

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 187 OF 2004

DISABLED RIGHTS GROUP

Petitioner(s)

VERSUS

CHIEF ELECTION COMMISSIONER & ANR.

Respondent(s)

(With office report)

WITH T.P.(C) NO. 718-719 of 2005
(With Appln.(s) for stay and office report)

Date: 05/10/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Petitioner-In-Person.

Mr. Harish N.Salve, Sr.Adv.(A.C.)

For Respondent(s)

Ms. Meenakshi Arora,Adv.

Ms. Hemantika Wahi ,Adv.
Ms. Pinky, Adv.

Mr.U.Hazarika, Adv.
Mr. Satya Mitra, Adv.
Ms. Sumita Hazarika, Adv.

St.of Nagaland

Mr.Vikas Singh, ASG.
Mr.S.Wasim A.Qadri, Adv.
Mr.D.S.Mahra, Adv.

Mr. P. Parmeswaran ,Adv.

Mr. Colin Gonsalves, Sr.Adv.

Mr. Jai Singh, Adv.

Ms.Jyoti Mendiratta, Adv.

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UPON hearing counsel the Court made the following
ORDER

Writ Petition(C) No.187/2004

The writ petition is disposed of in terms of the signed order.

T.P.(C)Nos.718-719 of 2005

In view of the disposal of the Writ Petition(C) No.187/2004, the transfer petiti
ons
are disposed of.

(Sheetal Dhingra)
Court Master

(Veera Verma)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.187 OF 2004

Disabled Rights Group

... Petitioner

Vs.

Chief Election Commissioner & Anr.

... Respondents

With

TP (C) No. 718-719 of 2005

ORDER

W.P. (C) No.187/2004 :

A letter written by a Disabled Rights Group, an NGO, to this Court was registered as a writ petition in public interest. The grievance expressed in the letter related to the absence of

facilities to persons with disabilities to exercise their franchise in the elections. The petitioner

referred to the need for : (a) wooden ramps at polling stations to enable disabled persons to have an easy access; (b) the numbers in the electronic voting machines (EVMs) being written in Braille to enable visually impaired voters to feel the numbers and press an appropriate button to

cast the vote; (c) separate queues and special arrangements for persons with disability at polling stations; and (d) the polling station personnel to be courteous and render necessary assistance to enable persons with disability to exercise their franchise with least inconvenience.

These suggestions were reiterated by the amicus curiae. The Election Commission of India have responded to these suggestions. Apart from drawing attention to Rule 49-N of the Conduct of Election Rules, 1961 and Para 39 of the 'Handbook for Returning Officers' issued by Returning Officers (relating to recording of votes of blind/infirm electors), the Commission stated

that it has issued instructions to Chief Electoral Officers of all States and Union Territories, to

provide ramps to enable physically handicapped persons to use their wheel chairs to go into the

polling stations, to have separate queues for physically handicapped, and to sensitize poll personnel about the special needs of the disabled and be courteous to them. In regard to the suggestion relating to printing of serial numbers in Braille, the Election Commission stated that it

will evolve an appropriate and satisfactory solution in consultation with the Ministry of Social

Welfare and Empowerment, representatives of NGOs. engaged at the national level in the welfare of visually challenged, as also Technical Experts from the ECIL and BEL, (the two firms manufacturing EVMs). It is stated that even the existing EVMs. have been designed keeping in view the needs of the visually handicapped and hearing-impaired electors.

On 19.4.2004, this Court directed the Chief Secretaries of respective States, in coordination with the Chief Electoral Officers of those States, to make available wooden ramp facilities at polling stations situated in cities and in urban areas. By communication dated 20.10.2005, the Election Commission instructed all State Governments/Union Territories to make provisions for good quality permanent ramps in all public buildings where polling stations are located. By affidavit dated 23.4.2007, Election Commission has confirmed that in the election held after 19.4.2004, specific instructions have been issued to provide ramps at polling stations.

It is also stated that new EVMs. containing Braille numerals by the side of the ballot buttons have been introduced to assist the visually challenged. Thus Election Commission has broadly dealt with the grievances aired by the petitioner.

The learned counsel for the petitioner stated that though instructions had been issued by the Election Commission, they are not being followed in their letter and spirit by the respective Governments and several polling stations are not provided the facilities. It is true that the Election Commission should also ensure that the instructions are followed effectively.

The remedy is for the Election Commission to give appropriate directions to the officials manning the polling stations, regarding the special facilities for the physically disabled electorate

at all polling stations. This should be done well-in-advance and sufficient publicity should also

be given in the print and electronic media about the availability of such facilities so that the

persons with disabilities are aware of the facilities beforehand and are, thus, encouraged to go

and exercise their franchise. Further, its observers should also satisfy that such facilities are

given. The absence of such facilities should be notified to the respective Government for remedial/future action. On behalf of the Election Commission of India it is stated that the

appropriate directions will be given in this behalf. We are of the view that the above

directions/observations will meet the needs of the disabled voters. We accordingly dispose of the writ petition.

T.P. (C) Nos. 718-19 of 2005 :

In view of the disposal of this writ petition, there is no need to transfer the two petitions

pending before the Bombay High Court (W.P. (PIL) No.3063/2004) and the Jharkhand High Court (W.P.(PIL) No.753/2005) on the same subject-matter. The respective High Courts may

deal with the said petitions and may dispose them appropriately. The Transfer Petitions are accordingly disposed of.

.....CJI.

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(K G Balakrishna

New Delhi;
October 5, 2007.

.....J.
(R V Raveendran)