RAJIVE RATURI

v.

UNION OF INDIA AND ORS.

(Writ Petition (Civil) No. 243 of 2005)

DECEMBER 15, 2017

[A. K. SIKRI AND ASHOK BHUSHAN, JJ.]

Rights of Persons with Disabilities Act, 2016 – Visually disabled person – Proper and adequate access to public places – Writ petition by a visually disabled person, seeking safe accessibility to roads and transport facilities – Enumeration of ten action points by the petitioner for providing proper access to public facilities to such persons – Held: Right of the disabled persons flows from the Constitution as also are statutorily recognised – Having regard thereto, no denial of the fact that visually impaired persons need to be provided proper and safe access to roads and transport as well as to buildings, public places etc. – Without these facilities, movement of such persons gets impaired and can be treated as infringement of their fundamental rights u/Art. 19(1)(c), guaranteed to each and every citizen of this country – Therefore, the prayers made not adversarial in nature – Ten action points enumerated by the petitioner, are now statutorily recognised under the Disabilities Act, 2016 – It becomes a statutory obligation on the part of the Central Government as well as the State Governments to do the needful by the target dates – Union of India has been filing status reports from time to time in the form of affidavits by bringing on record the various measures taken by the Government to make the lives of such disabled persons as comfortable as possible – Though, Central Government has taken various measures, many State Governments have not responded at all – In view thereof, issuance of important directions and deadlines set to make public places accessible to visually disabled – Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 – Constitution of India – Arts. 32, 19(1)(c).

Rights of visually impaired persons – At international level and national level – Discussed.

A **Disposing of the petition, the Court**

HELD: 1.1 The right of the disabled persons not only flows from various international covenants to which India is a signatory, it is recognised as Constitutional right as well. There cannot be any dispute about the rights of the differently-abled persons, B **particularly those who have visual impairment, to provide them adequate access to all the facilities on the road as well as convenient access to transport facilities etc. Without these facilities, movement of such persons gets impaired and this can even be treated as infringement of their fundamental rights under Article 19(1)(c) of the Constitution, which is guaranteed to each** C **and every citizen of this country. In order to ensure that this right is exercised by visually disabled persons as well, it becomes the duty of the State and public authorities to lay down proper norms in respect of the built environment and public facilities i.e. roads, buildings, public places, transport (air, land and water)** D **carriages etc. It is a well known fact that persons with visually impaired disability represent far more 'vulnerable section of society' and 'at-risk cases' vis-a-vis their present surroundings which also becomes evident from the well known fact that insurance companies charge a higher premium on insurance policies extended to the visually disabled as compared to the** E **other persons. [Para 10] [843-B-E]**

1.2 Pursuant to Beijing Declaration, India enacted Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. This Act, in no uncertain terms, brings out one of the important features thereof, namely, the F **creation of a barrier free built environment. The very Preamble to the Disabilities Act discloses that this Act was enacted by the legislature to fulfill its international obligation to enact a disability specific law nationally. Sections 44, 45 and 46 provided extremely specific and unambiguous guidelines for making the built** G **environment, roads and transport facilities accessible for visually disabled persons. The Rights of Persons with Disabilities Act, 2016 has repealed the earlier Disabilities Act, 1995. This Disabilities Act, 2016 lays down the provision relating to barrier free environment. Section 40 mandates the Central Government**

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to frame Rules and laying down the standards of accessibility for physical environment, transportation system, information & communication system and other facilities & services to be provided to the public in urban and rural areas. Rule 15 deals with accessibility standards for public buildings, passenger bus transport and information and communication technology. As regards public buildings, the accessibility standards prescribed under the Harmonised Guidelines and Space Standards for barrier-free built environment for persons with disabilities and elderly persons issued by Ministry of Urban Development have been adopted. This implies that all the public buildings are now required to conform to these standards. [Para 15, 16] [848-G-H; 849-A-B, D-E; 850-H; 851-A-B] A B C

1.3 Apart from conferring rights on disabled persons, there are adequate provisions which cast an obligation on the State also to make provisions for safeguarding the interest of the handicapped persons. 73rd and 74th Amendment of the Constitution of India make it a Constitutional obligation for the State to make provisions for safeguarding the interest of the weaker section of the society, including 'handicapped and mentally retarded'. Article 41 of the Constitution which is in the nature of a Directive Principle, imposes a duty on the State to make an effective provision, inter alia, for public assistance to disabled persons and it is a well-established principle that the State has an obligation to apply the Directive Principles of securing a social order in promotion of the welfare of the people. Further, the intention of the legislature was clear and unambiguous when it enacted the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act), an important feature of which was the creation of a barrier-free built environment. The provisions of Disabilities Act, 1995 and Disabilities Act, 2016 have already taken note of. These provisions emphasize the importance of providing non-discriminatory access by removing all physical barriers. More specifically, they seek to provide access to public places in the following ways: D E F G

A) Suitably altering buses, airplanes, train compartments and vessels to make them accessible to persons with disabilities; H

A **B) Adapting toilets in these aforementioned vehicles and waiting rooms to make them accessible, especially for wheelchair users;**

C) Installing auditory feedback in traffic signals for the benefit of the visually impaired;

B **D) Making necessary curb cuts and slopes in pavements for wheelchair users;**

E) Engraving the surface of zebra crossings for the visually impaired;

F) Engraving the edges of railway platforms for the benefit
C **of the visually impaired;**

G) Designing appropriate symbols of disability (for identification of reserved parking spaces, etc);

H) Providing warning signals at necessary places;

I) Building ramps in all public places;

D **J) Providing auditory feedback in lifts; and**

K) Providing ramps in all healthcare facilities including, inter alia, hospitals and rehabilitation centres. [Para 18] [851-G-H; 852-A-H; 853-A-B]

1.4 For effective implementation of these provisions, the
E **following measures need to be undertaken by the State authorities for removing obstacles that prevent the disabled from accessing public places:**

(i) Making the gates to public places accessible by incorporating necessary accessible standards. More
F **specifically, they must be made wide enough to allow wheelchairs to pass easily and must provide enough space for the wheelchair to turn around after entering inside.**

(ii) Stair must be marked with a broad yellow line to allow the visually impaired to understand the difference in
G **gradient.**

(iii) At places like airports, railway stations, etc passengers must be clearly informed about the details of their flight/ train such as the gate number for boarding, etc via public announcement systems (this practice is, surprisingly,
H **gradually declining).**

(iv) A minimum of 3-5 parking spaces near the entrance must be reserved for persons with disabilities. This must be clearly indicated by showing the international symbol for disability i.e. the wheelchair symbol. A

(v) All unnecessary obstructions must be removed, and all access ways must be well lit. Moreover, clear signposts, along with their Braille equivalents should be put up. B

(vi) Elevators must have clear Braille signs and auditory feedback. The buttons of elevators must be accessible from a wheelchair. Pictograms must be put up near elevators and other important places such as toilets. C

(vii) Employees working at public places must be provided necessary training to enable them to understand the unique set of challenges that persons with disabilities face. They should be informed about the best practices for dealing with these challenges. D

(viii) Wheelchairs and mobility scooters should be available at every public place. [Para 19] [853-B-G]

1.5 The Disabilities Act, 1995 put a rider by mentioning that responsibility of the State to provide these facilities is subject to adequate economic resources to bear the expenditure involved E in making these facilities disabled friendly, Disabilities Act, 2016 thankfully does not mention any such condition. On the contrary, Section 45 of the Act provides for time limits for making existing infrastructure and premises accessible and action for that purpose. Furthermore, Section 44 casts an obligation on all kinds of F establishments i.e. Government as well as private establishments, to mandatorily observe accessible norms while building any structure. [Para 20] [853-H; 854-A-B]

1.6 Having regard to the Constitutional and Statutory Scheme, there is no denial of the fact that visually impaired persons need to be provided proper and safe access to roads and transport G as well as to buildings, public places etc. Therefore, it is emphasised that the prayers made in the instant petition cannot be viewed as adversarial in nature. It is not regarded so by the respondents as well, particularly the Union of India. In fact, the

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A manner in which the instant case has proceeded would reflect the commitment of the Central Government in taking care about the aforesaid needs of the visually disabled persons. It is for this reason the Union of India has been filing status reports from time to time in the form of affidavits by bringing on record the various measures which the Government has taken for fulfilling its B Constitutional and statutory obligations in this behalf. This petition was filed in the year 2005 and the various measures taken by the Government has been monitored in the last 12 years. It is a 'work in progress' and the Union of India has been taking various measures to make the lives of such disabled persons as C comfortable as possible. [Para 21] [854-C-G]

1.7 Ten action points which are enumerated by the petitioner, for providing proper access to public facilities to the persons suffering from visually disability, are now statutorily recognised under the Disabilities Act, 2016. The Legislature has D cast a duty on the executive wing for making provisions in this behalf. This legal position is accepted by the Union of India in its affidavit dated August 23, 2017. In this affidavit, the respondent had itself mentioned various provisions under the Disabilities Act, 2016 which mandate the respondents to make provisions for these facilities. Not only this, such provisions even specified E the deadlines for undertaking these measures. Thus, it becomes a statutory obligation on the part of the Central Government as well as the State Governments to do the needful by the target dates. Though, Central Government has taken various measures, many State Governments have not responded at all. Having F regard to the said position emerging on record, the following directions are issued:

(i) Making 20-50 important government buildings in 50 cities fully accessible December 2017 (State Govt. Buildings)

G 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.

(ii) Making 50% of all the govt. buildings of the national

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A capital and all the state capitals fully accessible by December 2018.

Though the deadline for identifying the buildings was fixed as February 28, 2017, according to status report dated August 8, 2017, only 7 States have identified the buildings. Remaining States are directed to identify the buildings by B February 28, 2018 and it is made clear that no further time shall be granted. Insofar as deadline for retrofitting is concerned, the work should be completed by December, 2018.

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

Position regarding this action point is the same as noted in respect of action point 2, namely, only seven States have submitted their list of 10 most important cities/towns and D not a single building has been identified so far. The States are directed to identify 10 most important cities/towns and complete accessibility audit of 50% of Government buildings in these cities/towns by February 28, 2018. Likewise, retrofitting of these be completed by December 2019 as per the revised deadline set out by CCC. E

(iv) Central Govt. buildings.

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.

F (v) Accessibility in airports. Completing accessibility audit of all the international airports and making them fully accessible by December 2016.

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 G be implemented as expeditiously as possible. The Union of India should thereafter conduct the accessibility and audit and upload the same on the website by June, 2018.

(vi) Accessibility in Railways. Ministry of Railways was required to make all A1, A and B category railway stations H

A fully accessible by July 2016. 50% of all railway stations to made fully accessible by March 2018.

As is clear from the affidavit dated June 30, 2017 filed by the petitioner, as many as 12 directions are sought under this action point. Insofar 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. Insofar as other facilities are concerned, in respect of which the petitioner wants those facilities by specified period, no period is fixed. Instead, the appropriate/competent authority in the railways is directed to make an assessment in this behalf so as to ascertain as to by what date(s) these facilities will be 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.

(vii) 10% of government owned public transport carriers are to be made fully accessible by March 2018.

Here again, Section 41 of the Disabilities Act, 2016 provides for comprehensive accessibility in all modes of transport including but not remitted to the bus transport. Therefore, it becomes the duty of the Union, States as well as Union Territories to ensure that all Government buses are disabled friendly in accordance with the Harmonized Guidelines. Likewise, the respondents are duty bound to see that private buses also become disabled friendly. Thus, we direct the Government to lay down the plan giving the dates by which the aforesaid task shall be undertaken, keeping in view the directions which are sought by the petitioner in this behalf and the same shall be filed within three months.

(viii) 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

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standards by March 2017. At least 50% of the public documents are to meet accessibility standards by March 2018.

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.

(ix) Bureau of Indian Standards to embed disability aspect in all relevant parts of revised National Building Code.

