

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

WRIT PETITION (CIVIL) NO.243 OF 2005

RAJIVE RATURI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

With Writ Petition (C) No.228 of 2006

(With appln(s) for exemption from filing O.T. and office report)

Date: 06/01/2011 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE K.S. PANICKER RADHAKRISHNAN

HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.
Ms. Ritu Kumar, Adv.
Ms. Jyoti Mendiratta, Adv.

For Respondent(s)

Mr. Arun K. Sinha, Adv.

Mr. S.W.A. Qadri, Adv.
Ms. Asha G. Nair, Adv.
Mr. Mukesh Verma, Adv.
Ms. Anil Katiyar, Adv.

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

Ms. Hemantika Wahni, Adv.
Ms. Nupur Kanungo, Adv.
Ms. Jesal, Adv.

Ms. Kamini Jaiswal, Adv.

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Ms. Radha Rangaswamy, Adv.

Mr. M.T. George, Adv.

Mr. A. Mariarputham, AG., Sikkim.
Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Megha Gaur, Adv.
for M/s. Arputham, Aruna & Co., Adv.

Mr. Ashok Bhan, Adv.

Ms. Sunita Sharma, Adv.

Mr. S.S. Rawat, Adv.

Director, Transport,
Goa

Mr. M. Khairati, Adv.
Mr. D.S. Mahra, Adv.

Mr. Bhavanishankar V. Gadnis, Adv.
Ms. B. Sunita Rao, Adv.

Ms. Niranjana Singh, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. V.K. Verma, Adv.

Ms. D. Bharathi Reddy, Adv.

Mr. Khwairakpam Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Ashok K. Srivastava, Adv.
Ms. Asha G. Nair, Adv.
Ms. Sushma Suri, Adv.

Mr. Sanjay R. Hegde, Adv. (N/P)

Mr. V.N. Raghupathy, Adv.

Mr. R. Nedumaran, Adv.

Mr. Ratan Kumar Choudhuri, Adv.
Mr. Brahmajeet Mishra, Adv.

Mr. Raj Singh Rana, Adv.

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Mr. Navneet Kumar, Adv.
for M/s. Corporate Law Group, Adv.

Mr. Atul Jha, Adv.
Mr. Rajesh Srivastava, Adv.

Mr. D. Mahesh Babu, Adv.
Mr. Ramesh Allanki, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Mr. Pragyan P. Sharma, Adv.
Mr. P.V. Yogeswaran, Adv.

Mr. Anuvrat Sharma, Adv.

Dr. Manish Singhvi, AAG.
Mr. D.K. Devesh, Adv.
Mr. Sahil S. Chauhan, Adv.
Mr. Milind Kumar, Adv.

Mr. B.S. Banthia, Adv.
Mr. Vikas Upadhyay, Adv.

Mr. G. Prakash, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.

Mr. V.G. Pragasam,Adv.
Mr. S.J. Aristotle,Adv.
Mr. Prabu Ramasubramanian,Adv.

Ms. Nandini Gore,Adv.

Mr. Ameet Singh,Adv.
Mr. Bharat Ram,Adv.
Mr. Praveen Swarup,Adv.

Mr. Gopal Prasad,Adv.

Ms. Susmita Lal,Adv.

Mr. T.V. George,Adv.

Mr. Ajay Pal,Adv.

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Mr. Manjit Singh,AAG.
Mr. Harikesh Singh,Adv.
Mr. Kamal Mohan Gupta,Adv.

Mr. Edward Belho,Adv.
Ms. K. Enatoli Sema,Adv.

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

On going through the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 [for short, '1995 Act'], prima facie, we are satisfied that several important statutory duties have remained non-compliant till date. We are not even sure as to whether the Central Co-ordination Committee has been duly constituted under Section 3 by the Central Government, as provided in 1995 Act. In the circumstances, we are hereby directing the Central Government to provide us the following information within four weeks from today:

(i) Whether the Central Co-ordination Committee has been constituted under Section 3 of 1995 Act. If not, we would like to know within what period the said Committee would be constituted in accordance with the Act.

(ii) If Central Co-ordination Committee has been constituted, whether such Committee has given directions/guidelines to the State Co-ordination Committees under 1995 Act. If such guidelines exist, they should be annexed to the affidavit.

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(iii) We also want to know whether any funds have been disbursed to the State Co-ordination Committees. If so, whether utilisation certificates have been issued by the State Government from time to time.

This order is strictly based on the provisions of 1995 Act, particularly, Sections 3, 8, 13 and 18 and the provisions of Chapters VII and VIII of 1995 Act. We make it clear that if the States do not enforce the National Building Code of India as well as the guidelines issued by the Central Public Works Department, we would be taking contempt proceedings, for which the petitioner(s) could move before this Court.

The writ petitions shall stand over for four weeks.

[Alka Dudeja]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar