

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 116/1998

JUSTICE SUNANDA BHANDARE FOUNDATION

Petitioner(s)

VERSUS

U.O.I. & ORS.

Respondent(s)

(IA No. 134118/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 10/2015 - DIRECTIONS
IA No. 14/2017 - DIRECTIONS
IA No. 13/2015 - DIRECTIONS
IA No. 93954/2018 - EXEMPTION FROM FILING O.T.
IA No. 11/2015 - EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 11938/2016 (XIV-A)
(IA No. 130117/2018 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 03-12-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Mr. Ali Qambar Zaidi, Adv.
Mr. Satya Mitra, AOR

Ms. Manali Singhal, Adv.
Mr. Santosh Sachin, Adv.
Ms. Shreya Singhal, Adv.
Ms. Aanchal Kapur, Adv.
Mr. Deepak Singh Rawat, Adv.
Mr. Tejasvi Kumar, Adv.
Mr. Ambar Qamaruddin, AOR

For Respondent(s) Mr. Prashant Kumar, AOR
Mr. D. S. Mahra, AOR
Mr. Gulshan Kumar Bajwa, AOR
Mr. Nirnimesh Dube, AOR
Mr. Arjun Garg, AOR

Ms. Sansriti Pathak, A.A.G.
Mr. Milind Kumar, AOR
Mr. Manish Chaubey, Adv.

Mr. Dharmendra Kumar Sinha, AOR

Ms. Sushma Suri, AOR
Mr. Shibashish Misra, AOR
Mr. Sunil Fernandes, AOR
Mr. Praveen Swarup, AOR
Mr. T. V. George, AOR
Mr. Shree Pal Singh, AOR
Ms. Rajkumari Banju, AOR
Mrs. Anil Katiyar, AOR
Mr. Guntur Prabhakar, AOR
Mr. Abhishek Chaudhary, AOR

Mr. C. K. Sasi, AOR
Ms. Meena K Poullose, Adv.

Mr. Vikramjit Banerjee, A.S.G.
R.r.rajesh, Adv.
Sunita Sharma, Adv.
Amit Sharma, Adv.
Rekha Pandey, Adv.
Saransh Kumar, Adv.
Dr. N. Visakamurthy, AOR

Mr. S. D. Singh, Adv.
Ms. Shweta Sinha, Adv.
Mr. Ram Kripal Singh, Adv.
Ms. Meenu Singh, Adv.
Mr. Siddharth Singh, Adv.
Ms. Bharti Tyagi, AOR

Mr. Ashok Mathur, AOR
Mr. Abhijit Sengupta, AOR
Mr. Ramesh Babu M. R., AOR
Mr. P. V. Yogeswaran, AOR

Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Ms. Deepanwita Priyanka, AOR

Ms. Hemantika Wahi, AOR

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Mr. Ranjan Mukherjee, AOR

Ms. Diksha Rai, AOR
Ms. Apurva Sachdev, Adv.
Mr. Piyush Vyas, Adv.
Ms. Purvat Wali, Adv.

Mr. Vikramjeet Banerjee, A.S.G.
Mr. R Bala, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Ms. Sunita Sharma, Adv.
Ms. Sunanda Shukla, Adv.
Mr. Gaurang Bhushan, Adv.
Mr. Prashant Rawat, Adv.

Mr. V. N. Raghupathy, AOR
Ms. Mythili S, Adv.

Ms. G. Indira, AOR
Mr. P Gandepan, Adv.
Mr. Ashwini Kumar, Adv.

Ms. Rajani Ohri Lal, AOR

Mr. Manoj Ranjan Sinha, Adv.
Mr. Vishal Agrawal, Adv.
Mr. Rameshwar Prasad Goyal, AOR

Mr. Anuvrat Sharma, AOR

Ms. Sharmila Upadhyay, AOR
Ms. Sharmila Upadhyay, Adv.
Mr. Sarvjit Pratap Singh, Adv.

Mr. Jagjit Singh Chhabra, AOR
Mr. G. Prakash, AOR

Mr. Shreekant Neelappa Terdal, AOR
Mr. Piyush Beriwal, Adv.
Ms. Kanu Agrawal, Adv.
Mr. Varun Chugh, Adv.
Mr. Krishna Kant Dubey, Adv.
Ms. Mrinal Elkar Mazumdar, Adv.
Ms. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Rajesh Singh Chauhan, Adv.
Mr. Harish Pandey, Adv.
Mr. Shashwat Parihar, Adv.
Mr. Vineet Singh, Adv.