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.

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

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.

(xi) 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, it is directed that these Advisory Boards be constituted by all States and Union Territories within a period of three months from today. The matter be listed for directions after three months on receiving reports in terms of the said order. [Paras 28 & 29] [908-C-F, G-H; 912-A-E; 911-A-H; 910-A-H; 909-A-H]

Francis Coralie Mullin v. Administrator, Union Territory of Delhi & Ors. (1981) 1 SCC 608 : [1981] 2 SCR 516; *State of Himachal Pradesh & Anr. v. Umed Ram*

A *Sharma & Ors.* **(1986) 2 SCC 68 : [1981] 2 SCR 516**; *Jeeja Ghosh & Anr. v. Union of India & Ors.* **(2016) 7 SCC 761 : [2016] 4 SCR 638**; *Jacob M. Puthuparambil & Ors. v. Kerala Water Authority & Ors.* **(1991) 1 SCC 28 : [1990] 1 Suppl. SCR 562**; *Justice Sunanda Bhandare Foundation v. Union of India & Anr.* **(2014) 14 SCC 383 : [2014] 4 SCR 113**; *Justice Sunanda Bhandare Foundation v. Union of India & Anr.* **2017 (5) SCALE 288 – referred to.**

B

Case Law Reference

[1981] 2 SCR 516	**referred to**	**Para 11**
[1981] 2 SCR 516	**referred to**	**Para 12**
[2016] 4 SCR 638	**referred to**	**Para 13**
[1990] 1 Suppl. SCR 562	**referred to**	**Para 18**
[2014] 4 SCR 113	**referred to**	**Para 26**
2017 (5) SCALE 288	**referred to**	**Para 26**

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D CIVIL ORIGINAL JURISDICTION: Writ Petition (Civil) No. 243 of 2005

Under Article 32 of the Constitution of India

WITH

W.P. (Civil) No. 228 of 2006.

E Colin, Gonsalves, Sr. Adv., Rajanmani, Ms. Sija N. Pal, Ms. Jyoti Mendiratta, Anjani Kumar Mishra, Advs. for the Petitioner.

Ranjit Kumar SG, Ms.Pinky Anand ASG, Ms. Sunita Rani Singh, D.L. Chidanand, R. R. Rajesh, Gurmeet Singh Makker, A.K. Srivastava, Ms. Asha Gopalan Nair, Raj Bahadur, Shreekant N. Terdal, Ms. Anil Katiyar, D.S. Mahra, Ms. Sushma Suri, Aniruddha P. Mayee, Avnish M. Oza, Chirag Jain, A. Selvin Raja, Anil Grover, Piyush Hans, Satish Kapoor, B.S. Gutam, Sapam Biswajit Meitei, Naresh Kr. G., Ashok Kr. Singh, Ms. Aishwarya Bhati, Pareena Swarup, Ameet Singh, Ms. Alka Sinha, Anuvrat Sharma, M.R. Shamshad, D.K. Thakur, V.K. Sharma, Milind Kumar, Jogy Scaria, M. Yogesh Kanna, Ms. Nithya, Ms. Maha Lakshmi, Ms. Hemantika Wahi, Ms.Jesal Wahi, Ms. Puja Singh, Ms. Mamta Singh, Ms. Aruna Mathur, Avneesh Arputham, Anuradha Arputham, Amit Arora, Arputham Aruna and Co., Ms. Niranjana Singh, Ms. D. Bharathi Reddy, Rajesh Srivastava, P. V. Yogeswaran, Pragati Neekhra, Edward Belho, K. Entaoli Sema, Amit Kumar Singh, K. Luikang Michael, Nishe Rajen Shonker, Ms. Anu K. Joy, Ms. Kamini Jaiswal,

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Ranjan Mukherjee, Anil Shrivastav, Raj Singh Rana, Jatinder Kumar Bhatia, Ashutosh Kumar Sharma, S. Udaya Kumar Sagar, Mrityunjai Singh, Kuldip Singh, Rajan Chatterjee, Adeel Ahmed, Piyush Sachdev, Chanchal Kumar Ganguli, Ms.Diksha Rai, Gopal Singh, Rituraj Biswas, Aditya Raina, M.T. George, Ms. B. Sunita Rao, V.K. Verma, V.N. Raghupathy, Parikshit P. Angadi, Prakash Jodhar, M/s Corporate Law Group, Ms. Ranjeeta Rohtagi, S. Doura, Guntur Prabhakar, Ms. Prerna Singh, Sanjay Kuamr Visen, V.G. Pragasam, S. Prabu Ramasubramanian, T. Mahipal, Mishra Saurabh, Jayesh Gaurav, Gopal Prasad, Ratan Kumar Choudhuri, Ms. Susmita Lal, Sudarshan Singh Rawat, C.K. Sasi, Kunal A. Cheema, Yogesh K. Ahirrao, Nishant Ramakantrao Katneshwarkar, B.S. Banthia, Ms. Charu Mathur, T.N. Rama Rao, Hitesh Kumar Sharma, T. Veera Reddy, G.N. Reddy, K.V. Jagdishvaran, Ms. G. Indira, M. Shoeb Alam, Ms. Fauzia Shakil Ujjwal Singh, Mojahid Karim Khan, Ardhendumauli Kumar Prasad, Advs. for the Respondents.

The Judgment of the Court was delivered by

A. K. SIKRI, J. 1. The petitioner herein, who is a visually disabled person, is resident of Gurgaon (now 'Gurugram') and works in Delhi with a human rights organisation. He has filed this petition in public interest on behalf of the disabled persons (though better expression to describe these persons is 'differently-abled persons') for proper and adequate access to public places. In particular, this petition seeks providing all accessibility requirements to meet the needs of visually disabled persons in respect of safe access to roads and transport facilities. It is stated in the petition that there are sixty to seventy million disabled persons in India and almost 50% thereof suffer from visual disability. The fundamental concern of these visually impaired persons is safe accessibility to movements on footpaths and accessibility to roads and transport. It is stated in the petition that internationally acceptable mandatory components of physical accessibility are the following:

a) **Safety**: the environment must be such where disabled people can move around safely.

b) **Independence**: the environment must be such where disabled persons can use the facilities independently.

c) **Affordability**: the barrier free or accessible environment should not come with a premium.

d) **Logical layout**: the environment must be such where disabled persons are able to navigate without too much physical exertion

A i.e. not having to move to the length and breadth of the building to access information or make use of the facilities[1].

2. As per the petitioner, physical accessibility when translated vis-a-vis road and transportation facilities for the benefit of visually disabled persons would imply the following features:

B MEASURES IN RESPECT OF ROADS:

a) Installation of auditory signals at every red light so as to aid visually disabled persons to cross the roads safely. This signal emits a series of sounds, which would indicate the opportune time to cross the road.

C b) Construct zebra crossings at a slight incline so as to aid in guidance to visually disabled persons and to enable them to navigate along this raised safe passage of zebra crossings. This slightly raised level wo9uld indicate the course of the zebra crossing to visually disabled persons, who would be able to sense the slight level difference with the aid of their D walking stick.

c) Insert guiding blocks in zebra crossings so as to aid in guidance to visually disabled persons and to enable them to navigate along with safe passage of zebra crossings.

d) Placing warning blocks along the edges of the pavement or E footpath so as to denote a level difference between the road and the pathway and to ensure the continuity of the pathway. Warning blocks refers to a standard cement block, such as is used on pavements and footpaths, consisting of a series of small blisters on them so as to warn visually disabled persons wherever there is a gap in the pavement, a level difference F or to indicate the point where the pavement or footpath ends and a road or a zebra crossing starts.

e) Providing for unobstructed footpaths with minimum hindrances in such manner so as to leave obstacle-free walking areas in a straight line on the footpath at either left or right G edges of the footpath.

f) Placing guiding blocks on pavements and footpaths so as to

[1] Based on a paper by Sunita Singh titled *'Accessibility Issues'* in book called *'Disability Management in India – Challenges and Commitment'*, edited by C.S. Mohapatra and published by the National Institute for the Mentally Handicapped, Ministry of Social Justice and Empowerment, in collaboration with the Indian Institute of Public H Administration (IIPA).

aid visually disabled persons in directional guidance. Guiding blocks are constructed on the same lines as warning blocks, the only difference being that while warning blocks consist of blisters made on a block, guiding blocks comprise of lines engraved on a block. These engraved lines on the cement block, which the visually disabled persons can sense with the aid of their walking stick, serve as an orientation tool to guide visually disabled persons along a certain direction.

g) Colouring the nosing of stairs in subways/overhead bridges/ escalators. Colouring the edges of the stairs would be of immense guidance to persons with low vision so as to enable such persons to negotiate each step with ease and orientation.

h) Providing for specially designated parking areas, which do not obstruct pathways. This feature would ensure that visually disabled persons could negotiate pathways without the apprehension of colliding with parked vehicles.

i.) Construction of a protective fencing around obstacles on footpaths an pavements so as to serve as a warning of the obstacle ahead.

j) Providing for signboards/advertisement boards and hoardings to be placed above head levels. This feature would ensure that there is no probability of visually disabled persons suffering head injuries owing to collision with signboards/advertisement boards.

k) Erecting a temporary barricade around places where construction work is in progress so as to serve as a timely warning to visually disabled persons.

l) Constructing highlands in the middle of main roads, so as to make crossing roads safer for the visually disabled. A highland would divide the main road in to two separate traffic zones of traffic moving in opposite directions, wherein a visually disabled person, through the aid of his ears, can concentrate on the traffic sounds coming from one particular direction whilst crossing over.

MEASURES FOR TRANSPORT FACILITIES:

m) Providing an efficient audio announcement system in all modes of mass public transport, using Delhi Metro, which has incorporated this feature with great success, as a model.

A n) Providing for bus stops to have route maps and schedules in Braille, which is placed at eye-level.

o) Providing for a standardized texture of flooring in front of bus stops.

p) Providing for easily accessible entry and exit points at bus
B stops, railway stations and airports.

q) Providing for an exclusive and designated ticketing area and assistance/information counter for visually disabled persons at the point which is nearest possible to the entry point and at every platform.

r) Providing for a designated place for disabled friendly coaches
C by placing guiding blocks for disabled-friendly coaches at railway stations, till the time the entire transport system becomes disabled friendly entirely.

s) Constructing warning blocks along with edges of platforms at all railway stations.

D t) Modifying the footboard of public transport vehicles so as to make it more accessible for the visually disabled with sufficient and uniform width of steps and between steps.

3. As per the petitioner, though there are few instances where some of these measures are being implemented, but the authorities have
E moved with a slow pace and in sporadic manner. To illustrate the same, the petitioner has tabulated these measures in Anneuxre P-4 to the writ petition to show that in most of the cases no action is taken by various States and Union Territories.

RIGHT OF VISUALLY DISABLED PERSONS TO GET THESE FACILITIES

F **(i) At International Level**

4. In international human rights law, equality is founded upon two complementary principles: non-discrimination and reasonable differentiation. The principle of non-discrimination seeks to ensure that all persons can equally enjoy and exercise all their rights and freedoms.
G Discrimination occurs due to arbitrary denial of opportunities for equal participation. For example, when public facilities and services are set on standards out of the reach of persons with disabilities, it leads to exclusion and denial of rights. Equality not only implies preventing discrimination (example, the protection of individuals against unfavourable treatment
H by introducing anti-discrimination laws), but goes beyond in remedying

discrimination against groups suffering systematic discrimination in society. In concrete terms, it means embracing the notion of positive rights, affirmative action and reasonable accommodation. The move from the patronising and paternalistic approach to persons with disabilities represented by the medical model to viewing them as members of the community with equal rights has also been reflected in the evolution of international standards relating specifically to disabilities, as well as in moves to place the rights of persons with disabilities within the category of universal human rights.[2]".

