

ITEM NO.1

COURT NO.5

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 & ORS.

Respondent(s)

(FOR DIRECTION)

(IA No. 89088/2018-INTERVENTION APPLICATION and IA No. 96163/2018-INTERVENTION APPLICATION and IA No. 96423/2018-FOR FILING STATUS REPORT CUM ACTION TAKEN REPORT, IA No. 97817/2018-INTERVENTION/IMPLEADMENT)

WITH

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

Date : 25-07-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Rajan Mani, Adv.
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For Applicant	Mr. Jai Dehadrai, Adv. Ms. Shivangini Gupta, Adv. Mr. Sidharth Arora, Adv. Ms. Manisha Abwani, AOR
For Applicant	Mr. Sunil Gupta, Sr. Adv. Mr. Sushil Dutt Salwan, Adv. Mr. Pramod Dayal, AOR Mr. Nikunj Dayal, Adv. Ms. Payal Dayal, Adv. Mr. Aditya Garg, Adv.

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

In a detailed Judgment dated 15.12.2017, this Court, after discussing the benefits and facilities that are to be provided to the persons suffering from various kinds of disabilities under the Rights of Persons with Disabilities Act, 2016 ("Disabilities Act, 2016") were taken note of and on that basis as many as eleven directions were given which were to be complied with by the Central Government as well as State Governments.

It is stated at the cost of repetition that these directions are passed, relied upon the provisions mentioned in the Disabilities Act, 2016 as well as certain decisions which were taken by the Central Government itself for implementing various provisions of the Disabilities Act, 2016. The Central Government as well as the State Governments were directed to file their reports indicating the action Plan and the time within which the provisions of Disabilities Act, 2016, in terms of the directions, would be implemented.

Direction Nos. 1, 4, 5, 6, 8, 9, 10 and 11 pertain to the Central Government. The Union of India has filed its response by way of an affidavit.

Learned counsel for the petitioner points out that the response is not in accord with the directions given as it lacks in material particulars. In order to highlight this, the learned counsel has filed Summary of compliance by the Union of India and States and therein he has mentioned, in tabulated form, the directions of this Court, response of the Union of India as well as its remarks. We would like to reproduce the same in entirety.

Petitioner's Summary of compliance by UOI of final judgment and order dated 15.12.2017

Sr. No.	Supreme Court directions	UOI response	Petitioners remarks
1.	<p><u>Making 20-50 important government buildings in 50 cities fully accessible December 2017 (State Govt. Buildings)</u> Since, this deadline is set by the AIC itself, this should be met. In any case, as per the provisions of Section 46 of the Disabilities Act, 2016, all Government buildings providing any services to the public are to be made fully accessible by June, 2019 which has to be adhere to.</p>	<p>.Access audit of 1662 buildings has been completed and 1662 reports are shared with the States.</p> <p>.As on 09.03.2018, the cost estimates for retrofitting of 1169 buildings have been received under SIPDA. Sanction of Rs. 175.94 crore has been issued for 692 buildings. (Details are at Annexure R1)</p> <p>.Fund for 122 buildings are in the process of release.</p> <p>.Fund for 355 buildings could not be released due to pending Utilization certificates, technical errors, incomplete cost-estimates etc.</p> <p>.Actual retrofitting work has to be carried out by the States/UTs.</p> <p>.Regular follow-up through written communication, workshops, conferences, video Conferences are being organized with the States to</p>	<p>No indication as to how many buildings have been retrofitted under targets set under AI campaign.</p> <p>Only funds for 122 buildings are in the process of being released, therefore the target set for June 2019 may not be met.</p> <p>Harmonized guidelines were not referred to in the building audits. Therefore, post completion audit is required and should be uploaded on DEPwD department website.</p>