Mr. K. V. Mohan, AOR
Mr. Anil Shrivastav, AOR
M/S. Arputham Aruna And Co, AOR

Mr. R. Sathish, AOR
Mr. Chanchal Kumar Ganguli, AOR
Mr. M. Yogesh Kanna, AOR
Ms. Pragati Neekhara, AOR
M/S. K J John And Co, AOR

Ms. Diva Singh, Adv.
Mr. Devendra Singh, AOR
Mr. Avinash Poddar, Adv.
Mr. Ankit, Adv.

Mr. Gopal Singh, AOR
Mr. Satish Vig, AOR
Mr. Ashok Kumar Singh, AOR
Mrs. D. Bharathi Reddy, AOR

Mr. Avijit Mani Tripathi, AOR
Mr. Daniel Lyngdoh, Adv.
Mr. T.k.nayak, Adv.
Ms. Marbiang Khongwir, Adv.

Ms. Vanshaja Shukla, AOR
Ms. Anubha Dhulia, Adv.
Ms. Ankeeta Appanna, Adv.

Mr. Surjendu Sankar Das, AOR
Mr. Harshit Dhamija, Adv.

Mr. Narendra Kumar, AOR

Mr. Bhupendra Pratap Singh, D.A.G.
Mr. Sarad Kumar Singhania, AOR
Mr. Shashank Shekhar, Adv.

Mr. Siddhant Sharma, AOR
Mr. Prafull Bhardwaj, Adv.

Mr. Srisatya Mohanty, Adv.
Mr. Srisata Mohanty, Adv.
Ms. Astha Sharma, AOR
Mr. Shreyas Awasthi, Adv.
Mr. Abhijit Pattanaik, Adv.

Mr. Shantanu Sagar, AOR
Mr. Anil Kumar, Adv.
Mr. Gunjesh Ranjan, Adv.
Mrs. Divya Mishra, Adv.
Mr. Vaibhav Jain, Adv.
Mr. Chinmay Kumar, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Akshay Amritanshu, AOR
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Swati Mishra, Adv.

Ms. Suveni Bhagat, AOR

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.

Mr. Vishnu Shankar Jain, AOR
Mr. Tanmaya Agarwal, Adv.
Mr. Wrick Chatterjee, Adv.
Ms. Aditi Agarwal, Adv.

Mr. Sravan Kumar Karanam, AOR
Ms. Tayade Pranali Gowardhan, Adv.

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aryan Srivastava, Adv.

Mr. Raghvendra Kumar, AOR
Mr. Karan Sharma, AOR
Mr. Sunny Choudhary, AOR
Ms. Aswathi M.k., AOR
Mr. T. R. B. Sivakumar, AOR
Mr. K. V. Vijayakumar, AOR

Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Gowtham Polanki, Adv.
Ms. Gulshan Jahan, Adv.

Mr. Jayant Mohan, AOR
Ms. Adya Shree Dutta, Adv.

Mr. Aravindh S., AOR
Mr. Abbas B, Adv.

Mr. Gurmeet Singh Makker, AOR
Mr. Vikramjit Banerjee, A.S.G.
Ms. Snidha Mehra, Adv.
Mr. Nishesh Sharma, Adv.
Mr. Aaditya Dixit, Adv.

Mr. Saransh Kumar, Adv.
Mr. Amrish Kumar Sharma, Aor, Adv.

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.

Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Gowtham Polanki, Adv.
Ms. Gulshan Jahan, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Indrajit Prasad, Adv.
Mr. Karun Sharma, Adv.
Ms. Rajkumari Divyasana, Adv.

Ms. G. Indira, AOR
Mr. P Gandepan, Adv.
Mr. Ashwini Kumar, Adv.

Mr. Arjun D Singh, Adv.
Ms. Ankita Sharma, AOR

Mr. Aravindh S., AOR
Mr. Abbas B, Adv.

Ms. Deepanwita Priyanka, AOR

Ms. Aswathi M.k., AOR

Mr. Shreekant Neelappa Terdal, AOR
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Ms. Kanu Agrawal, Adv.
Mr. Varun Chugh, Adv.
Mr. Krishna Kant Dubey, Adv.
Ms. Mrinal Elkar Mazumdar, Adv.
Ms. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Rajesh Singh Chauhan, Adv.
Mr. Harish Pandey, Adv.
Mr. Shashwat Parihar, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR
Mr. Guntur Prabhakar, AOR

Mr. Shree Pal Singh, AOR
Mr. Rahul Kaushik, AOR

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.