5. Earlier the traditional approaches to disability have depicted it as health and welfare issue, to be addressed through care provided to persons with disabilities, from a charitable point of view. The disabled persons are viewed as abnormal, deserving of pity and care, and not as individuals who are entitled to enjoy the same opportunities to live a full and satisfying life as other members of society. This had resulted in marginalizing the disabled persons and their exclusion both from the mainstream of the society and enjoyment of their fundamental rights and freedoms. Disability tends to be couched within a medical and welfare framework, identifying people with disabilities as ill, different from their non-disabled peers, and in need of care. Because the emphasis is on the medical needs of people with disabilities, there is a corresponding neglect of their wider social needs, which has resulted in severe isolation for people with disabilities and their families). However, Real awareness of the problems of disabled and their human rights perspective came to fore, in international thinking, in the 1970s when United Nations took number of initiatives, which embrace the growing international concept of the human rights of persons with disabilities and equalization of opportunities to them.

6. Two major declarations on the disabled were adopted by the General Assembly in that decade. First is the declaration on the rights of mentally retarded persons dated December 20,1971 which provided that the mentally retarded person should enjoy the same rights as other human beings, including the right to proper medical care, economic security, the right to training and rehabilitation, and the right to live with his own family or with foster parents. Furthermore, the Assembly declared that there should be proper legal safeguards to protect the mentally retarded person against every form of abuse if it should become necessary to restrict or

[2] See Report of United Nations Consultative Expert Group Meeting on International Norms and Standards Relating to Disability 10-2-2001

A deny his or her rights. In 1975, the General Assembly of the UN adopted the Declaration on the Rights of Disabled Persons, which proclaimed that "disabled persons have the same civil and political rights as other human beings." The Declaration states, "Disabled persons should receive equal treatment and services, which will enable them to develop their capabilities and skills to the maximum and will hasten the process of their social integration or reintegration." This Declaration is a comprehensive instrument with a clear focus on the rights of persons with disabilities. Thereafter, the year 1981 was observed as International Year of the Disabled Persons with its central theme as "Full Participation and Equality".

C 7. In the very next year the UN General Assembly adopted the World Programme of Action which placed "Equalization of Opportunities" as a central theme. The Committee on Economic, Social and Cultural Rights under International Covenant on Economic Social and Cultural Rights (ICESCR) in 1994 assumed the responsibility for disability rights D by issuing a General Comment No.5, in which the Committee makes an analysis of disability as a human rights issue. Article 6 of the Covenant emphasizes "Right to Work"; Article 7 refers to "the Right of everyone to the enjoyment of just and favourable conditions of work which ensures adequate remuneration"; Article 11 recognizes that everyone has the "Right to an adequate standard of living for himself and his family, including E adequate food, clothing and housing"; Article 15 recognizes the "Right of everyone to take part in cultural life".

8. Even at Asian level, significant development took place when the Government of Asian and Pacific countries (ESCAP Region) in their meeting held in Beijing on 1st to 5th December, 1992 called "Meet to F Launch the Asian and Pacific Decades of Disabled Persons" adopted to the proclamation on "Full Participation and Equality of People with Disabilities in the Asia and the Pacific regions, with this ending view, it year marked 1993-2002 as the decade of disabled persons. This paved the way for enactment of the "The Persons with Disabilities (Equal G Opportunities, Protection of Rights and Full Participation) Act, which was enacted in the year 1996.

9. The underlined message in the aforesaid documents is the acknowledgment that human rights are individual and have a definite linkage to human development, both sharing common vision and with a H common purpose. Respect for human rights is the root for human

development and realization of full potential of each individual, which in turn leads to the augmentation of human resources with progress of the nation. Empowerment of the people through human development is the aim of human rights.

(ii) Rights under the Indian Constitution

10. This right not only flows from various international covenants referred to above to which India is a signatory, it is recognised as Constitutional right as well. There cannot be any dispute about the rights of the differently- abled persons, particularly those who have visual impairment with which category we are concerned in the present case, to provide them adequate access to all the facilities on the road as well as convenient access to transport facilities etc. Without these facilities, movement of such persons gets impaired and this can even be treated as infringement of their fundamental rights under Article 19(1)(c) of the Constitution, which is guaranteed to each and every citizen of this country. In order to ensure that this right is exercised by visually disabled persons as well, it becomes the duty of the State and public authorities to lay down proper norms in respect of the built environment and public facilities i.e. roads, buildings, public places, transport (air, land and water) carriages etc. It is a well known fact that persons with visually impaired disability, with which we are concerned, represent far more 'vulnerable section of society' and 'at-risk cases' vis-a-vis their present surroundings which also becomes evident from the well known fact that insurance companies charge a higher premium on insurance policies extended to the visually disabled as compared to the other persons.

11. Article 21 of the Constitution gives right to life, mandates that every citizen has right to live with dignity. It is an umbrella right which subsumes several other rights that enable life to be led meaningfully. In ***Francis Coralie Mullin*** v. ***Administrator, Union Territory of Delhi & Ors.***[3], this Court has held that:

> "The fundamental right to life which is the most precious human right and which forms the ark of all other rights must, therefore, be interpreted in a broad and expansive spirit so as to invest it with significance and vitality which may endure for years to come and enhance the dignity of the individual and the worth of human person."

[3] (1981) 1 SCC 608

A Right to dignity has been particularly recognized in this judgment as one of the facets of right to life:

> "every act which offends against or impairs human indignity would constitute deprivation pro tanto of this right to live."

B This expansive understanding of right to life assumes greater proportions in respect of persons with visual impairments, who need a higher number of compensative skill enhancing facilities in order to go about their daily lives without suffering the indignity of being generally perceived as being dependent and helpless.

C 12. The vitality of the issue of 'Accessibility' vis-a-vis visually disabled persons' right to life can be gauged clearly by this Court's judgment in ***State of Himachal Pradesh & Anr.*** v. ***Umed Ram Sharma & Ors.***[4], where the right to life under Article 21 has been held broad enough to incorporate the right to accessibility. Relevant paragraphs of this judgment have been reproduced below:

D > "Read in the background of Article 38(2) every person has right under Article 19(1)(d) to move freely throughout the territory of India. He has also the right under Article 21 to his life which embraces not only physical existence of life but the quality of life and for residents of hilly areas, access to road is access to life
E > itself. Therefore, to the residents of the hilly areas as far as feasible and possible society has constitutional obligation to provide roads for communication in reasonable conditions. Denial of that right would be denial of the life as understood in its richness and fullness by the ambit of the Constitution.
>
F > It appears to us that in the facts of this case, the controversy lies within a short compass. It is well settled that the persons who have applied to the High Court by the letter are persons affected by the absence of usable road because they are poor Harijan residents of the area, their access by communication, indeed to life outside is obstructed and/or prevented by the absence of road.
G > The entire State of Himachal Pradesh is in hills and without workable roads, no communication is possible. Every person is entitled to life as enjoined in Article 21 of the Constitution and in the facts of this case read in conjunction with Article 19(1)(d) of the Constitution and in the background of Article 38(2) of the

H [4] (1986) 2 SCC 68

Constitution every person has right under Article 19(1)(*d*) to move freely throughout the territory of India and he has also the right under Article 21 to his life and that right under Article 21 embraces not only physical existence of life but the quality of life and for residents of hilly areas, access to road is access to life itself. These propositions are well settled. We accept the proposition that there should be road for communication in reasonable conditions in view of our constitutional imperatives and denial of that right would be denial of the life as understood in its richness and fullness by the ambit of the Constitution. To the residents of the hilly areas as far as feasible and possible society has constitutional obligation to provide roads for communication." A B C

13. Right to dignity, which is ensured in our Constitutional set up for every citizen applies with much more vigour in case of persons suffering from disability and, therefore, it becomes imperative to provide such facilities so that these persons also are ensured level playing field and not only they are able to enjoy life meaningfully, they contribute to the progress of the nation as well. In a recent judgment in ***Jeeja Ghosh & Anr.*** v. ***Union of India & Ors.***[5], these aspects were highlighted by this Court in the following form: D

37. The rights that are guaranteed to differently-abled persons under the 1995 Act, are founded on the sound principle of human dignity which is the core value of human right and is treated as a significant facet of right to life and liberty. Such a right, now treated as human right of the persons who are disabled, has it roots in Article 21 of the Constitution. Jurisprudentially, three types of models for determining the content of the constitutional value of human dignity are recognised. These are: (*i*) Theological Models, (*ii*) Philosophical Models, and (*iii*) Constitutional Models. Legal scholars were called upon to determine the theological basis of human dignity as a constitutional value and as a constitutional right. Philosophers also came out with their views justifying human dignity as core human value. Legal understanding is influenced by theological and philosophical views, though these two are not identical. Aquinas and Kant discussed the jurisprudential aspects of human dignity based on the aforesaid philosophies. Over a period of time, human dignity has found its way through constitutionalism, E F G

[5] (2016) 7 SCC 761 H

whether written or unwritten. Even right to equality is interpreted based on the value of human dignity. Insofar as India is concerned, we are not even required to take shelter under theological or philosophical theories. We have a written Constitution which guarantees human rights that are contained in Part III with the caption "Fundamental Rights". One such right enshrined in Article 21 is right to life and liberty. Right to life is given a purposeful meaning by this Court to include right to live with dignity. It is the purposive interpretation which has been adopted by this Court to give a content of the right to human dignity as the fulfilment of the constitutional value enshrined in Article 21. Thus, human dignity is a constitutional value and a constitutional goal. What are the dimensions of constitutional value of human dignity? It is beautifully illustrated by Aharon Barak [Aharon Barak, *Human Dignity — The Constitutional Value and the Constitutional Right* (Cambridge University Press, 2015)] (former Chief Justice of the Supreme Court of Israel) in the following manner:

> "The constitutional value of human dignity has a central normative role. Human dignity as a constitutional value is the factor that unites the human rights into one whole. It ensures the normative unity of human rights. This normative unity is expressed in the three ways: first, the value of human dignity serves as a normative basis for constitutional rights set out in the Constitution; second, it serves as an interpretative principle for determining the scope of constitutional rights, including the right to human dignity; third, the value of human dignity has an important role in determining the proportionality of a statute limiting a constitutional right."

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40. In international human rights law, equality is founded upon two complementary principles: non-discrimination and reasonable differentiation. The principle of non-discrimination seeks to ensure that all persons can equally enjoy and exercise all their rights and freedoms. Discrimination occurs due to arbitrary denial of opportunities for equal participation. For example, when public facilities and services are set on standards out of the reach of persons with disabilities, it leads to exclusion and denial of rights. Equality not only implies preventing discrimination (example, the

protection of individuals against unfavourable treatment by introducing anti-discrimination laws), but goes beyond in remedying discrimination against groups suffering systematic discrimination in society. In concrete terms, it means embracing the notion of positive rights, affirmative action and reasonable accommodation. The move from the patronising and paternalistic approach to persons with disabilities represented by the medical model to viewing them as members of the community with equal rights has also been reflected in the evolution of international standards relating specifically to disabilities, as well as in moves to place the rights of persons with disabilities within the category of universal human rights. (See *Report of United Nations Consultative Expert Group Meeting on International Norms and Standards Relating to Disability*, 10-2-2001.)

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43. All these rights conferred upon such persons send an eloquent message that there is no question of sympathising with such persons and extending them medical or other help. What is to be borne in mind is that they are also human beings and they have to grow as normal persons and are to be extended all facilities in this behalf. The subject of the rights of persons with disabilities should be approached from human rights perspective, which recognised that persons with disabilities were entitled to enjoy the full range of internationally guaranteed rights and freedoms without discrimination on the ground of disability. This creates an obligation on the part of the State to take positive measures to ensure that in reality persons with disabilities get enabled to exercise those rights. There should be insistence on the full measure of general human rights guarantees in the case of persons with disabilities, as well as developing specific instruments that refine and give detailed contextual content of those general guarantees. There should be a full recognition of the fact that persons with disability were integral part of the community, equal in dignity and entitled to enjoy the same human rights and freedoms as others. It is a sad commentary that this perception has not sunk in the mind and souls of those who are not concerned with the enforcement of these rights. The persons suffering from mental or physical disability experience and encounter nonpareil form of discrimination. They are not looked

A down by people. However, they are not accepted in the mainstream either even when people sympathise with them. Most common, their lives are handicapped by social, cultural and attitudinal barriers which hamper their full participation and enjoyment of equal rights and opportunities. This is the worst form of discrimination which the disabled feel as their grievance is that others do not understand them.

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46. It is the common experience of several persons with disabilities that they are unable to lead a full life due to societal barriers and discrimination faced by them in employment, access to public spaces, transportation, etc. Persons with disability are the most neglected lot not only in the society but also in the family. More often they are an object of pity. There are hardly any meaningful attempts to assimilate them in the mainstream of the nation's life. The apathy towards their problems is so pervasive that even the number of disabled persons existing in the country is not well documented."

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(iii) Rights conferred under the Statute

14. Right of these persons not only flows from the Constitution but are statutorily recognised as well. As mentioned above, pursuant to Beijing Declaration, India enacted Disability Act, 1995 (hereinafter referred to as the 'Act')[6]. This Act, in no uncertain terms, brings out one of the important features thereof, namely, the creation of a barrier free built environment. The very Preamble to the Disabilities Act discloses that this act was enacted by the legislature to fulfill its international obligation to enact a disability specific law nationally. The first in the statement of objects and reasons are:

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i. To spell out the responsibility of the State towards the prevention of disabilities: and

ii. To create a barrier free environment for Persons with Disabilities.

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15. Under its chapter VIII, titled "Non-Discrimination", the Disabilities Act, 1995 aimed to provide persons with disabilities with a non-handicapping environment to ensure them equal opportunities and full participation in all aspects of life, including social, economic, political

[6] This Act now stands repealed and is replaced by Act, 2016 which is enforced w.e.f. April 19, 2017.

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and cultural, at par with other citizens. Sections 44, 45 and 46 under this chapter provided extremely specific and unambiguous guidelines for making the built environment, roads and transport facilities accessible for visually disabled persons.

Under Section 44 establishments in the transport sector are required to design rail compartments, buses, etc. in such a way as to promote easy access to disabled persons.

Section 45 provides for installation of signals at traffic lights on public roads, kerb cuts, and slopes to be made in pavements, engravings on edges of railways platforms, designing appropriate symbols of disability and warning signals at appropriate places.

Section 46 directs the appropriate governments and local authorities, within the limits of their economic capacity and development, to provide for ramps, Braille symbols and auditory signals in elevators in hospitals, primary health centres and other medical care and rehabilitation institutes.

16. The Rights of Persons with Disabilities Act, 2016 (hereinafter referred to as the 'Disabilities Act, 2016') has come into force on April 19, 2017 and this Act has repealed the earlier Disabilities Act, 1995. This Disabilities Act, 2016 lays down the provision relating to barrier free environment. Those relevant provisions, are as under:

Section 2(i) - 'establishment includes a Government establishment and private establishment"

Section 2(k) - 'Government establishment' means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 (18 of 2013) and includes a Department of the Government.

Section 2(v) - "private establishment" means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify; (w) "public building" means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement

A agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

Section 2(w) - "public building" means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities,
B public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

Section 2(zd) - "transportation systems" includes road transport, rail transport, air transport, water transport, para transit systems for the last
C mile connectivity, road and street infrastructure, etc;

Section 2(ze) - "universal design" means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies
D for particular group of persons with disabilities.

Section 2(b) - "appropriate Government" means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006), the
E Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government.

Section 16 mandates the appropriate Government and the local authorities
F to endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall make buildings, campus and various facilities accessible.

Section 25(1)(b) mandates the appropriate Government and local
G authority to take necessary measures for the persons with disabilities to provide barrier-free access in all parts of Government and private hospitals and other health care institutions and centres.

Section 40 mandates the Central Government to frame Rules and laying down the standards of accessibility for physical environment, transportation system, information & communication system and other
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facilities & services to be provided to the public in urban and rural areas. Rule 15 deals with accessibility standards for public buildings, passenger bus transport and information and communication technology. As regards public buildings, the accessibility standards prescribed under the Harmonised Guidelines and Space Standards for barrier-free built environment for persons with disabilities and elderly persons issued by Ministry of Urban Development have been adopted. This implies that all the public buildings are now required to conform to these standards.

17. It is pertinent to mention at this point that the Ministry Urban Development and Poverty Alleviation had in the year 1993, at the outset of the Asia-Pacific Disability Decade, received monetary grants from UN-ESCAP as part of project for 'the Promotion of Non-Handicapping Environments for Disabled and Elderly Persons in the Asia-Pacific Region". The project had developed a set of guidelines on the promotion of non-handicapping physical environments for disabled persons and therefore provided funds to implement these guidelines within a period of three years, beginning May 1995.

As a follow up action to the enactment of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act) 1995, the Ministry of Urban Development in collaboration with UN-ESCAP, undertook demonstrative exercises in Delhi to create a barrier-free built environment in a 2 square kilometer area of Indraprastha Estate.

This was followed by the formulation of guidelines for creation of a barrier-free environment by the Centre Public Works Department (CPWD) under the Ministry of Urban Development and Employment, developed "Guidelines on Space Standards for Barriers Free Built Environment "which also included model building bye-laws for inter alia, road construction, to facilitate their adoption by local bodies in the states. A reference was made to all state governments to make suitable amendments in their building bye-laws to respond to this Act. Thus, there is no paucity for provisions in the law to safeguard the rights of the visually disabled

DUTY OF THE STATE

18. Apart from conferring rights on disabled persons, there are adequate provisions which cast an obligation on the State also to make provisions for safeguarding the interest of the handicapped persons. 73rd and 74th Amendment of the Constitution of India make it a Constitutional

A obligation for the State to make provisions for safeguarding the interest of the weaker section of the society, including 'handicapped and mentally retarded'. Article 41 of the Constitution which is in the nature of a Directive Principle, imposes a duty on the State to make an effective provision, inter alia, for public assistance to disabled persons and it is a well-established principle that the State has an obligation to apply the B Directive Principles of securing a social order in promotion of the welfare of the people. The importance of Article 41 in the Constitutional scheme can be measured by this Court's judgment in ***Jacob M. Puthuparambil & Ors.*** v. ***Kerala Water Authority & Ors.***[7] wherein it was held that a Court should interpret an Act so as to advance Article 41. Further, the C intention of the legislature was clear and unambiguous when it enacted the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation Act), an important feature of which was the creation of a barrier-free built environment. Chapter 8 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 deals squarely with the issue of non-discrimination D in transport and the built environment. The provisions of Disabilities Act, 1995 and Disabilities Act, 2016 have already taken note of. These provisions emphasize the importance of providing non-discriminatory access by removing all physical barriers. More specifically, they seek to provide access to public places in the following ways:

E A) Suitably altering buses, airplanes, train compartments and vessels to make them accessible to persons with disabilities;

B) Adapting toilets in these aforementioned vehicles and waiting rooms to make them accessible, especially for wheelchair users;

F C) Installing auditory feedback in traffic signals for the benefit of the visually impaired;

D) Making necessary curb cuts and slopes in pavements for wheelchair users;

E) Engraving the surface of zebra crossings for the visually G impaired;

F) Engraving the edges of railway platforms for the benefit of the visually impaired;

G) Designing appropriate symbols of disability (for identification of reserved parking spaces, etc);

H [7] (1991) 1 SCC 28

H) Providing warning signals at necessary places; A

I) Building ramps in all public places;

J) Providing auditory feedback in lifts; and

K) Providing ramps in all healthcare facilities including, inter alia, hospitals and rehabilitation centres.

19. For effective implementation of these provisions, the following B measures need to be undertaken by the State authorities for removing obstacles that prevent the disabled from accessing public places:

i. Making the gates to public places accessible by incorporating necessary accessible standards. More specifically, they must be made wide enough to allow wheelchairs to pass easily and must provide enough C space for the wheelchair to turn around after entering inside.

ii. Stair must be marked with a broad yellow line to allow the visually impaired to understand the difference in gradient.

iii. At places like airports, railway stations, etc passengers must be clearly informed about the details of their flight/train such as the gate D number for boarding, etc via public announcement systems (this practice is, surprisingly, gradually declining).

iv. A minimum of 3-5 parking spaces near the entrance must be reserved for persons with disabilities. This must be clearly indicated by showing the international symbol for disability i.e. the wheelchair symbol. E

v. All unnecessary obstructions must be removed, and all access ways must be well lit. Moreover, clear signposts, along with their Braille equivalents should be put up.

vi. Elevators must have clear Braille signs and auditory feedback. The buttons of elevators must be accessible from a wheelchair. F Pictograms must be put up near elevators and other important places such as toilets.

vii. Employees working at public places must be provided necessary training to enable them to understand the unique set of challenges that persons with disabilities face. They should be informed about the best practices for dealing with these challenges. G

viii. Wheelchairs and mobility scooters should be available at every public place.

20. One aspect that needs to be highlighted is that whereas Disabilities Act, 1995 put a rider by mentioning that responsibility of the H

A State to provide these facilities is subject to adequate economic resources to bear the expenditure involved in making these facilities disabled friendly, Disabilities Act, 2016 thankfully does not mention any such condition. On the contrary, Section 45 of the Act provides for time limits for making existing infrastructure and premises accessible and action for that purpose. Furthermore, Section 44 casts an obligation on all kinds of establishments i.e. Government as well as private establishments, to mandatorily observe accessible norms while building any structure.

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THE PRESENT CASE

21. Having regard to the aforesaid Constitutional and Statutory Scheme, there is no denial of the fact that visually impaired persons need to be provided proper and safe access to roads and transport as well as to buildings, public places etc. We may, therefore, emphasise that the prayers made in the present petition cannot be viewed as adversarial in nature. We find comfort in the fact that it is not regarded so by the respondents as well, particularly the Union of India. In fact, the manner in which the present case has proceeded would reflect the commitment of the Central Government in taking care about the aforesaid needs of the visually disabled persons. It is for this reason the Union of India has been filing status reports from time to time in the form of affidavits by bringing on record the various measures which the Government has taken for fulfilling its Constitutional and statutory obligations in this behalf. This petition was filed in the year 2005 and the various measures taken by the Government has been monitored in the last 12 years. It may not be necessary to refer to various status reports filed by the Government depicting the steps which are taken by it, as that would unnecessarily burden the present judgment. As was rightly stated by Mr. Ranjit Kumar, learned Solicitor General who appeared on behalf of Union of India, that it is a 'work in progress' and the Union of India has been taking various measures to make the lives of such disabled persons as comfortable as possible. Thus, instead of reproducing those steps which are taken by the Government from time to time, we would like to confine the discussion by referring to affidavit dated June 30, 2017 filed by the petitioner in response to the status report filed by the Union of India on April 12, 2017. In this affidavit, the petitioner has tabulated his remarks and comments to the said status report and the direction which it seeks from this Court. Therefore, this affidavit depicts what remains to be done at the end of the respondents. It may be pointed out that affidavit which was filed by the Union of India on April 12, 2017

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was in response to the ten action points which were submitted by the petitioner. In the said affidavit, the Union of India gave its updated status on those points in the following manner:

Sr. No.	Targets set under AIC	Petitioner's Remarks	Action taken
1	Making 20-50 important government buildings in 50 cities fully accessible by December 2017. (State Govt. Buildings)	Accessibility audits of only 1165 buildings as against 1633 buildings on the website of DEPwD. Of 1293 buildings, a proposal for only 366 buildings received. Sanction of Rs.1402.81 lakh has been issued only 67 buildings.	- Access audit of 1653 buildings has been completed and 1653 reports are shared with the States. - As on 30.03.2017, the cost estimates for retrofitting of 647 buildings have been received under Scheme for Implementation PwD Act (SIPDA). Sanction of Rs.71.60 crore has been issued for 354 buildings.
2	Making 50% of all the govt. buildings of the national capital and all the state capitals fully accessible by December 2018.	Standards and guidelines for accessibility need to be drawn out prior to creating accessibility in buildings.	- Harmonized Guidelines and Space Standards for the barrier-free environment for PwDs were issued by CPWD on 23/3/2016.

