

ITEM NO.14

COURT NO.7

SECTION PIL-W

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 243/2005

RAJIVE RATURI

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

[ FOR COMPLIANCE ]....[TO BE TAKEN UP HIGH ON THE BOARD]

IA No. 144854/2018 - APPLICATION FOR PERMISSION

IA No. 121954/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 84893/2018 - EXEMPTION FROM FILING O.T.

IA No. 3/2009 - EXEMPTION FROM FILING O.T.

IA No. 2/2007 - EXEMPTION FROM FILING O.T.

IA No. 1/2005 - EXEMPTION FROM FILING O.T.

IA No. 96423/2018 - I/A FOR FILING STATUS REPORT CUM ACTION TAKEN  
REPORT - PER BY CM

IA No. 89088/2018 - INTERVENTION APPLICATION

IA No. 96163/2018 - INTERVENTION/IMPLEADMENT

IA No. 5/2014 - PERMISSION TO FILE ANNEXURES

IA No. 4/2012 - PERMISSION TO FILE ANNEXURES

WITH

W.P.(C) No. 228/2006 (PIL-W)

FOR EXEMPTION FROM FILING O.T. ON IA 1/2006

FOR EXEMPTION FROM FILING O.T. ON IA 2/2011

IA No. 2/2011 - EXEMPTION FROM FILING O.T.

IA No. 1/2006 - EXEMPTION FROM FILING O.T.

W.P.(C) No. 1380/2019 (PIL-W)

IA No. 68652/2021 - APPLICATION FOR PERMISSION

W.P.(C) No. 600/2021 (PIL-W)

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 65053/2021

IA No. 65053/2021 - EXEMPTION FROM FILING AFFIDAVIT

W.P.(C) No. 524/2024 (PIL-W)

FOR ADMISSION

Date : 11-02-2026 These matters were called on for hearing today.

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HON'BLE MR. JUSTICE K.V. VISWANATHAN

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UPON hearing the counsel the Court made the following  
O R D E R

1. We heard Mr. Rahul Bajaj, the learned counsel appearing for the intervenor, namely, Mr. Amar Jain, the learned counsel

appearing for the petitioner in item no. 14.2, Ms. Roma Bhagat, the learned counsel appearing for the original petitioner, Rajive Raturi and Ms. Aishwarya Bhati and Ms. Archana Pathak Dave, the learned A.S.G.s appearing for the Union of India.

2. In the course of today's hearing, Mr. Rahul Bajaj laid much emphasis on two directions issued by this Court in its judgment titled *Rajive Raturi vs. Union of India* reported in (2024) 16 SCC 654 more particularly, para 76 and 77 respectively. Para 76 and 77 reads thus:-

"76. Similar objectives are found in the guidelines prescribed in other clauses of Rule 15 as well. Illustratively, at random, we may refer to the (i) Guidelines for Accessibility Standards in the Port Sector issued by the Ministry of Port Shipping and Waterways; and (ii) Accessibility Standards and Guidelines for Civil Aviation 2022. The stated objectives of these documents are as follows:

**"Accessibility Standards in the Port Sector**

The guidelines provided *here are illustrative in nature and not exhaustive*. They intend to meet the immediate requirements of Accessibility to ensure that the facilities are made usable by the persons with disability and reduced mobility. Besides these guidelines, the sector specific detailed guidelines made by Experts such as the guidelines on Accessibility Standards prepared by Tourism and Travel Department, Transport Department, Hotel Industry, Commercial and Industrial Department may also be, to the extent relevant, relied upon and used at different places in the Port, Harbours and Piers. *To this extent, these guidelines are not conclusive; but are open to continual improvement.*

*These guidelines can be used as broad guiding principles for planning of Accessibility Standards at the time of construction of Cruise and Passenger Terminals, Transport Hubs in the Ports and harbours as also in retrofitting the existing structures.* To ensure that these guidelines remain practical for implementation,

salient features of the guidelines have been discussed with the Nodal Officer for Cruise Tourism and the other Stakeholders.