Mr. T. R. B. Sivakumar, AOR
Ms. Radhika Gautam, AOR

Mr. Tanmaya Agarwal, AOR
Mr. Shwetank Sailakwal, Adv.
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. The matters pertain to implementation of the measures by the State Government under the Rights of Persons with Disabilities Act, 2016 (for short, the "Act"). Various orders have been passed in these proceedings particularly on 06.03.2020 when compliance affidavits were ordered to be filed by the States on the measures implemented under the Act.
2. Thereafter, the matters were taken up from time to time and finally on 20.09.2024, the following order was passed:

"1. On 19.01.2024, when this case was listed, the Court recorded the status of the response by the respective States and Union Territories with regard to implementation of the provisions of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, which statute now stands replaced by the Rights of Persons with Disabilities Act, 2016.

2. It is pointed out that some of the States and the Union Territories have fully complied with their obligations under the said Act and have filed their compliance affidavit. But few others have not done so. Or if they have done, compliance affidavit(s) have not been filed or furnished.

3. The concerned affidavit(s) of the respective States and the Union Territories whether filed earlier or not, should be furnished to Ms. Manali Singhal, learned counsel for the petitioner(s). This should be done within 4 weeks from today by all the respective Standing Counsel for the States and the Union Territories. Thereafter, the counsel should prepare a chart and file the same before the Court indicating those, who are yet to comply with the Court's directions as ordered on 25.04.2017. Ms. Manali Singhal's e-mail id (chambersofmanalisinghal@gmail.com) is noted in this order for convenience of the respective counsel for the States and Union Territories."

3. The affidavits of the concerned States and the Union Territories have since been collated by Ms. Manali Singhal, learned counsel for the petitioner and the present position is reflected in a summary chart, showing the non-compliance of the provisions, under the Act by few States/Union Territories.

4. The chart is extracted hereinbelow for ready reference:

SUMMARY CHART ON BEHALF OF THE PETITIONER SHOWING NON COMPLIANCE OF THE PROVISIONS OF THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

Sr	States/UT	Provisions of the RPWD ACT 2016 Not Complied
1.	Andaman and Nicobar Islands (UT) (vide compliance affidavits dated 16.08.17, 05.08.19, 09.08.19, 12.09.19, 13.11.19, __.3.24)	Fully Complied
2	Andhra Pradesh (vide compliance affidavits dated 04.04.18, 07.01.19, 23.08.19, 14.3.24)	Fully Complied
3	Arunachal Pradesh (vide compliance affidavits	Sections 23 (All departments have been intimated for complying with the provisions of the Act), 26-30

	dated 07.01.19, 11.11.24)	(action is being taken/initiated), 31-35 (action is being taken/initiated), 36-37 (matter being taken up with concerned department), 40-44 (action is being taken/initiated), 46-48 (action is being taken/initiated), 72 (action is being taken/initiated), 85, 88 (action is being taken/initiated), 101 (draft rules framed)
4	Assam (vide compliance affidavits dated 7.11.17, 07.01.19, 17.08.19, 17.09.19, 18.01.20)	Sections 14, 21, 22, 35
5	Bihar (vide compliance affidavits dated 09.11.17, 10.05.18, 11.01.19, 08.03.19, 06.08.19, 18.3.24)	Fully Complied
6	Chandigarh (UT) (vide compliance affidavits dated 02.11.17, 28.12.18, 10.12.19)	Sections 21, 26, 35, 37
7	Chhattisgarh (vide compliance affidavits dated 17.08.17, 14.08.19, 07.01.20)	Sections 21, 37, 101
8	Dadra and Nagar Haveli & Daman and Diu (UT) (vide compliance affidavits dated 04.01.19, 06.3.24)	Sections 66, 70, 84, 85, 88,
9	National Capital Territory of Delhi (UT) (vide compliance affidavits dated 16.08.17, 07.01.19, 06.02.20, 03.06.20)	Sections 28, 38, 66
10	Goa (vide compliance affidavits dated 24.08.17, 08.02.18, 19.08.19, 10.02.20)	Sections 12, 14, 15, 17, 18, 23, 30, 37, 38, 53, 72, 79, 83, 85, 88