			- Model Building Bye-laws (MBBLs) were issued by Ministry of Urban Development on 18/3/2016 which has a separate chapter on Accessibility for PwDs. These are to be appointed by the States and local authorities. So far 33 states/UTs have adopted the accessibility standards envisages in the MBBLs. - National Building Code 2016 has been notified and published on March 15, 2017, by Bureau of Indian Standards. It is for the States and Urban Bodies to adopt these standards. Once adopted, these standards would become enforceable. - In respect of this target, States have to make their buildings accessible from their own budget, as per the decision of Central Coordination committee (CCC). In this respect list of buildings identified in State capitals has been received from Meghalaya, Karnataka, Sikkim, Uttar Pradesh, Assam, Tamil Nadu and Bihar only.

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.	States and UTs need to be communicated standards and guidelines for creating accessibility.	- In response to the letters sent to States to provide a list of 10 important cities, lists of cities have been received from Bihar, Meghalaya, Karnataka, Sikkim, Uttar Pradesh, Assam and Tamil Nadu only. However, list of Buildings in these cities have not been identified by the respective States.
4	Central Govt. buildings	No status of the report submitted by MoUD is given on their website.	- CPWD informed that out of 50 cities of phase I, 11 cities do not have General Pool Office Accommodation (GPOA) Buildings under maintenance of CPWD. These cities are Daman, Imphal, Aizawl, Gangtok, Agartala, Silvasa, Gurugram, Kavaratii, Itanagar, Kohima and Jhansi. - For the remaining 39 cities, 75 buildings were identified, of which retrofitting in 9 buildings in 4 cities

			have been completed. Work is in progress for 43 Buildings in 25 cities. Further work is also in progress in respect of buildings in other cities. - Also, CPWD stated that 39 buildings of NCR region have been provided with accessible features like a ramp with railing, disabled friendly toilets, Auditory and Visual Signage and Braille Button in a lift in case of multistoried buildings. - Total Number of GPOA buildings under maintenance of CPWD in Delhi NCR & State capitals is 123 - Out of 62 buildings (50% of 123 buildings), retrofitting work has been completed in 21 buildings in 5 cities (Delhi, Bangalore, Hyderabad, Lucknow, Mumbai). Retrofitting work is in progress in 24 buildings. Retrofitting work of remaining buildings will be completed by December 2017. - In remaining 50% i.e. 61 buildings (123-62), retrofitting work will be completed by July 2018.

5	Accessibility in airports. Completing accessibility audit of all the international airports and making them fully accessible by December 2016.	No information is available as to whether this has been done.	- Out of 32 International Airports, 30 airports have been provided with accessibility features namely ramps, accessible toilets, lifts with Braille symbols and auditory signals. Out of 65 Domestic Airports, in 58 airports accessibility features have been provided. - Ministry of Civil Aviation has informed that most of the airports have been made barrier-free for PwDs. Imphal, Srinagar, Port Blair airports are single level airports therefore no lift is required for passengers. In Thiruvananthapuram, Gaya and Bagdogra, the upgradation of lifts is under progress and the works are likely to be completed by April 30, 2017.

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.	No information provided on their website for the same.	- Out of 709 A1, A, B category railway stations, 644 have been made accessible with short-term features. Short term accessibility features include ramp with railing, parking for disabled, the non-slippery walkway from parking to Building, Signage, suitable drinking water facility, Accessible toilet at ground floor and 'May I Help You' booth. - Information has not been received from Railways about the remaining stations. - Long term accessibility feature include provision of the facility for inter platform transfer and tactile flooring of platform.

7	10% of government owned public transport carriers are to be made fully accessible by March 2018.	No standards and guidelines at present are available to make government owned public transport carriers accessible.	- Ministry of Road, Transport & Highways has issued instructions to the States and Executive Director of organisations of State Undertakings to ensure that 10% of Government owned Public Transport is made fully accessible to the PwDs by March 2018.
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.	World Accessibility Guidelines, as prescribed by W3C are not being adhered to. Instead govt. has framed their own guidelines.	- MeitY has informed that the Guidelines for Indian Government Website are compliant to WCAG 2.0.* - *((WCAG), developed through the World Wide Web (W3C's) - MeitY has further informed that under the Content Management Framework (CMF), 100 govt. websites are mandated to be made accessible. 59 Ministries/Depts. have on-boarded to CMF. Out of these, 33 websites are made live so far.

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.	World Accessibility Guidelines, as prescribed by W3C are not being adhered to. Instead govt. has framed their own guidelines.	- MeitY has informed that the Guidelines for Indian Government Website are compliant to WCAG 2.0.* - *((WCAG), developed through the World Wide Web (W3C's) - MeitY has further informed that under the Content Management Framework (CMF), 100 govt. websites are mandated to be made accessible. 59 Ministries/Depts. have on-boarded to CMF. Out of these, 33 websites are made live so far.
9	Bureau of Indian Standards to embed disability aspect in all relevant parts of revised National Building Code.	No information about the status is provided by BIS in the absence of which there are no standards and guidelines.	- The new version of National Building Code of India (NBC), has been comprehensively updated in the revised NBC and is released on 15 March 2017. This would be enforceable once the urban local bodies adopt the same.

10	The target of training additional 200 sign language interpreters by March 2018.	No action to train 2000 sign language interpreters.	- A Task Force has been set up to develop a module on Sign Language. - ISLRTC plans to train about 475 sign language interpreters (about 75 trainees through Diploma in Indian Sign Language Interpretation) and 400 others officials through short term training programme. CRE (Continuous Rehabilitation Education) and Workshops till March, 2018. Besides it is proposed to train 25 interpreters who are native speakers of sign language SODA (Siblings of Deaf Adult), CODA (Children of Deaf Adults). 25 educators for the deaf and 25 Indian sing language teachers training (deaf) till March, 2018. - ISLRTC is developing a comprehensive Indian Sign Lanugage (ISL) Dictionary of about 6000 words from various areas like every day words, academic words, legal, technical and medical words.

22. In its reply dated June 30, 2017, the petitioner has made his remarks in respect of the aforesaid ten action points and also submitted that certain directions are required from this Court in respect of six to ten action points.

Sr. No.	Targets set under AIC	Action taken	Petitioner's remarks
1	Making 20-50 important government buildings in 50 cities fully accessible by December, 2017. (State Govt. Buildings	- Access audit of 1653 buildings has been completed.	- Petitioner's analysis of a sample of the access audits is set out in the Additional Affidavit of the Petitioner dated 6.1.17 from page 3 onwards showing the pitiable state of access for disabled persons.
		- As on 30.03.207, the **cost estimates for retrofitting of 647 buildings** in 50 cities have been received under Scheme for implementation Pwd Act (SIPDA). **Sanction of Rs.71.60 crore has been issued for 354 buildings.**	- The cost estimates for retrofitting 647 buildings has not been disclosed, thus suppressing the funds required for retrofitting these 647 buildings. Only the sanctioned amount has been disclosed. It has not been disclosed as to whether this sanctioned amount has been disbursed and used.

1			- It does not appear as if the central and state governments are bothered about the revised deadline of December 2017 (from July 2016) for the retrofitting of the buildings. - 22 years after enactment of PwD Act, 1995 and now the RPD Act, 2016 (Which have almost identical provisions regarding access) no progress has been made. Under both Acts **all** buildings in the states were to be made accessible; not just 1653. Out of the thousands of government buildings in the state only a tiny fraction of 1653 buildings have been chosen and these too have missed the deadlines for retrofitting. - The Harmonized Guidelines made by the Central Government have been annexed in Vol. II of the UOI Status Report dated 28.4.16.

				None of the audit reports make any reference to these Guidelines. It appears that the audits (though severely critical of the access of the buildings) have been made on some ad hoc basis without reference to the guidelines. **Directions sought** 1) The state governments be directed to submit within one month from today the cost estimates for the remaining 1006 buildings. 2) Union of India be directed to disburse to the respective states the entire funds required for the retrofitting of 1653 buildings within 2 months from today. 3) For an order directing the state governments to complete the retrofitting of 1653 buildings in accordance with the Harmonized Guidelines by December, 2017.

			4) For an order directing the state governments to conduct the accessibility audit of all the 1653 buildings after the retrofitting is completed within 3 months of completion and to upload the audits on the website. 5) For an order directing that the Chief Secretary of the states and the Administratives of the Union Territories will be held responsible for the implementation of the orders passed by this Court.
2	Making 50% of all government buildings of the national capital and the state capitals fully accessible by December 2018.	- Harmonized Guidelines and Space Standards for the barrier-free environment foe PwDs were issued by CPWD on 23/3/2016. - Model Building Bye-laws (MBBLs) were issued by Ministry of	- Same as above. Under both the statutes **all** buildings are to be retrofitted. - The latest Harmonized Guidelines filed by the UOI in this Court

			Urban Development on 18/3/2016 which has a separate chapter on Accessibility for PwDs. These are to be adopted by the States and local authorities. So far as 33 States/UTs have adopted the accessibility standards envisages in the MBBLs. - National Building Code 2016 has been notified and published on March 15, 2017 by Bureau of Indian Standards. It is for the States and Urban Bodies to adopte these standards. Once adopted, these standards would be enforceable. - In respect of this target, States have to make their buildings accessible from their own budget, as per the decision of Central	in affidavit dated 28.4.16 read together with any revision done thereafter must be used. - Not a single state capital has made any attempt either to identify the buildings or to make cost estimates and to make financial provisions for retrofitting of the buildings. In the meeting of the Central Coordination Committee held on 29.11.16 as directed by the Supreme Court it was decided that all state governments would submit the names of the identified buildings by 28.2.17. **Directions sought** 1. For an order directing all States/UTs to finalise and submit to UOI the list of

		Coordination Committee (CCC). In this respect list of buildings identified in State Capitals has been received from Meghalaya, Karnataka, Sikkimk, Uttar Pradesh, Assam, Tamil Nadu and Bihar only.	50% of the government buildings of all the state capitals that are to be retrofitted within one month from today. 2. For an order directing all States/UTs to make cost estimates, disburse funds and complete the retrofitting of all the identified buildings in accordance with the Harmonized Guidelines read together with any subsequent revision, by December 2018, in such a manner that 50% of the work shall be completed by December 2017 and a report be made to this Court in respect thereof. 3. For an order directing that the Chief Secretaries of the States shall be held

			responsible for the implementation of the orders made by this Court. 4. For an order directing all the State/UTs to complete an accessibility audit of all the buildings retrofitted in accordance with the Harmonized Guidelines and to upload these audit reports.
3	Completing accessibility audit of 50% of government 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.	In response to the letters sent to States to provide a list of 10 important cities, lists of cities have been received from Bihar, Meghalaya, Karnataka, Sikkim, Uttar Pradesh, Assam and Tamil Nadu only. However, list of Buildings in these cities have not been identified by the respective States.	- Under both the statutes **all** buildings are to be retrofitted. - No progress made. Cities not identified by many states. Buildings not identified by any state. Estimates not made of funds required by any state.