		pursue the targets.	
4	<p><u>Central Govt. buildings.</u> Having regard to the comments given by the petitioner in its affidavit dated August 23, 2017 on this aspect, time frame of August, 2018 is given for completing this target.</p>	<p>The Rights of Persons with Disabilities Act, 2016, has mandated that all existing public buildings should be made accessible within a period not exceeding five years from the date of notification i.e. 15.06.2017. Accordingly, the executing agency CPWD prepared an action plan to complete the task by the year 2019 fixing annual targets, which is well ahead of the cut off year 2022. The retrofitting works for various public buildings have been tendered and are at different stages of completion. However, in some cases, works are yet to be tendered.</p> <p>In view of the above, the direction of the Hon'ble Court to complete the entire task by August, 2018 is not feasible. However, the implementing agency CPWD has issued directions to all field units to expedite the works in view of Hon'ble Court's directions.</p> <p>Target 1.1: 75 buildings of MoUD& other Ministries for 39 cities to be completed by July 2017. However, as reported by CPWD on 30.01.2018 (Annexure, R2) retrofitting work in</p>	<p>Buildings providing services have to be completed within 2 years and not 5 years as per Section 46 of RPWD Act which would mean the target deadline would be June 2019 and not 2022.</p> <p>Further, the action plan submitted by UOI does not even include all the 466 buildings identified by the Central Coordination Committee.</p> <p>Harmonized guidelines were not referred to in the building audits. Therefore, post completion audit is required and should be uploaded on DEPwD department website.</p>

		<p>58 buildings completed; Retrofitting work is in progress in 15 and work would be taken up in 2 buildings.</p> <p>Target 1.2: 123 buildings 57 in NCR & 66 in State Capitals, work is to be completed by July 2018. Work in 81 buildings is completed; in 32 buildings it is in progress and work would be taken up in 10 buildings.</p> <p>Target 1.3: 21 buildings which are not covered in target 1.1 and target 1.2 are to be completed by July 2019. Retrofitting work in 5 buildings is completed; Retrofitting work is in progress in 15 and work would be taken up in 1 building.</p>	
5	<p><u>Accessibility in airports. Completing accessibility audit of all the international airports and making them fully accessible by December 2016.</u></p> <p>The demand of the petitioner that Civil Aviation Ministry should follow the prescribed template i.e. IIT Roorkee template on the Government website appears to be justified which should be implemented as expeditiously as possible. The Union of India should thereafter conduct the accessibility and audit and upload the same on the</p>	<p>The Airport Authority of India (AAI), the organization functioning under Ministry of Civil Aviation has been providing barrier free environment at the airports as per the Guidelines, ICAO and other international organisations. As per AAI, the facilities are:</p> <ul style="list-style-type: none"> .Earmarked parking slots in the car parking area for physically challenged persons. .Ramps for physically challenged persons both in city side and air side. 	<p>No action taken by AAI to ensure auditing using the IIT Roorkee template. Obviously no fresh audit using this template has been done and as such no improvements in Airport accessibility has been provided other than what has been mentioned by the AAI to UOI.</p>