### **Accessibility Standards and Guidelines for Civil Aviation**

*This document is a foundation stone in achieving accessible airports. Its true success shall be seen in the implementation at various airports resulting in more safe, inclusive and convenient customer experience and we believe that it will happen over time."*

77. The above extracts indicate that these two documents also do not envisage mandatory rules and instead appear to be recommendatory guidelines. The Accessibility Standards in the Port Sector are conceived as "illustrative", and "non-conclusive" and only as "broad guidelines" for both new construction and retrofitting. It is difficult to fathom how a document which is only illustrative and contains broad guidelines, can be mandatorily enforced, with consequences such as fines and withholding of completion certificates. Similarly, the Accessibility Standards and Guidelines for Civil Aviation also indicate that they seek to be achieved "over time"."

**3. In the aforesaid context, Mr. Bajaj invited our attention to clause 4 of the Allocation of Business Rules, 1961. The same reads thus:-**

*"4. To act as the nodal Department for matters pertaining to Disability and Persons with Disabilities.*

*NOTE: The Department of Empowerment of Persons with Disabilities (Divyangjan) shall be the nodal Department for the overall policy, planning and coordination of programmes for Persons with Disabilities. However, overall management and monitoring etc. of the sectoral programmes in respect of this group shall be the responsibility of the concerned Central Ministries, State Governments and Union Territory Administrations. Each Central Ministry or Department shall discharge nodal responsibility concerning its sector."*

4. Thereafter, he invited our attention to Rule 15(2) of the Rights of Persons with Disabilities Rules, 2017. The same reads thus:-

***"15. Rules for Accessibility.-***

*(2) The respective Ministries and Departments shall ensure compliance of the standards of accessibility specified under this rule through the concerned domain regulators or otherwise."*

5. In the aforesaid context, Mr. Bajaj wants this Court to direct as under:-

*A. In sectors in which there is a preclearance regime, the Relevant Ministry or Department, through the domain regulator or otherwise, must seek an accessibility conformance report/undertaking from the Establishment concerned regarding compliance with the applicable non-negotiable accessibility norms as a part of the licensing/certification conditions;*

*B. In sectors in which there is no preclearance regime, the relevant Department or Ministry must seek an accessibility undertaking from the concerned Establishment about compliance with the prescribed non-negotiable accessibility norms;*

*C. Such an undertaking must be given by a senior level officer in the Establishment concerned; and*

*D. In case such an undertaking is not given, or is found to be false/misleading, appropriate remedies in accordance with law may be taken against the concerned Establishment by the respective Ministry/Department through the domain regulator or otherwise in accordance with statutes/rules governing the concerned ministry and department.*

6. Further, Mr. Bajaj also prays that this Court may issue the following directions:-

*"A. The Union of India may be directed to prescribe that the Chief and State Commissioners of Persons with Disabilities must hold the office of Disability Commissioner as a separate and independent charge;*

*B. All vacancies of Disability Commissioners must be filled up within a time period to be prescribed by this Hon'ble Court; and*

*C. The Union of India may be directed to prescribe modalities for the recovery of fines imposed by the Chief and State Commissioners of Persons with Disabilities u/s 89 of the RPwD Act, 2016, within a time-bound manner, as prescribed by this Hon'ble Court."*

7. The learned counsel appearing for the original petitioner, namely, Rajive Raturi, would submit that the draft rules have been published which contain certain anomalies and the same have been highlighted by way of objections.

8. On the other hand, Ms. Bhati and Ms. Dave, the learned A.S.G.s appearing for the Union of India would submit that by way of order dated 04.04.2025 passed by this Court, six months' time period was granted for the Committee to file its report. The Committee has been working relentlessly on all the issues but it requires some more time. Ms. Bhati prays for six months' more time for the report to be placed before us.

9. We request Ms. Bhati and Ms. Dave to first look into the aspects highlighted by Mr. Bajaj referred to above and also the anomalies which have been pointed out in the rules by way of objections.

10. We grant four months' time for the completion of the work undertaken by the Committee and place appropriate report before us.

11. By the next date of hearing, we expect the Union to place before us the final report.

12. Post the Writ Petitions on 16.07.2026. To be treated as part-heard.

(HARPREET KAUR)  
COURT MASTER (SH)

(POOJA SHARMA)  
COURT MASTER (NSH)