			Direction sought 1) For an order directing all States/UTs to identify 50% of the government buildings in the 10 most important cities/towns within 1 month from today and to allocate adequate resources and complete the retrofitting of these buildings by December 2019 in such a manner that half the work will be completed by December 2018 and an interim report submitted to this Court and a final report submitted thereafter. 2. For an order directing all the State/UTs to complete an accessibility audit of all the buildings retrofitted in accordance with the Harmonized Guidelines and to upload these audit reports. 3. For an order directing that the Chief Secretaries of the States shall be held responsible for the implementation of the orders made by this Court.

4	Central Government buildings	- CPWD informed that out of 50 cities of phase I, 11 cities do not have General Pool Accommodation (GPOA) Buildings under maintenance of CPWD. These cities are Daman, Imphal, Aizawl, Gangtok, Agartala, Silvasa, Gurugram, Kavaratti, Itanagar, Kohima and Jhansi. - For the remaining 39 cities, 75 buildings were identified, of which retrofitting in 9 buildings in 4 cities have been completed. Work is in progress for 43 buildings in 25 cities. Further work is also in progress in respect of buildings in other cities.	- Under both the statutes of 1995 and of 2016 **all** buildings are to be retrofitted. - The minutes of the Central Coordination Committee meeting held on 29.11.16 as directed by the Supreme Court reveals that audits and retrofitting is to be done of **466 buildings** including 90 GPOA buildings by December, 2016 **Directions sought** 1) For an order directing UOI to complete the retrofitting of the mentioned 466 buildings in accordance with the Harmonized Guidelines as revised and thereafter to complete the accessibility audit by July, 2018 and to upload the audits on the websites.

		- Also, CPWD stated that 39 buildings of NCR region have been provided with accessible features like a ramp with railing, disabled friendly toilets, Auditory and Visual Signage and Braille Button in a lift in case of multistoried buildings. - Total number of GPOA buildings under maintenance of CPWD in Delhi NCR & State Capitals is 123. - Out of 62 buildings (50% of 123 buildings), retrofitting work has been completed in 21 buildings in 5 cities (Delhi, Bangalore, Hyderabad, Lucknow, Mumbai). Retrofitting work of remaining buildings will be completed by December 2017. In the remaining 50% i.e. 61 buildings (123-62), retrofitting work will be completed by July 2018.	2) For an order directing that a Secretary, MoUD, shall be the person held responsible for the implementation of the orders made by the Supreme Court.

5.	Accessibility in international and domestic airports. Completing accessibility audit of all the international airports and making them fully accessible by December 2016 and domestic airports by March 2018.	- Out of 32 International Airports, 30 airports have been provided with accessibility features namely ramps, accessible toilets lifts with Braille symbols and auditory signals. Out of 65 Domestic Airports, in 58 airports accessibility features have been provided. - Ministry of Civil Aviation has informed that most of the airports have been made barrier-free for PwDs. Imphal, Srinagar, Port Blair airports are single level airports therefore no lift is required for passengers. In Thiruvananthapuram, Gaya and Bagdogra, the upgradation of lifts is under	- In the meeting of the Central Coordination Committee held on 29.11.16 as mentioned above it was pointed out that the accessibility work done was only 'basic' and that further provisions would be put in place 'in a phased manner'. It is mentioned that a template for accessibility audits was prepared in order to conduct audits and retrofitting in all airports. However, no audit has been done. - In the Committee meeting it is stated that 'airport accessibility is not confined to ramps, toilets and lifts. The airports have to be made accessible for all kinds of disabilities and the accessibility should

		progress and the works are likely to be completed by April 30, 2017.	include accessible signage, accessible parking places, tactile floorings etc. A copy of the access audit conducted by IIT, Roorkie for the Indira Gandhi International Airport has been sent to Ministry of Civil Aviation, which will act as a template for access audit and will facilitate retrofitting of the airports and railway stations'. - No mention is made in the UOI status report of the domestic airports. - Harmonized guidelines and NBC clearly mention use of non slippery matt finish tiles which have not been used. People using crutches and callipers find it difficult to navigate open spaces in airports as tiles are very slippery. Carpets prevent wheelchair users from navigating their wheelchairs in carpeted walkways

				and people using crutches and callipers who have restricted leg movements find it difficult to drag their feet on carpets. No uniform standards are used in making accessible toilets. For instance, in Mumbai, Delhi and other airports no latches are provided from inside. - In the Central Committee meeting it was stated by the representative of the National Trust 'that a template of access audit had been provided to the Ministry of Railways and Ministry of Civil Aviation for conducting access audit and retrofitting of railway stations and airports. He pointed out that these Ministries **should follow the prescribed template and not**

			pick out only some elements therefrom. The representative of the two Ministries submitted that retrofitting would be carried out as per the template, **but had been phased out in view of the availability of resources.'** **Directions sought** 1) For an order directing UOI to complete the retrofitting of all the international and domestic airports by December 2017 (extending the earlier deadline of April 2017) in accordance with the Harmonized Guidelines as revised and the IIT Roorkee access audit template abovementioned. 2) For an order directing UOI to thereafter conduct the accessibility audit and upload these audits on the website by March 2018.

			3) For an order directing UOI to produce in this Court the accessibility audit done of IGIA by IIT Roorkee.
6.	Accessibility in Railways. Ministry of Railways was required to make all A1, A, B category railway stations fully accessible by July 2016. 50% of all railway stations to made fully accessible by March 2018.	- Out of 709 A1, A, B category railway stations, 644 have been made accessible with short-term features, short-term accessibility features include ramp with railing, parking for disabled, the non slippery walkway from parking to Building, Signage, suitable drinking water facility, Accessible toilet at ground floor and 'May I Help You' booth. - Information has not been received from Railways about the remaining stations.	- The statute requires full accessibility of **all** railway stations not just 50%. - In the Central Committee meeting it was stated by the representative of the National Trust 'that a template of access audit had been provided to the Ministry of Railways and Ministry of Civil Aviation for conducting access audit and retrofitting of railway stations and airports. He pointed out that these Ministries **should follow the prescriobed template and not pick out only**

			some elements therefrom. The representative of the two Ministries submitted that retrofitting would be carried out as per the template, **but had been phased out in view of the availability of resources."** - Mere symbolic efforts made to provide accessibility in railway stations. For instance: - To provide access to drinking water sources, instead of lowering the drinking water source ad hoc platforms have been made with ramps for access. These are dangerous for users of crutches and callipers as the ramps are mostly wet and slippery. - Low ticket counters are provided in some

				reservation counters but no low ticket windows are provided for buying general tickets which are mostly used by disabled. - Some railway stations have lifts and escalators (Delhi has escalators and lifts at entrances from both sides) but escalators cannot be used by most people with orthopaedic disabilities. Also no such facilities provided for reaching other platforms. - In the last railway budget it as announced that the Central Government would be providing for lifts in 600 stations for inter-platform accessibility. - Physically disabled have to be carried up and down to reach in between platforms which is undignified.

			- Battery operated cars used for transporting persons with disabilities in Delhi railway station have been withdrawn by the railways as the company providing this facility through CSR has withdrawn the facility. - Compartments for persons with disabilities are inaccessible and generally used by RPF and railway staff. - Toilets at railway stations have been converted into toilets for disabled persons by making cosmetic adjustments in the existing toilets without any real attempt being made to comply with the guidelines. - In the UOI status report no reference is made to the compartments and reference is made only to the railway stations even though clause 11.7.2.2 provides detailed guidelines on accessible railway compartments including entrances, wheel chair spaces, seats, aisles and information signs and announcements.

				Directions Sought 1) For an order directing UOI to produce in this Court the accessibility audit done by IIT Roorkee for the New Delhi Railway Station. 2) For an order directing UOI to complete the retrofitting of all the 709 A1, A & B category railway stations by December 2017 and to conduct the accessibility audits of these railway stations by March 2018 in accordance with the Harmonized Guidelines as revised and the IIT Roorkee access audit template, and to upload the audit reports on the website. 3) For an order directing the UOI to complete the retrofitting of 50% of the remaining railway stations in the country by December 2019 and

			the remaining railway stations by December 2020 in accordance with the Harmonized Guidelines as revised and the IIT Roorkee accessibility template and thereafter complete the accessibility audits by December 2020 and upload the audits on the website. 4) For an order directing UOI to immediately restart the facility of battery operated cars at New Delhi Railway Station and introduce this facility at all other A1, A & B category railway station by December, 2018. 5) For an order directing UOI to install in all railway stations in the country ramps and lifts in 600 stations for inter platform accessibility by December 2017 and lifts in the remaining stations by December 2018.

				6) Introduce strict monitoring of and the introduction of penal provisions, for non disabled persons using compartments for disabled; 7) For an order directing the UOI to immediately arrange for hydraulic lifts or collapsible ramps to board compartments reserved for disabled persons. 8) For an order directing the UOI to immediately ensure that all compartments of all trains be retrofitted with one toilet in each compartment which is accessible in accordance with the Harmonized Guidelines as revised and the IIT Roorkee accessibility template by December 2017. 9) For an order directing UOI to conduct a comprehensive retrofitting of all the toilets for disabled persons at all the railway stations to

			ensure that they comply with the Harmonized Guidelines as revised and the IIT Roorkee accessibility audit by December 2017. 10) For an order directing the UOI to replace all disability compartments with compartments that are constructed in accordance with clause 11.7.2.2 of the Harmonized Guidelines by December 2018. 11) For an order directing that the Chairman, Railway Board, shall be responsible for the implementation of the orders of this Court. 12) For an order directing UOI to act in accordance with the audits filed by the petitioner in respect of the Mumbai Railway Stations and to forthwith retrofit all the Mumbai railway stations in accordance with the said audits, the Harmonized Guidelines as revised and the IIT Roorkee accessibility template by December 2018.

7	10% of government owned public transport carriers are to be made fully accessible by March 2018.	Ministry of Road Transport & Highways has issued instructions to the State and Executive Director of organisations of State Undertakings to ensure 10% of Government owned public transport is made fully accessible to the PwDs by March 2018.	-The statutes cover **all** public transportation as well as all bus depots and bus stands. The AIC therefore deals with only a small fraction of the work to be done. - The UOI status report covers only buses and not bus depots and bus stands (clause 10.3) - The Harmonized Guidelines clause 11.7.1 onwards extensively deals with public transport. - Delhi Government informs that there are 6350 government buses and not 4352 as stated in the status report. Only 3775 are said to be disabled friendly. - The law requires that all public transportation be made disabled friendly and not just government buses. The guidelines cover tramps, taxis, mini

			buses and three wheelers as well as taxi and auto rickshaws stands and car parking. No mention is made of this in the status report. - Efforts are minimal. All bus stations remain inaccessible and are nightmares for disabled. No accessible toilets provided. No provisions for passengers using wheel chairs and crutches and callipers to board buses. No provision of tactile footpaths, kerbside cuts for wheel chair users to enter footpaths, no auditory signals at red light crossings, no engraved zebra crossings and no islands between roads. Pedestrian infrastructure not included as targets in AI campaign. These are covered

				in the Harmonized Guidelines Section 11 on Transport and Road Planning which covers sidewalks and footpaths, kerb ramps at walkways and pedestrian crossings, road intersections, median refuge/islands, traffic signals, subways and foot over bridges. There is no reference to these in the status report. **Directions sought** 1) For an order directing UOI, States and UTs to: a) Ensure that all government buses are disabled friendly in accordance with clause 11.7.1.2 of the Harmonized Guidelines by December 2017 by induction of new buses and the phasing out of buses that are not disabled friendly. b) To ensure that all private buses operating are disabled friendly and

			that all other buss are not permitted to operate after the deadline of December 2017. c) To retrofit all bus stations and bus stands compliant with section 10.3 of the Harmonized Guidelines, inter alia, in respect of accessible boarding points, directional signs, toilets, seats, shelter and ramps etc. d) To ensure that all public transportation operating from December 2018 is compliant with the Harmonized Guidelines.
8.	Comprehensive revision of target deadlines under accessibility of knowledge and ICT Ecosystem. At least 50% of central and state	- MeitY has informed that the Guidelines for the Indian Government Website (GIGW) are compliant to WCAG 2.0.* - *((WCAG), developed	- The 2016 statute requires all websites to meet accessibility standards not just 50%. Instead of all the websites of government running into thousands, the status report only

	government websites are to meet accessibility standards by March 2017. At least 50% of the public documents are to meet accessibility standards by March 2018.	through the World Wide Web Consortium's (W3C's) MeitY has further informed that under the Content Management Framework (CMF), 100 Govt. websites are mandated to be made accessible. 59 Ministries/Depts. Have on-boarded to CMF. Out of these, 33 websites are made live so far.	covers the central government websites and even there are total number of central and state governments websites are not disclosed. The Central Coordination Committee meeting gives a figure of 2,000 central government websites that are to be made accessible under the AIC (50% of the total). Out of the blue a magical figure of 100 central government websites are taken as an arbitrary target and it is stated that 33 are operational. This will not even amount to 1% of all state and central government websites in the country. - Similarly, though the AIC requires only 50% of public

			documents to meet the accessibility standards by March 2018 there is no reference in the status report to this compliance. Moreover, the statute requires all public documents to meet the accessibility standards. - Although the Harmonized Guidelines do not refer to accessibility of documents there is no controversy that documents have to be made accessible in Braille, electronic, audio formats etc. No documents have been made accessible in India. - The status report also does not touch on public television programmes (target 7.2 AIC), telephone and mobile based services such as PCR 100 number, ambulance and fire services etc. TV programmes for example require sign

				language interpreters, close captioning, audio descriptions etc. Moreover, the AIC only covers government programmes, which is wrong because the 2002 statute covers public information services provided by private parties. **Directions sought** For an order directing UOI and all the states/UTs to: 1) Made all the websites accessible in accordance with W3C web content Accessibility Guidelines (WCAG) by March 2018 and accessibility audits completed by June 2018 and uploaded on the website. 2) To make 50% of all public documents issued by the central government and the state governments accessible including all publications such as laws, regulations, reports, forms and

			informational brochures (taken verbatim from the AIC) by March 2018 in accordance with the Organisation for Standardization criteria that are found in ISO/IEC 40500:2012. 3) To make the remainder of all public documents accessible by December 2018. 4) To make 25% of all government programmes on TV accessible by March 2018 as stated in the AIC. 4) To make all government and private TV programmes accessible in terms of "daily captioning and sign language interpretation" as set out in Objective 7 of the AIC by March 2018. 5) To make telephone and mobile based services such as PCR 100, Ambulance, Fire and other emergency services according to internationally accepted TTY facility by December 2017.

9.	Bureau of Indian Standards to embed disability aspect in all relevant parts of revised National Building Code.	The new version of National Building Code of India (NBC), has been comprehensively updated in the revised NBC and is released on 15 March 2017. This would be enforceable once the local bodies adopt the same.	- The standard to be used ought to be the Harmonized Guidelines read together with the revised NBC.
10.	The target of training additional 200 sign language interpreters by March 2018.	- A task force has been set up to develop a module on sign language. - ISLRTC plans to train about 475 sign language interpreters (about 75 trainers through Diploma in Indian Sing Language Interpretation) and 400 others officials through short term training programme. CRE (Continuous Rehabilitation Education) and Workshops till March, 2018.	- The figure of 200 sign language interpreters is farcical. Sign language interpreters are required at least at all major places where communication and dealing with the public both in the public and private sector take place. This will cover railway stations, major bus depots, hospitals, airports, major government

		- ISLRTC is developing a comprehensive Indian Sign Language (ISL) Dictionary of about 6000 words from various areas like every day words, academic words, legal, technical and medical words.	offices, large private sector offices, shopping malls, large educational institutions and the like. If a realistic assessment is made of New Delhi itself it is quite possible that the number of sign language interpreters required for the capital city alone would be in excess of 200. Moreover, section 17 which deals with inclusive education requires the training and recruitment of teachers who are **qualified** in sign language. Section 42 deals with access to information and communication services require sign language interpreters for all TV programmes. Thus the requirement for sign language interpreters must be assessed

				realistically by an expert group and would probably run into tens of thousands for the entire country. It must be remembered that deaf persons constitutes 30% to 40% of the disabled population and the actual figure is stimated at a minimum of 13 million persons. In the absence of sign language interpreters in the educational institutions and in the country they remain at the lowest rungs of the disability sector and suffer almost complete exclusion. Their performance in education and employment show this extreme discrimination. Hence the sign language interpreters issue is one of the most important human rights remaining to be implemented in India.

			- The status report refers to ad hoc training of personnel. This is most unsatisfactory and is completely distinct from the generation of **qualified** interpreters. Thus even the target of 200 has not been met. The status report shows that not even one interpreter has qualified. **Directions sought** 1) For an order directing the Rehabilitation Council of India (RCI), the National Association of the Deaf to submit to this Court a reasonable estimate of the number of sign language interpreter required in India. 2) For an order directing UOI and all states and UTs to jointly establish an emergency

				arrangement nationwide where 475 sign language interpreters qualify by March 2018 as stated in the status report and 500 sign language interpreters qualify every year thereafter until the target of the estimated sign language interpreters required in the country is met. 3) For an order directing UOI and all states/UTs to create a special cadre of sign language interpreters in the Union and state cadres for the immediate employment of the sign language interpreters who qualify. General directions sought 1) For an order directing all states and UTs to constitute the Central and State Advisory Boards required to be set up under Sections 60 and 66 of the 2016 Act.

23. Vide order dated August 9, 2017, this Court sought the response of the respondents in respect of directions which are sought by the petitioner and listed above. In compliance therewith, the Union of India has filed affidavit on August 23, 2017. In this affidavit, the Union of India has itself accepted the position under the Disabilities Act, 2016 by mentioning relevant provisions of the Act in detail, which have already been taken note of.

24. The Government has also pointed out that the Bus Body Coat as notified by Ministry of Road Transport and Highways vide GSR No. 895(E) dated September 20, 2016 has been adopted, in the form of Central Motor Vehicles (12th Amendment) Rules, 2016. It is also mentioned that in case of Information & Communication Technology, the guidelines for Indian Government websites as adopted by Department of Administrative Reforms and Public Grievances are to be complied with by all the websites of establishments. The Ministry is working with other line Ministries/Departments to finalise accessible standards for other facilities and services. Insofar as directions sought by the petitioner in his affidavit dated June 30, 2017 are concerned, the Union of India has given its response thereto in the following manner:

> "(a) With respect to the directions sought under Serial Number 1, it is stated that the State Governments are being regularly reminded up to submit cost estimates for retrofitting for the release of grant in aid. 822 proposals have been received so far, however, funds amounting Rs.84.32 crore for 385 buildings has been released. For remaining, 437 buildings funds could not be released due to technical errors in the proposals, pending Utilization certificates etc. Cost estimates of 780 buildings are yet to be received. Directing the States to submit the proposal within a period of one month may not be practical since the States are required to get their cost estimates done through their Executive Engineers of Public Works Department. Further, the direction sought by the petitioner to disburse the entire fund to the States within a period of two months is also not feasible. During the current financial year, an amount of Rs.207 crore is available under Central Government's scheme called 'Scheme for Implementation of Persons with Disabilities Act (SIPDA)'. Thus, release of funds depends on the amount available with the Government at that

point of time. Therefore, it would be appropriate to direct the States to submit the proposal within a period of six months and the Central Government would release the fund, if the proposal is complete in accordance with the scheme within a period of two months from the receipt of the proposal, subject to the availability of the funds.

It is further submitted that it may also not be practically feasible possible to direct the State Governments to complete retrofitting by December, 2017. It may be noted that after sanctioning of the proposal, the State Governments are required to float tender and assign the work to the agency which may take time. Further, the completion of work will take time. It may not be feasible in all the cases to complete the work within a period of six months. The States may be directed to complete the process of initiation of retrofitting work by December, 2017.

It is submitted that the State Governments may be directed to conduct accessible audit after retrofitment so as to see whether all the findings of the access audit report have been adequately addressed or not.

(b) With respect to the directions sought under Serial Number 2, it is stated that it may be appropriate to give three months time for the States to submit the list of 50% of the Government buildings in all State Capitals as per target 2 of AIC. It may perhaps be appropriate to advise the States/UTs to devise work plan to ensure retrofitment in these buildings by December, 2018 and conduct accessibility audit as soon as the retrofitment work is over.

(c) With respect to the directions sought under Serial Number 3, it is submitted that it may be appropriate to give three months time for the States to submit the list of buildings in 10 most important cities as per target 3 of AIC.

(d) With respect to the directions sought under Serial Number 4, it is submitted that CPWD/Ministry of Urban Development is the nodal Department for maintenance of General Pool Office Accommodation (GPOA) buildings. CPWD has intimated that out of 50 cities of phase I, 11 cities do not have GPOA buildings

under maintenance of CPWD. For the remaining 39 cities, 75 buildings were identified, of which retrofitting in 49 buildings in 27 cities have been completed and work is in progress for 9 buildings in 8 cities. Retrofitting of all the 466 buildings within a period of one year may not be feasible as it involves allocation of funds.

(e) With respect to the directions sought under Serial Number 5, it is submitted that Ministry of Civil Aviation has been requested to carry out retrofitting activities as per extant guidelines/instructions. The access audit report of IIT Roorkee with respect to Indira Gandhi International Airport has been placed on the website of the Department.

(f) With respect to the directions sought under Serial Number 6, it is submitted that the access audit report of IIT Roorkee with respect to New Delhi Railway Station has been placed on the website of the Department.

(g) With respect to the directions sought under Serial Number 7, it is submitted that Ministry of Road Transport & Highways being the concerned Ministry to take a view on the possibility of phasing out. However, as per Section 46 of the Disabilities Act, 2016, the service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under Section 40 within period of 2 years from the date of notification of such rules. Mostly the passenger bus transportation is in the domain of State Governments. It is for the States to take a call in the matter. It may be appropriate to direct them to comply with the provisions of Section 46 of the Disabilities Act, 2016.

(h) With respect to the directions sought under Serial Number 8, it is submitted that with a view to help the State Government to make their website accessible as per GIGW and W3C compliance, DEPwD has issued a work order to ERNET India for 917 State Government websites to be made accessible as per GIGW and W3C compliance. Now the accessibility standards has been prescribed for websites and the document to upload on it under Rule 15(1)(c) of the 2017 Rules. All the establishments are required to comply with these standards.

A (i) With respect to the directions sought under Serial Number 9 no specific directions has been sought. It may be noted that Harmonised Guidelines and Space Standards for barrier-free built environment for persons with disabilities and elderly persons issued by Ministry of Urban Development has been adopted as reference for accessibility norms and therefore only these guidelines are to be mandatorily followed.

(j) With respect to the directions sought under Serial Number 10, it is submitted that Rehabilitation Council of India (RCI) has done this exercise earlier with reference to order of High Court of Delhi in W.P.(C) No. 6250 of 2010 – ***The National Association of Deaf*** v. ***Union of India & Ors.*** Accordingly, the Department has started training of its officials to develop a pool of sign language interpreters in the public offices. So far six batches of sign language training have been completed and about 100 sign language interpreters have been trained. Status reports are bring filed in the High Court from time to time."

25. It is, thus, stated that though the respondent has taken appropriate steps in respect of ten action points spelled out by the petitioner and is attempting to fulfil the needs of such visually impaired persons in all possible manners.