	<p>website by June, 2018.</p>	<p>.Toilets for the physically challenged with signage.</p> <p>.Wheel chair friendly lifts/elevators facility for convenient movement of physically challenged passengers.</p> <p>.Earmarked area on the city side for disembarkation of physically challenged passengers.</p> <p>.Ambulift facility on prior demand.</p> <p>The updated status of domestic and international airports is attached as Annexure R3 regards the direction of Hon'ble Supreme Court regarding adopting IIT Roorkee template for Government websites, and any other additional facilities to be provided, these are being examined. After assessment of additional facilities, the same shall be got implemented at all the airports and, subsequently, AIC audit of operational AAI airports would be undertaken. All these activities need considerable time and the completion date would be informed only after ascertaining the status of the facilities.</p>	
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6	<p>Accessibility in Railways. Ministry of Railways was required to make all A1, A and B category railway stations fully accessible by July 2016. 50% of all railway stations to made fully accessible by March 2018.</p> <p>As is clear from the affidavit dated June 30, 2017 filed by the petitioner, as many as 12 directions are sought providing stations under this action point. In so far as providing of various facilities in the railway stations are concerned, which are listed by the petitioner, there cannot be any dispute that the Indian railways is statutorily obligated to make those provisions. The petitioner has, however, sought time bound directions for providing such facilities. Wherever the provisions of the Disabilities Act, 2016 prescribe the deadlines, the respondent is to provide those facilities within those time framework. In so far as other facilities are concerned, in respect of which the petitioner wants those facilities by specified period, we are not fixing such a period. Instead, we direct that the appropriate/ competent authority in the railways shall make an assessment in this behalf so as to ascertain as to by what date(s) these facilities will be</p>	<p>Ministry of Railways has informed that they have drawn plans for better accessibility for physically challenged passengers at A1, A and B category railway stations and also decided to extend these short- term facilities for Divyangjan. The details of upgradation of these stations as on 31.12.2017 are given at Annexure R4. This also includes long term facilities in the above category of stations.</p>	<p>The Hon'ble SC had directed the appropriate/competent authority in the railways to make an assessment of facilities being sought by petitioner so as to ascertain by what date(s) these facilities could be provided and that the study be undertaken and exercise be completed within a period of three months and report in that behalf shall be filed in the Court, chalking out the progressive plan. No such report has been filed and is a violation of Hon'ble SC orders.</p> <p>The IIT Roorkee template has also not been used for audit and providing accessibility features. Harmonized guidelines have to be followed in case of train compartments.</p>
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	<p>provided. Such a study can be undertaken and exercise be completed within a period of three months and report in that behalf shall be filed in the Court, chalking out the progressive plan.</p>		
8	<p><u>Comprehensive revision of target deadline under accessibility of knowledge and ICT Ecosystem. At least 50% of central and state govt. websites are to meet accessibility standards by March 2017. At least 50% of the public documents are to meet accessibility standards by March 2018.</u></p> <p>On this action point, the petitioner has sought five directions. Again, there cannot be any dispute that such provisions have to be made as Disabilities Act, 2016 itself mandates that. The only question is about the time schedule. On certain aspects, AIC had itself mentioned the target date. In any case, let there be a study undertaken in this behalf as well by the Union of India and report be filed within three months stating as to by what date(s) compliance shall be made.</p>	<p>Ministry of Electronics and Information Technology is implementing a project 'Common Minimum Framework' (CMF) for websites making 100 Central Ministries/ Departments websites, GIGW (Government of India Guidelines for Websites) compliant: 79 websites have been made GIGW compliant till date and work is in progress for rest of the websites.</p>	<p>UOI was directed by Hon'ble Supreme Court to carry out a study and file a report on plans to ensure accessibility in all websites as well as to accessibility of documents within a period of three months. Apparently, no such study has been carried out as no report has been filed on this important issue which continues to exclude persons with disabilities from accessing IT services. This is in violation of Hon'ble Supreme Court directions.</p> <p>The UOI has also ignored the directions sought in this regard by the petitioner with respect to 50% of Govt. Websites, 50% of public documents and 25% of TV programmes to be made accessible.</p> <p>As per the Central Co-ordination Committee Agenda notes in the meeting dated 29.11.2016 it was stated that there are about 2000 websites under the Central Govt. which needs to be made accessible. Therefore, 50% would amount to 1000 websites, whereas only 100 have been targeted.</p>

9	<p><u>Bureau of Indian Standards to embed disability aspect in all relevant parts of revised National Building Code.</u></p> <p>It is expected that the respondents would regularly update the Harmonized Guidelines keeping in view the provisions of Disabilities Act, 2016 and technological advancement vis-à-vis the needs of persons with disabilities.</p>	<p>Ministry of Housing and Urban Affairs published the Harmonised Guidelines in the year 2016 and intend to review the same every fifth year and hence the next revision will take place in the year 2021.</p>	<p>Updates to the Harmonised Guidelines every fifth year seems reasonable so long as the same is strictly implemented</p>
10	<p><u>The target of training additional 200 sign language interpreters by March 2018.</u></p> <p>Needful be done in this behalf as well within reasonable time and the Government is directed to file an affidavit within three months stating the time period within which the same can be accomplished.</p>	<p>The Government has established Indian Sign Language Research and Training Centre (ISLRTC) as a society under the Societies Registration Act, 1860 in September, 2015. The main objective of the Centre is to develop manpower for using, teaching and conducting research in Indian Sign Language. The Centre trained 39 students through Diploma in Indian Sign Language Interpretation (DISLI) course during 2016-17. During the academic year 2017-18, total 30 students have been admitted to DISLI in the Centre. The Centre plans to start three batches of DISLI during the academic year 2018-19 with intake capacity of 20 students per batch.</p>	<p>The petitioner has been praying for appointment of sign language interpreters in all government offices dealing in public services across the country. The Hon'ble Supreme Court had directed the UOI to submit a plan for this to the SC within three months which has not been done.</p> <p>SLIs are required at all major places where communication and dealing with the public in both the public and private sector take place. This will cover railway stations, major bus depots, hospitals, airports, major govt, offices banks, large private sector offices, shopping malls, large education institutions and the like. Compliance with the mandate of Section 40, 41, 42 and 46 of the 2016 Act read with</p>

		<p>Also Ali Yavar Jung National Institute of Speech and Hearing Disabilities (AYJNISHD) Mumbai, an autonomous body under the DEPwD started one year DISLI during 2008-09. Till 2016-17, 137 sign language interpreters have been trained in the Institute and its Regional centers. During the academic year 2017-18, total 36 students have been admitted to DISLI in AYJNISHD and its Regional Centers.</p> <p>Action is also under process of the Centre to prepare, the sign language dictionary of about 6000 words. Dictionary of about 3000 words is likely to be released in the 1st phase by the end of March, 2018. Besides, the Centre is going to conduct in-house training programme for the staff of Delhi Metro Rail Corporation from March, 2018 onwards. A total of 1100 employees will be trained under this programme to develop basic communicative skills in Indian Sign Language. Further, training module is being prepared to train parents of young deaf children to facilitate language and communication in them.</p>	<p>Section 2 (f), i.e. definition of “Communication” to include sign language would require a large number of SLI’s to be trained and available across the country by June 2019 and the figure of about 100 SLI’s quoted by the UOI would be highly inadequate to meet this requirement. Therefore, the Petitioner reiterates the directions sought that RCI be directed to make reasonable estimation of the number of SLI’s required in India and thereafter for the UOI and all States and UT’s to make adequate arrangements to train and make available 500 SLI’s every year until the target of the estimated SLI’s in the country is met.</p>
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		The Centre also propose to start Diploma in Teaching Indian Sign Language (DTISL) from the academic session 2018-19, with intake capacity of 15 students per batch.	
11	As per the provisions of Sections 60 and 66 of the Disabilities Act, 2016, all States and Union Territories are required to constitute the Central and State Advisory Boards. In order to effectively implement the provisions of the said Act, it becomes the duty of the States and Union Territories to constitute such Advisory Boards. Therefore, we direct these Advisory Boards to be constituted by all States and Union Territories within a period of three months from today.	The Central Government has constituted Central Advisory Board on Disability as mandated by Section 60 of the RPwD Act, 2016. The first meeting of the Advisory Boards was held in new Delhi on 13.02.2018. States have been requested to set up State Boards.	It is pertinent to note that under Sec.65(2)(e) and (f) and Sec 71 (2) (e) and (f) of the Rpwd Act, 2016 the monitoring and implementation of accessibility in all aspects would be the responsibility of the Advisory Boards.

Disabled				
Low floor buses				
Non-slippery, non-carpeted pathways				
....				

6) Accessibility in Railways. Ministry of Railways was required to make all A1, A and B category railway stations fully accessible by July 2016. 50% of all railway stations to made fully accessible by March 2018.

Accessibility element from IIT-Roorkee template	No. of stations audited with IIT-Roorkee template			No. of stations retrofitted			No. of stations work-in-progress with target date			No. of stations post completion audit with IIT-Roorkee template uploaded	
	A1	A	B	A1	A	B	A1	A	B	A	B
Help Desk for Disabled											
Inter-platform transfer											
Toilets											
....											

8) Comprehensive revision of target deadliness under accessibility of knowledge and ICT Ecosystem. At least 50% of central and state govt. websites are to meet accessibility standards by March 2017. At least 50% of the public documents are to meet accessibility standards by March 2018.

	No. of Web Sites / Public Documents Identified		No. of Web Sites/ Public Documents made accessible		No. of Web Sites / Public Documents work-in-progress with target date	
	Web Sites	Pub. Docs.	Web Sites	Pub. Docs.	Web Sites	Pub. Docs.
Central Govt.						
Assam						
Arunachal						
....						

10) The target of training additional 200 sign language interpreters by March 2018.

Centre / State	No. of SLI's required (RCI estimate)	No. of SLI's trained	No. of SLI's in training with target date	Planned No. of SLI's to be trained per year
Center				
Assam				
...				

Learned Additional Solicitor General requests for and is granted one month time to give the response in the aforesaid format.

We have also gone through the summary furnished by the petitioner insofar affidavits of various State Governments are concerned. There also, we find that information in respect of many aspects have not been provided and the facts in that sense are incomplete. These States also shall file their response in the following format:

Suggested States Compliance Report format

2) Making 50% of all the govt. buildings of the national capital and all the state capitals fully accessible by December 2018.

3) Completing accessibility audit of 50% of govt. buildings and making them fully accessible in 10 most important cities/towns of states/UTs not covered in targets (i) and (ii) by December 2019.

No. of Buildings Identified	No. of Buildings Audited with HG*	No. of Buildings Retrofitted	No. of Buildings work-in-progress with	No. of Buildings Post completion audit with HG* uploaded

			target date	

* HG = Harmonized Guidelines to be used in audit

7) Government / Private owned public transport carriers are to be made fully accessible by March 2018.

Total No. of Buses		No. of Buses made accessible		No. of Buses work-in-progress with target date	
Govt.	Private	Govt.	Private	Govt.	Private

8) Comprehensive revision of target deadliness under accessibility of knowledge and ICT Ecosystem. At least 50% of central and state govt. websites are to meet accessibility standards by March 2017. At least 50% of the public documents are to meet accessibility standards by March 2018.

No. of Web Sites / Public Documents Identified		No. of Web Sites/ Public Documents made accessible		No. of Web Sites / Public Documents work-in-progress with target date
Web Sites	Pub. Docs.	Web Sites	Pub. Docs.	Pub. Docs.

10) The target of training additional 200 sign language interpreters by March 2018.

No. of SLI's required (RCI estimate)	No. of SLI's trained	No. of SLI's in training with target date	Planned No. of SLI's to be trained per year

List the matters on 5th September, 2018.

I.A. No. 96163/2018 in Writ Petition (C) No. 243/2005:

This is an application for impleadment on behalf of the applicant, namely, Mr. Rahul Bajaj.

Prayer for impleadment is allowed.

The State Governments shall also file their response to the suggestions which are made in this application for making Court complexes as well as other Court facilities disabled friendly.

Having regard to the nature of prayers made in this I.A., notice shall also be served upon the Registrar Generals of all the High Courts as well as the Secretary General of this Court.

I.A. No. 89088/2018 in Writ Petition (C) No. 243/2005:

Since the issue raised in this I.A. is already taken care of in S.L.P. (C) Nos. 19062-19063/2018 and connected matters, it is not necessary to pass any order in this I.A.

(SUSHIL KUMAR RAKHEJA)
AR-cum-PS

(RAJINDER KAUR)
BRANCH OFFICER