11	Gujarat (vide compliance affidavits dated 25.10.17, 20.09.19, 30.07.24)	Sections 15, 33, 37, 43
12	Haryana (vide compliance affidavits dated 01.11.17, 26.04.18, 07.01.19, 09.08.19, 07.01.20)	Sections 18, 32, 33, 35, 36-37, 38, 59, 70, 88
13	Himachal Pradesh (vide compliance affidavits dated 03.01.19, 04.03.24)	Sections 42, 43
14	Jammu and Kashmir (vide compliance affidavits dated 13.11.17, 03.01.19, 06.03.20)	Only meagre compliance to the RPWD Act 2016 shown
15	Jharkhand (vide compliance affidavits dated 22.01.18, 16.08.18, 04.02.19, 17.08.24)	Sections 21, 26, 37
16	Karnataka (vide compliance affidavits dated 14.08.17, 06.08.18, 03.08.19, 05.01.19, 20.11.19, 15.3.24)	Fully Complied
17	Kerala (vide compliance affidavits dated 02.08.17, 02.09.19, 02.03.20)	Sections 72,88
18	Lakshadweep (vide compliance affidavits dated 19.12.17, 25.04.18, 18.2.20)	Fully Complied
19	Ladakh (vide compliance affidavit dated 11.3.24)	Sections 3-11, 12-15, 16-18, 20, 22-23, 24-26, 28- 30, 31-37, 39, 41-48,66,70, 72, 88
20	Madhya Pradesh (vide compliance affidavits dated 24.06.18, 02.01.19)	Sections 3-14, 18-32, 34, 37, 39-42, 45-49, 50-55
21	Maharashtra (vide compliance affidavits dated 11,01.19, 05.08.19, 04.3.24)	Sections 35, 88, 101

22	Manipur (vide compliance affidavits dated 07.01.19, 19.10.22)	Sections 85
23	Meghalaya (vide compliance affidavits dated 31.07.17, 14.12.18, 28.03.24)	Sections 37
24	Mizoram (vide compliance affidavits dated 20.07.17, .03.18, 31.07.19, 19.02.20)	Sections 3-5, 7-10,12, 13, 15, 18, 20, 21, 26, 28, 29, 32, 34, 35, 38, 39, 42-44, 48, 88
25	Nagaland (vide compliance affidavits dated 16.01.19, 03.12.19, 18.08.21)	Section 35, 37, 88
26	Odisha (vide compliance affidavits dated 16.11.17, 07.01.19, 27.11.19)	Fully Complied
27	Puducherry (vide compliance affidavits dated 12.07.17, 03.01.19, 10.02.20, 03.03.20, 24.04.24)	Fully Complied
28	Punjab (vide compliance affidavits dated 3.11.17, 24.04.18, 13.12.18, 25.09.19, 06.12.19)	Section 79, 83
29	Rajasthan	Sections 21
	(vide compliance affidavits dated 24.01.18, 03.03.20, 08.11.24)	
30	Sikkim (vide compliance affidavits dated 06.11.17, 08.01.19, 24.07.20, 28.11.24)	Sections 37, 43
31	Tamil Nadu (vide compliance affidavits dated 24.07.17, 27.12.18, 29.11.19, 21.07.20, 19.03.24)	Fully Complied

32	Telangana (vide compliance affidavits dated 17.10.17, 18.04.24)	Section 32
33	Tripura (vide compliance affidavits dated 04.09.17, 05.01.19, 14.08.19, 15.03.24)	Sections 21
34	Uttar Pradesh (vide compliance affidavits dated 10.08.17, 14.08.18, 04.01.19, 24.01.20, 13.07.20, 09.11.24)	Fully Complied
35	Uttarakhand (vide compliance affidavits dated 19.01.18, 15.09.18, 07.01.19, 11.04.19, 04.02.20)	Fully Complied
36	West Bengal (vide compliance affidavits dated 03.08.17)	Sections 35, 36, 37, 38, 42, 53, 57, 59, 84, 85, 88

5. In course of today's deliberation, it is noted that there is no participation by the learned counsel from the States/Union Territories of Chandigarh, Himachal Pradesh and Jammu & Kashmir.

6. The chart indicates that Andaman & Nicobar Island, Andhra Pradesh, Bihar, Karnataka, Lakshadweep, Odisha, Puducherry, Tamil Nadu, Uttar Pradesh and Uttarakhand, have fully complied with the provisions of the Act. For those States which have failed to comply partly, the deficient measures are indicated in the chart section-wise. The learned counsel representing these States and Union Territories accordingly assure that necessary steps for full compliance of the provisions of the Act will be done and the process would be supervised.

7. In her turn, Ms. Manali Singhal, learned counsel for the

petitioner submits that the States/Union Territories should have a designated Nodal Officer to be nominated by the Chief Secretary, to ensure complete compliance with the provisions of the Act.

8. Having regard to the above, the deficient States/Union Territories are granted time until 17.02.2025 to file their respective response/affidavits, on the further steps that have been taken for complete compliance of the provisions of the Act. To ensure that the process is effective, the Chief Secretary of each State/Union Territory will designate a senior officer, to supervise the process of compliance of the provisions of the Act, within their respective jurisdiction.

9. Advance copy of the response/affidavits be furnished to Ms. Manali Singhal, learned counsel, appearing for the petitioner.

10. The Registry to forward a copy of this order to all the Chief Secretaries of the States and the Union Territories.

11. List on 17.02.2025.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR