

ITEM NO.59

COURT NO.13

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 S

Writ Petition(Civil) No.243/2005

RAJIVE RATURI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[FOR COMPLIANCE]

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

Date : 04-04-2025 These matters were called on for hearing today.

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

1. We have four petitions before us filed in public interest. We heard the matter at Sl No. 59.2 i.e. W.P.(C) No.1380/2019.
2. Mr. Bhatnagar, the learned senior counsel assisted by Ms. Tahira Karanjawala appeared on behalf of the petitioner(s) and Ms. Aishwarya Bhati, the learned ASG appeared on behalf of the Union of India. The petitioner has prayed for the following reliefs:-

a) For a writ of mandamus or any other appropriate writ directing implementation, in a phased manner, of use of subtitles/open captions for movies in theatres/cinema halls, both produced in India & in foreign countries, providing that to start with every theatre/cinema hall shall mandatorily have at least one show per movie per day with the subtitles/open captions.

b) For a writ of mandamus directing the Respondents strict compliance of Sections 29, 40 and 42 of the Rights of Person with Disabilities Act, 2016, in respect of

persons of the deaf and hard of hearing community.

c) For a writ of mandamus or any other appropriate writ directing producers and distributors of movies to compulsorily provide the reels of the movies to theatres/cinema halls with subtitles/open captions;

d) For a writ of mandamus or any other appropriate writ directing television news channels to telecast at least two news bulletins, with at least one at prime time, with subtitles/open captions; and

e) For a writ of mandamus or any other appropriate writ directing that the telecast of events of national importance, for example, the address to the nation by the Hon'ble President of India or the speech of the Hon'ble Prime Minister from the ramparts of the Red Fort on Independence Day, to be made mandatorily with subtitles/open captions; and

f) For a writ of mandamus or any other appropriate writ mandating the use of subtitles/open captions for all television channels qua prerecorded content, and direct telecast in sign language for impromptu content."

3. Both the sides invited our attention to a recent pronouncement of this Court in the case of *Rajive Raturi vs. Union of India & Ors.*, W.P.(C)No.243 of 2005 decided on 8th November, 2024. In the said writ petition the final conclusion drawn by the Court reads thus:-

75. In view of the above, we hold that several of the guidelines prescribed in Rule 15, appear to be recommendatory guidelines, under the garb of mandatory rules. Rule 15(1) is thus ultra vires the scheme and legislative intent of the RPWD Act which creates a mechanism for mandatory compliance. Creating a minimum floor of accessibility cannot be left to the altar of "progressive realization".

76. The Union Government is, accordingly, directed to delineate mandatory rules, as required by Section 40, within a period of three months from the date of this Judgment. This exercise may involve segregating

the non-negotiable rules from the expansive guidelines already prescribed in Rule 15. The Union Government must conduct this exercise in consultation with all stakeholders, and NALSAR CDS is directed to be involved in the process. It is clarified that progressive compliance with the standards listed in the existing Rule 15(1) and the progress towards the targets of the Accessible India Campaign must continue unabated. However, in addition, a baseline of non-negotiable rules must be prescribed in Rule 15.

77. Once these mandatory rules are prescribed, the Union of India, States and Union Territories are directed to ensure that the consequences prescribed in Sections 44, 45, 46 and 89 of the RPWD Act, including the holding back of completion certificates and imposition of fines are implemented in cases of non-compliance with Rule 15.

78. The following principles of accessibility should be considered while carrying out the above exercise:

a. Universal Design: The rules should prioritize universal design principles, making spaces and services usable by all individuals to the greatest extent possible, without requiring adaptations or specialized design;

b. Comprehensive Inclusion Across Disabilities: Rules should cover a wide range of disabilities including physical, sensory, intellectual, and psychosocial disabilities. This includes provisions for specific conditions such as autism, cerebral palsy, intellectual disabilities, psychosocial disabilities, sickle cell disease, and ichthyosis;

c. Assistive Technology Integration : Mandating the integration of assistive and adaptive technologies, such as screen readers, audio descriptions, and accessible digital interfaces, to ensure digital and informational accessibility across public and private platforms; and

d. Ongoing Stakeholder Consultation : This process should involve continuous consultation with persons with disabilities and advocacy organizations to incorporate lived experiences and practical insights.

79. The Petitioner and NALSAR CDS have proposed a series of recommendations with regard to the existing legal framework. The Union Government is directed to meaningfully consider these recommendations while reworking the content of Rule 15.

80. NALSAR-CDS states that the report has been prepared using their own resources, and no financial claims have

been made to the Ministry of Social Justice and Empowerment. Annexure II of the NALSAR-CDS Report indicates that it has been prepared over a period of six months, after consulting fifty-two experts, receiving reports from fourteen states and three Union Territories, and with over hundred reports from organizations and individual testimonies. As the report states, it is "a present-day example of creating a knowledge commons." This Court records its appreciation for and is cognizant of the labour of time, effort, and resources expended by the NALSAR-CDS in preparing this report. Accordingly, the Union of India in the Ministry of Social Justice and Empowerment is directed to pay NALSAR-CDS an amount of INR 50,00,000 as compensation for the work, which was carried out in a timely and comprehensive manner. The amount shall be disbursed to NALSAR-CDS no later than 15 December 2024.

81. With the above direction, the Writ Petitions are adjourned to 7 March 2025 on which date, the Union Government must report compliance to this Court."

4. In pursuance of the directions issued by this Court in *Rajive Raturi (supra)*, the Union of India has constituted a Committee. The Committee is looking into the issues.

5. The Committee prays for six months more time to prepare the final report and place it before this Court.

6. We are informed that the present petitioner has also preferred a representation to the Committee.

7. If that be so, the Committee shall look into the representation filed by the present writ petitioners.

8. It shall be open for the petitioner to furnish some additional material also so as to facilitate the Committee in preparing an appropriate report.

9. If the Committee deems fit it shall also hear the writ petitioner and other stakeholders in person.

10. We hope that by end of six months the Committee is able to complete the task assigned to it and file its report.

11. Let this matter alongwith connected matters also come up for hearing after six months.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)