

ITEM NO.1

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G SIA 89088/2018,96163/2018,96423/2018, in Writ Petition(s) (Civil)  
No(s). 243/2005

RAJIVE RATURI

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

([FOR DIRECTION] )

WITH

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

Date : 15-01-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

Counsel for Parties:

Mr. Rajan Mani, Adv.  
Ms. Shankari Srivastava, Adv.  
Ms. Jyoti Mendiratta, AOR

Mr. Amit Sharma, Adv.  
Mr. Ankit Raj, Adv.  
Mr. Milind Kumar, AOR

Mr. Jogy Scaria, AOR

Ms. Hemantika Wahi, AOR  
Ms. Vishakha, Adv.

Mr. Leishangthem Roshmani., Adv.  
Ms. Anupama Ngangom, Adv.  
Ms. Maibam Babina, Adv.

Ms. Sneha Kalita, Adv.

Mr. Pravin H. Parekh, Sr. Adv.  
Mr. Kshatrashal Raj, Adv.  
Ms. Ritika Sethi, Adv.  
Ms. Taya Chaudhary, Adv.  
M/s. Parekh & Co.

Ms. Swarupama Chaturvedi, AOR  
Mr. B.N. Dubey, Adv.

Mr. S. Udaya Kumar Sagar, Adv.  
Mr. Mrityunjai Singh, Adv.

Mrs. D. Bharathi Reddy, AOR

Mr. Ratan Kumar Choudhuri, AOR

Mr. Rajesh Srivastava, AOR

Mr. P. V. Yogeswaran, AOR  
Mr. Shikhar Garg, Adv  
Mr. Mudit Makhijani, Adv  
Mr. Eeshan Pandey, Adv

Ms. Aishwarya Bhati, AAG  
Mr. Krishnand Pandey, AOR

Ms. Pragati Neekhara, AOR

Mr. Nikhil Goel, AOR

Mr. T.G.N. Nair, Adv.

Ms. Pinki Anand, ASG  
Ms. Sunita Sharma, Adv.  
Mr. R.R. Rajesh, Adv.  
Mr. Raj Bahadur, Adv.  
Mr. S.W.A. Qadri, Adv.  
Ms. Kirti Dua, Adv.  
Mr. Arun Kumar Yadav, Adv.  
Mr. Sumit Teterwal, Adv.  
Mrs. Anil Katiyar, AOR

Ms. K. Enatoli Sema, Adv.  
Mr. Amita Kumar Singh, Adv.

Mr. Kamini Jaiswal, AOR

Mr. Ranjan Mukherjee, AOR  
Mr. K.V. Khallyngdoh, Adv.  
Mr. Deniel Stone Lyngdoh, Adv.  
Mr. Upendra Mishra, Adv.

Mr. Soumya Chakraborty, Sr. Adv.  
Mr. Kunal Chatterji, AOR  
Ms. Maitrayee Banerjee, Adv.  
Mr. Saurav Gupta, Adv.

Mr. A.D.No. Rao, Adv.

Mr. Venkatesh, Adv.  
Mr. Rahul Mishra, Adv.

Mr. Anil Shrivastav, AOR

Mr. Jatinder Kumar Bhatia, AOR

Mr. Kuldip Singh, AOR

Mr. Gopal Singh, AOR

Mrs. B. Sunita Rao, AOR

M/S. Corporate Law Group, AOR

Ms. Ranjeeta Rohatgi, AOR

Ms. K. Enatoli Sema, AOR

Ms. Diksha Rai, AOR  
Ms. Palak Mahajan, Adv.

Mr. V. N. Raghupathy, AOR  
Mr. Parikshit P. Angadi, Adv.

Ms. Aruna Mathur, Adv.  
Mr. Avneesh Aruptham, Adv.  
Ms. Anuradha Arputham, Adv.  
Ms. Geetanjali, Adv.  
M/S. Arputham Aruna And Co, AOR

Mr. Nishe Rajen Shonker, AOR

Mr. Bharat Sangal, AOR  
Ms. Babita Kushwaha, Adv.  
Ms. Isha Gupta, Adv.

Mr. Raj Singh Rana, AOR

Mr. Aniruddha P. Mayee, AOR  
Mr. Chirag Jain, Adv.

Mrs. Niranjana Singh, AOR

Mr. Chanchal Kumar Ganguli, AOR

Mr. V. K. Verma, AOR

Mr. M. T. George, AOR

Mr. T.N. Rama Rao, Adv.

Mr. Hitesh Kumar Sharma, Adv.  
Mr. T. Veera Reddy, Adv.  
Mr. T.V. George, Adv.

Mr. Jai Dehadrai, Adv.  
Ms. Shinangini Gupta, Adv.  
Mr. Sidharth Arora, Adv.  
Mr. Prashant, Adv.  
Ms. Manisha A, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Ms. Ruchi Kohli, AOR

Mr. Abhinav Mukerji, AOR(AAG)  
Ms. Bihu Sharma, Adv.  
Ms. Purnima Krishna, Adv.  
Ms. Pratishtha Vij, Adv.  
Mr. Siddharth Garg, Adv.

Mr. Tanmaya Agarwal, AOR

Mrs. Swarupama Chaturvedi, AOR

Mr. Shuvodeep Roy, AOR  
Mr. Kabir Shankar Bose, Adv.

Mr. Arjun Garg, Adv.  
Mr. Aakash Nandalia, Adv.  
Mr. Manish Yadav, Adv.  
Mr. Divansh Sharivastava, Adv.

Mr. Suhaan Mukerji, Adv.  
Ms. Astha Sharma, Adv.  
Mr. Amit Verma, Adv.  
Mr. Abhishek Manchanda, Adv.  
Ms. Kajal Dalal, Adv.  
Ms. Dimple Nagpal, Adv.  
Ms. Leelawati, Adv.  
M/S. PLR Chambers And Co., AOR

Mr. T. R. B. Sivakumar, AOR

Mr. Sanjai Kumar Pathak, Adv.  
Ms. Shashi Pathak, Adv.  
Mr. Arvind Kumar Tripathi, Adv.

Mr. M. Shoeb Alam, AOR  
Mr. Ujjwal Singh, Adv.  
Mr. Gautam Prabhakar, Adv.  
Mr. Mojahid Karim Khan, Adv.

Mr. Gautam Naryan, Adv.  
Ms. Asmita Singh, Adv.

Mr. B. V. Balaram Das, AOR

Mr. Mirnal Kanthi Mondal, Adv.  
Mr. K.V. Jagdishvaran, Adv.  
Ms. G. Indira, AOR

Mr. Shishir Deshpande, AOR  
Ms. Ruchira Gupta, Adv.  
Mr. Salvadore Rebello, Adv.

Mr. Shibashish Misra, AOR

Mr. Chirag M. Shroff, AOR  
Ms. Neha Sangwan, Adv.  
Ms. Mahima C. Shroff, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. Guntur Prabhakar, AOR  
Ms. Prerna Singh, Adv.  
Mr. Prasanth Mathur, Adv.

Mr. Sanjay Kumar Visen, AOR  
Ms. Ritu Rastogi, Adv.  
Ms. Sasmita Thripathy, Adv.  
Mr. Navin Gupta, Adv.

Mr. V. G. Pragasam, AOR

Mr. T. Mahipal, AOR

Mr. Mishra Saurabh, AOR

Mr. Gopal Prasad, AOR  
Mr. Jayesh G., Adv.

Ms. Susmita Lal, AOR

Mr. Sudarshan Singh Rawat, AOR

Mr. M. R. Shamshad, AOR

Mr. C. K. Sasi, AOR

Mr. M. Yogesh Kanna, AOR

Mr. B. S. Banthia, AOR

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

This Court had passed the judgment and order dated 15.12.2017 this writ petition whereby the States as well as the Union Territories were, *inter alia*, directed to file plans for accessibility in built environment, transportation systems, and information and communication services. The plans were to be provided according to the Targets numbered as 1, 2, 3, 7, 8 and 10 corresponding to the Accessible India Campaign of the Government of India, within a time period of three months. Most of the States and Union Territories did not provide the aforesaid information within three months as specified in the judgment. This Court had to pass various orders directing the States and the Union Territories to provide the plans along with status of completion etc. according to the aforesaid targets. It was also directed that such compliance reports have to be in stipulated format which was provided.

All the States and the Union Territories have now filed their affidavits. We have requested the learned counsel for the petitioner(s) to collate information and give in tabular format. Pursuant thereto, learned counsel for the petitioner has filed, on 14.01.2019, the target wise tabular format of all the States and the Union Territories. On going through the same it transpires in the first instance that most of the States and the Union Territories have not filed their affidavits and provided

information in the format specified. That apart, many States have given incomplete information inasmuch as information is not provided in respect of all the targets. Further even in respect of the targets where the information is provided, the same is not complete information as target dates are not mentioned. This is reflected by the petitioner in Annexure-A/2 of his compilation and for the sake of clarity we reproduce below the entire information:

SL. NO. (1)	STATE (2)	TARGETS FOR WHICH COMPLETE INFORMATION PROVIDED IN PROPER FORMAT (3)	WHETHER TARGET DATE PROVIDED FOR TARGETS IN COLUMN NO. 3	AFFIDAVIT AFFIRMED BY (NAME AND DESIGNATION)
1.	Andaman & Nicobar Islands	7	7/YES	Kuldip Singh, The Joint Resident Commissioner
2.	Andhra Pradesh	1, 10	1/NO, 10/YES	Sarala Devi. Special Officer Office of the AOR
3.	Arunachal Pradesh	Nil	Nil	Sangeet Dubey, Deputy Resident Commissioner
4.	Assam	7, 10	7/NO, 10/ YES	Joydeep Sukla, Secretary to Govt. of Assam, Social Welfare Department, Dispur, Guwahati
5.	Bihar	2, 7	2/NO, 7/NO,	Prashant Mishra, Asst. Director, Social Welfare Dept.
6.	Chandigarh	1, 3	1/NO, 3/YES	Navjot Kaur, Director, Department of Social Welfare, Women and Child Development
7.	Chhattisgarh	2, 3, 7, 10	2/NO, 3/NO, 7/YES, 10/YES	Pankaj Verma, Deputy Director, Department of Social Welfare
SL. NO. (1)	STATE (2)	TARGETS FOR WHICH COMPLETE	WHETHER TARGET DATE PROVIDED FOR	AFFIDAVIT AFFIRMED BY (NAME AND DESIGNATION)

		INFORMATION PROVIDED IN PROPER FORMAT (3)	TARGETS IN COLUMN NO. 3	
8.	Dadra & Nagar Haveli	Nil	Nil	Nilesh Gaurav, Deputy Secretary, Social Welfare Department
9.	Daman & Diu	3	3/YES	Harminder Singh, Deputy Secretary (Social Welfare)
10.	Delhi	2,7	2/NO, 7/NO	A. Madhan, Sr. Superintendent (Disability) Dept. of Social Welfare
11.	Goa	2,3	2/YES, 3/YES	S.V. Naik, Director, Social Welfare.
12.	Gujarat	Nil	Nil	V.R. Parmar, Deputy Director of Social Science Department
13.	Haryana	Nil	Nil	Gauri Parasher Joshi, Special Secretary, Social Justice and Empowerment Department.
14.	Himachal Pradesh	Nil	Nil	Nisha Singh, Addl. Chief Secretary, Social Justice and Empowerment
15.	Jammu & Kashmir	2,3,8,10	2/NO, 3/NO, 8/NO, 10/NO	Babu Ram, Additional Secretary to Government, Civil Secretariat
16.	Jharkhand	10	10/YES	Kalanath, Nodal Officer, Government of Jharkhand, Bhawan, Vasanth Vihar, New Delhi
SL. NO. (1)	STATE (2)	TARGETS FOR WHICH COMPLETE INFORMATION PROVIDED IN PROPER FORMAT (3)	WHETHER TARGET DATE PROVIDED FOR TARGETS IN COLUMN NO. 3	AFFIDAVIT AFFIRMED BY (NAME AND DESIGNATION)
17.	Karnataka	Nil	Nil	M. Rajanna, Under Secretary to Government, Department of Women and Child Development and Empowerment of

				Differently Abled and Senior Citizens
18.	Kerala	Nil	Nil	Md. Kunhi K., Under Secretary to Govt./Law Officer (In charge)
19.	Lakshadweep	8	8/YES	Asar Pal, Resident Commissioner
20.	Madhya Pradesh	Nil	Nil	NOT IN THE FORM OF AFFIDAVIT Swarupama Chaturvedi Advocate for Respondent No.21 Supreme Court of India, New Delhi
21.	Maharashtra	7	7/NO	Ruchesh Jaivanshi, Commissioner for Persons with Disabilities
22.	Manipur	Nil	Nil	Gangmei Ganguilu, Deputy Secretary, Social Welfare
23.	Meghalaya	Nil	Nil	Tanington Dkhar, Commissioner and Secretary to the Government of Meghalaya, Social Welfare Department
24.	Mizoram	Nil	Nil	Praveen Kumar Gupta, Principal Resident Commissioner
SL. NO. (1)	STATE (2)	TARGETS FOR WHICH COMPLETE INFORMATION PROVIDED IN PROPER FORMAT (3)	WHETHER TARGET DATE PROVIDED FOR TARGETS IN COLUMN NO. 3	AFFIDAVIT AFFIRMED BY (NAME AND DESIGNATION)
25.	Nagaland	2	2/YES	Kethoshita Sekhose, Deputy Resident Commissioner
26.	Odisha	Nil	Nil	Kailash Chandra Sahoo, Joint Security and Empowerment of Persons with Disability Department.

27.	Puduchery	Nil	Nil	R. Alice Vaz, I.A.S, Secretary to Government (Welfare)
28.	Punjab	7	7/YES	Harpal Singh, Deputy Director, Department of Social Security and Women & Child Development Punjab, Chandigarh
29.	Rajasthan	8	8/NO	Suresh Babu, Lecturer in Special Education, Directorate of Specially Abled Persons, Jaipur
30.	Sikkim	10	10/YES	Ashwani Kumar Chand, IPS, Resident Commissioner
31.	Tamil Nadu	1	1/NO	C. Vijay Kumar, Secretary for the Welfare of Differently Abled Persons Department
SL. NO. (1)	STATE (2)	TARGETS FOR WHICH COMPLETE INFORMATION PROVIDED IN PROPER FORMAT (3)	WHETHER TARGET DATE PROVIDED FOR TARGETS IN COLUMN NO. 3	AFFIDAVIT AFFIRMED BY (NAME AND DESIGNATION)
32.	Telangana	Nil	Nil	Jagadeeshwar, Secretary to Government
33.	Tripura	Nil	Nil	Pravin Srivastava, Chief Resident Commissioner
34.	Uttarakhand	7, 10	7/YES, 10/NO	Nand Kishore Sharma, Assistant Director Social Welfare Department
35.	Uttar Pradesh	1	1/NO	Ashok kumar verma, Joint Director, Department of Empowerment of Persons with Disabilities
36.	West Bengal	Nil	Nil	Lalit Kumar Das, Jt. Secretary, Dept. of Social Welfare

More than a year has passed since the judgment was delivered. The indifferent attitude of the States and the Union Territories shows that they are not serious in complying with the directions contained in the judgment. It may be recapitulated that the directions which were given in the judgment dated 25.07.2018 are simply to the effect that provisions contained in the Rights of Persons with Disabilities Act, 2017 (hereinafter referred to as "the said Act") by providing necessary facilities to the persons suffering from different disabilities, should be provided with.

The said Act specifically makes provisions for these facilities. The said Act also sets down the time lines within which these are to be provided. It is in the consonance with the aforesaid provisions that directions were given in the judgment and order dated 15.12.2017 whereas the Parliament has passed an enactment which entitles the persons suffering from different disabilities to get the said facilities as a matter of right and the States and the Union Territories cannot shy away from giving these facilities to such persons.

We, therefore, take strong exception to the lackluster attitude of the respondents. Last and final opportunity is given to all the States and the Union Territories to provide the information in the requisite tabular format in respect of all the targets and it should be complete in every respect which includes stipulation of targets dates as well. Needful be done within three weeks.

It is made clear that those States and the Union Territories which do not file the affidavits and/or provide the information in the aforesaid manner or give incomplete information, the Chief Secretaries of those States shall remain personally present in the Court on the next date of hearing.

Similarly, Union of India is also supposed to fulfill certain targets as per the said Act and as directed in the judgment. We find that it has also not filed any proper affidavit in this behalf. Three weeks' time is granted to Union of India as well, failing which the Chief Secretary of Ministry Of Social Justice and Empowerment (Department of Empowerment of Persons with Disabilities) shall personally remain present in the Court on the next date of hearing.

The applicant - Rahul Bajaj who has intervened in the matter by filing I.A. No. 96163/2018 has handed over the status report. It may be mentioned that the applicant is seeking certain facilities for visually handicapped lawyers practicing in the High Courts as well as in this Court. The specific prayers which have been sought for by the applicant are tabulated below:

**TABLE 2: SPECIFIC PRAYERS SOUGHT UNDER EACH HEAD**

Head	Enabling blind lawyers to	Fostering greater access to	Formulation of an Equal Opportunities	Designating grievance redressal
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	access case files/ records in a seamless and timely fashion	court websites and legal material used by lawyers during the course of making written submissions / oral arguments	Policy by the higher judiciary, as mandated by the 2016 Act, in order to enable disabled court staff such as law clerks/legal interns to function effectively	officers and institutionalizing a support mechanism to make courts more inclusive and accessible.
Prayers sought	(a) (a) Requiring the concerned court registries to maintain a database of blind lawyers, on the basis of disability certificate and certificate of practice; (b) making it obligatory for the concerned High Court registry to ensure that the pleadings are served in Microsoft Word (.docx) format to blind lawyers, part of this database, in cases in which they are	(c) (a) removal of accessibility barriers set forth at para 28 of the IA within a period of 2 months; (b) directions for conducting an accessibility audit of all court websites and removal of barriers identified in such audit, with an outer time limit of six months for the completion of this process; and (c) issuance of direction to the Ministry of	Issuance of a direction to all courts to formulate an Equal Opportunity Policy, with the following key ingredients: (a) Assigning legal interns and law researchers/ clerks to work with Hon'ble Judges serving on courts in which filings are made in soft copy and paper-books are prepared in soft copy form to facilitate ease of access; (b) In case such assignment to e-courts is impermissible, making it mandatory for the court registry to scan, in an	(a) (a) Directing that all courts appoint a grievance redressal officer for addressing complaints as to accessibility barriers, and publicize details of the same on their website; and (b) directing that sensitization sessions be conducted on a regular basis, to help Hon'ble judges and court staff better engage with the needs of lawyers with disabilities.

	<p>involved;  (c) strict insistence by court registries on the requirement of the annexures being typed out and modification of rules of practice and procedure of courts to mandate typing out of annexures [to ensure their accessibility and legibility] in cases in which blind lawyers are involved;  and (d) if (c) is not feasible in a given case, ensuring that annexures are served to a blind lawyer in soft copy form.  (b)</p>	<p>Law and Justice, Union of India, for the issuance of directions to all online legal databases, to make their platforms fully accessible for blind lawyers.</p>	<p>accessible form, an ample quantity of case files on a daily basis to enable the individual concerned to contribute as meaningfully as their able-bodied counterparts;  (c) With respect to point b above, it is prayed that this Hon'ble Court be pleased to direct all court registries to purchase camera scanners that would enable court registries to scan large amounts of content in a short time-span; (d) Allowing such individuals to use their laptops/ Braille displays in court to be able to make notes of proceedings/ conduct research, if needed and assist the Hon'ble Judge in any other manner; and  (e) In order</p>	
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			<p>to enable the individual to be able to access the concerned courtroom in a comfortable fashion, casting the responsibility on the Grievance Redressal Officer of the court concerned to discuss with the individual any obstacles that they may face in this regard and arranging for appropriate sighted assistance, if needed.</p>	
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All the High Courts as well as the Secretary General of this Court shall give their response to the aforesaid facilities which the applicant has sought for before the next date of hearing.

List on 12.02.2019.

(ASHWANI THAKUR)  
COURT MASTER (SH)

(RAJINDER KAUR)  
BRANCH OFFICER