26. This affidavit also refers to the judgment of this Court in the case of ***Justice Sunanda Bhandare Foundation*** v. ***Union of India &*** Anr.[8] wherein certain directions were given by this Court. It is mentioned that while dealing with the compliance of the directions contained in the aforesaid judgment, this Court has passed order dated April 25, 2017 (reported as ***Justice Sunanda Bhandare Foundation*** v. ***Union of India & Anr.***[9]), as per which following directions are given:

"25. We have referred to certain provisions only to highlight that the 2016 Act has been enacted and it has many salient features. As we find, more rights have been conferred on the disabled persons and more categories have been added. That apart, access to justice, free education, role of local authorities, National fund and the State fund for persons with disabilities have been created.

[8] (2014) 14 SCC 383

[9] 2017 (5) SCALE 288

The 2016 Act is noticeably a sea change in the perception and requires a march forward look with regard to the persons with disabilities and the role of the States, local authorities, educational institutions and the companies. The statute operates in a broad spectrum and the stress is laid to protect the rights and provide punishment for their violation.

26. Regard being had to the change in core aspects, we think it apposite to direct all the States and the Union Territories to file compliance report keeping in view the provisions of the 2016 Act within twelve weeks hence. The States and the Union Territories must realize that under the 2016 Act their responsibilities have grown and they are required to actualize the purpose of the Act, for there is an accent on many a sphere with regard to the rights of the disabilities. When the law is so concerned for the disabled persons and makes provision, it is the obligation of the law executing authorities to give effect to the same in quite promptitude. The steps taken in this regard shall be concretely stated in the compliance report within the time stipulated. When we are directing the States, a duty is cast also on the States and its authorities to see that the statutory provisions that are enshrined and applicable to the cooperative societies, companies, firms, associations and establishments, institutions, are scrupulously followed. The State Governments shall take immediate steps to comply with the requirements of the 2016 Act and file the compliance report so that this Court can appreciate the progress made.

27. The compliance report to be filed by the States shall be supplied to the learned counsel for the petitioner, learned counsel for the Union of India as well as to the learned counsel for the applicant/ intervenor so that they can assist the Court.

28. The Registry is directed to send a copy of the order passed today to the Chief Secretaries of the States and the Administrators of the Union Territories."

27. In respect of the action taken by the respondents as mentioned in its affidavit dated August 23, 2017, the petitioner has furnished the following comments:

Sr. No.	Petitioner's Comments to the UOI response dated 23rd August, 2017
1	1) the petitioner reiterates the time limits in the directions sought (in Col. 2) for the following response: • The original deadline of July 2016 under this target has been extended by the Central Coordination Committee (CCC) in its meeting on 29.11.2016 to December 2017. (Annexure R-2 of the Action Taken Report of UOI dated 14.12.2016) • The 2016 Act vide Section 46 requires that all service providers, both Government and private, make their facilities, including buildings, accessible within a period of two years from the date of notification of the Accessibility Rules (notified in June 2016). Therefore all government buildings providing any services to the public are to be made fully accessible by June 2019. • Whereas Section 46 of the 2016 Act contemplates all buildings and facilities throughout the country to made accessible by June 2019, the AIC targets very limited number in Phase I, i.e. 1653 buildings. Therefore, the December 2017, set by the CCC ought to be adhered to and the timeframes in the direction sought by the Petitioner have been made with regard to the revised CCC deadline. 2) The Submission by UOI that funds disbursal under SIPDA will be subject to availability is not tenable. The 2016 Act nowhere contemplates the implementation of accessibility in public buildings and services to be contingent on availability of fund in SIPDA. It is therefore respectfully submitted that the accessibility provisions of the 2016 Act being mandatory, funds as the required must be allocated by the Central Government from the Consolidated Funds of India. 3) It is further reiterated that after retrofitting the State Govt, buildings, they should be audited according to the Harmonised Guidelines keeping in view that the audits commissioned by UOI prior to retrofitting were not according to the Harmonised Guidelines.

3	It is to be noted that as per the UOI Status Report dated 08.08.2017, only 7 States have submitted their lists of 10 most important cities/towns and not a single building has been identified so far. Therefore the reason stated under Target 1 above, Petitioner reiterates that the States be directed to identify the 10 most important cities/towns and 50% of the Govt, buildings in these cities/towns within 1 month from today and the retrofitting of these be completed by December 2019 which is the revised extended deadline set down by the CCC.
4	With regard to this target, the CCC in its meeting on 29.11.2016 has extended the deadline for retrofitting 466 Central Govt. buildings to December 2016. 8 months have already passed since then and only 49 building have been retrofitted. The submission of the UOI that all 466 buildings cannot be retrofitted within 1 year because of limitations in funds allocated cannot be accepted. As noted above the 2016 Act Vide Section 46 requires all Govt. service providers to make their facilities including the buildings accessible by June 2019, which requirement is not subject to allocation of funds. Admittedly 466 buildings under this target would constitute only a small fraction of the total number of Central Govt. buildings to be made accessible under the 2016 Act. Therefore, the Petitioner reiterates the timeframe of July 2018 for completing this target.
5	The Petitioner has brought to the attention of this Hon'ble Court by its Affidavit dated 30.06.2017 of several features in which the airports in the country are not accessible. It may be noted that in its meeting on 29.11.2016, the CCC had noted that the accessibility work done on airports was only basic and that the Civil Aviation Ministry should follow the prescribed template, i.e. IIT Roorkee template on the Govt, website would not serve its purpose reiterates the directions sought with regard to this Target.

6	The Petitioner has brought to the attention of this Hon'ble Court by its Affidavit dated 30.06.2017 of several features in which the railways in the country are not accessible. In particular the Petitioner conducted a survey of the New Delhi Railway Station which has been claimed to have been accessible by UOI. The Petitioner annexed a number of photographs showing several critical features lacking in accessibility. It may be noted that in its meeting on 29.11.2016, the CCC had noted that the accessibility work done on railways was only basic and that the Railway Ministry should follow the prescribed template, i.e. IIT Roorkee template for New Delhi Railway Station and not pick out any elements therefrom. It is submitted that merely placing the IIT Roorkee template on the Govt, website would not serve its purpose and therefore the Petitioner reiterates the directions sought with regard to this target.
7	It may be noted that Section 41 of the 2016 Act provides for comprehensive accessibility in all modes of transport including but not limited to bus transport. Read with Section 46 and Rule 15 of the 2017 Rules, the UOI and the States are to ensure that all Public transport systems including transport carriers and roads are made fully accessible by June 2019 in accordance with the Harmonised Guidelines. Therefore, the Petitioner reiterates t he directions sought for with regard to this target.
8	It may be noted that Section 42 of the 2016 Act provides for comprehensive accessibility in information and communication services including audios, print and electronic media. Section 46 read with Rule 15 of the 2017 Rules mandates that the same be completed by June 2019 throughout the country i8t is in this context that the Petitioner has sought directions to have 50% of the Govt, websites, 5% of the public documents and 25% of all TV programmes to be made accessible by mid-2018. The UOI response only indicates that work orders have been issued for 917 State Govt, websites but no timeframe for completion has been mentioned. The earlier status report filed by the Govt, indicated that only 100 of a total of 4000

	Central Govt. websites were being made accessible. It is therefore, clear that only a very small percentage of Central and State Govt, websites are being made accessible and then too no timeframes have been given. With regard to the public documents and TV programmes, mere advisories have been issued to the private and public broadcasters and to the Govt, departments for making their programmes and their documents accessible but no timeframe have been mandated for the same. More significantly, there is no plan for either the Central or State Govts, to audit the accessibility features of websites. Documents and TV programmes after the accessibility work had been completed. It is in this contest that the Petitioner reiterates the directions sought under this target.
9	The Harmonised Guidelines being the repository for all the accessibility guidelines in the built environment, transportation and information and communication, the same should be regularly updated keeping in view the provisions of the 2016 Act and technological advancements, vis-a-vis the needs of persons with disabilities and further any work on accessibility should be done and fully audited with respect to the updated Harmonised Guidelines.
10	As per the information available with the Petitioner, in the NADVs. UOI matter, the estimation made by the RCI of the number of sign language interpreters required was only for Delhi but did not cover the rest of India. It is reiterated that Sign Language Interpreters (SL's) 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 Section2 (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 100 SLI's quoted by the UOI would be highly inadequate to meet this

10	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.

28. From the foregoing discussion, following pertinent aspects can be discerned:

a. Ten action points which are enumerated by the petitioner, for providing proper access to public facilities to the persons suffering from visually disability, are now statutorily recognised under the Disabilities Act, 2016. To put it straight, the Legislature has cast a duty on the executive wing for making provisions in this behalf. This legal position is accepted by the Union of India in its affidavit dated August 23, 2017. In this affidavit, the respondent had itself mentioned various provisions under the Disabilities Act, 2016 which mandate the respondents to make provisions for these facilities. Not only this, such provisions even specified the deadlines for undertaking these measures. Thus, it becomes a statutory obligation on the part of the Central Government as well as the State Governments to do the needful by the target dates.

b. Though, Central Government has taken various measures, many State Governments have not responded at all.

c. In ***Justice Sunanda Bhandare Foundation*** case as well, this Court has given various directions from time to time. In its order dated April 25, 2017, the States as well as Union Territories are directed to comply with the provisions of Disabilities Act, 2016 and to report to the Court about the progress made by them in this behalf. The Court is, thus, monitoring the progress in this behalf in the said writ petition.

Having regard to the aforesaid position emerging on record, we dispose of these petitions with the following directions:

i. **Making 20-50 important government buildings in 50 cities fully accessible December 2017 (State Govt. Buildings)**

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.

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

Though the deadline for identifying the buildings was fixed as February 28, 2017, according to status report dated August 8, 2017, only seven States have identified the buildings. Remaining States are directed to identify the buildings by February 28, 2018 and it is made clear that no further time in this behalf shall be granted. Insofar as deadline for retrofitting is concerned, the work should be completed by December, 2018.

iii. **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.**

Position regarding this action point is the same as noted in respect of action point 2, namely, only seven States have submitted their list of 10 most important cities/towns and not a single building has been identified so far. The States are, therefore, directed to identify 10 most important cities/towns and complete accessibility audit of 50% of Government buildings in these cities/towns by February 28, 2018. Likewise, retrofitting of these be completed by December 2019 as per the revised deadline set out by CCC.

iv. **Central Govt. buildings.**

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.

A

v. **Accessibility in airports. Completing accessibility audit of all the international airports and making them fully accessible by December 2016.**

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 website by June, 2018.

B

C

vi. **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.**

D

As is clear from the affidavit dated June 30, 2017 filed by the petitioner, as many as 12 directions are sought under this action point. Insofar 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. Insofar 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 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.

E

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vii. **10% of government owned public transport carriers are to be made fully accessible by March 2018.**

Here again, Section 41 of the Disabilities Act, 2016 provides for comprehensive accessibility in all modes of transport including but not remitted to the bus transport. Therefore, it becomes the duty of the Union, States as well as Union Territories to ensure that all Government buses are disabled friendly in accordance with the Harmonized Guidelines. Likewise, the respondents are duty bound to see that private buses also become disabled friendly. Thus, we direct the Government to lay down the plan giving the dates by which the aforesaid task shall be undertaken, keeping in view the directions which are sought by the petitioner in this behalf and the same shall be filed within three months.

viii. **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.**

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.

ix. **Bureau of Indian Standards to embed disability aspect in all relevant parts of revised National Building Code.**

It is expected that the respondents would regularly update the Harmonized Guidelines keeping in view the provisions of Disabilities Act, 2016 and technological

A advancement vis-à-vis the needs of persons with disabilities.

x. **The target of training additional 200 sign language interpreters by March 2018.**

B 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.

xi. As per the provisions of Sections 60 and 66 of the Disabilities Act, 2016, all States and Union Territories C 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 D constituted by all States and Union Territories within a period of three months from today.

29. Matter be listed for directions after three months on receiving reports in terms of the aforesaid order. In the reports to be filed, the respondents shall also state the follow-up action taken during the E intervening period in the meantime.

Nidhi Jain Petition disposed of.