examinations, the Complainant should obtain the requisite certificate in the prescribed manner.

4.3 On the transgender-related issues, the Supreme Court in **NALSA v. Union of India, (2014) 5 SCC 438** affirmed the right of every transgender person to recognition of their self-identified gender and protection from discriminatory or humiliating treatment. Subjecting the Complainant to frisking by male security personnel and repeated documentation checks is inconsistent with the dignity and autonomy safeguarded under **Articles 14, 15, 19, and 21** of the Constitution.

4.4 The absence of gender-neutral facilities—while not explicitly mandated under the RPwD Act—constitutes a barrier to full participation and reflects an avoidable impediment under **Section 75(1)(d)**, warranting remedial recommendations.

4.5 Although the examination has concluded and no practical relief can now be granted with respect to CUET 2023, the shortcomings identified call for systemic corrective action by the Respondent to prevent recurrence.

5. Recommendations

5.1 The Complainant is advised to obtain, for all future examinations, a **medical certificate** clearly recommending the need for a scribe, in accordance with the 2018 Guidelines.

5.2 The Respondent (NTA) is recommended to:

- (a) ensure that all examination-related staff strictly comply with the principles laid down in **NALSA (2014)**, including respecting the self-identified gender of candidates for frisking and verification;
- (b) put in place clear protocols to avoid repeated or intrusive verification of transgender candidates whose government-issued IDs reflect their declared gender;

- (c) ensure availability of gender-neutral or alternative safe toilet facilities at examination centres, wherever feasible;
- (d) strengthen mechanisms for empanelment and training of scribes to ensure competent and timely support;
- (e) ensure that all examination centres comply with accessibility requirements under **Rule 15 of the RPwD Rules, 2017**, the **Harmonised Guidelines & Standards for Universal Accessibility (2021)**, and other applicable standards;
- (f) Conduct an internal review of safeguards to ensure that similar violations do not recur.

6. Time for Implementation

6.1 In terms of **Section 76 of the RPwD Act, 2016**, the Respondent shall implement the above recommendations **within three months** from the date of receipt of this Order.

7. Disposal

7.1 The case is accordingly **disposed of** with the above recommendations.

(S. Govindaraj)
Commissioner for Persons with Disabilities