

ITEM NO.301

COURT NO.6

SECTION PIL-W

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

Writ Petition(s) (Civil) No(s). 243/2005

RAJIVE RATURI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[PART HEARD BY: HON'BLE MR. JUSTICE J.B. PARDIWALA AND HON'BLE MR. JUSTICE K.V. VISWANATHAN]

IA No. 144854/2018 - APPLICATION FOR PERMISSION

IA No. 121954/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 2/2007 - EXEMPTION FROM FILING O.T.

IA No. 1/2005 - EXEMPTION FROM FILING O.T.

IA No. 84893/2018 - EXEMPTION FROM FILING O.T.

IA No. 3/2009 - EXEMPTION FROM FILING O.T.

IA No. 96423/2018 - I/A FOR FILING STATUS REPORT CUM ACTION TAKEN
REPORT - PER BY CM

IA No. 89088/2018 - INTERVENTION APPLICATION

IA No. 96163/2018 - INTERVENTION/IMPLEADMENT

IA No. 5/2014 - PERMISSION TO FILE ANNEXURES

IA No. 4/2012 - PERMISSION TO FILE ANNEXURES

WITH

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

FOR EXEMPTION FROM FILING O.T. ON IA 1/2006

FOR EXEMPTION FROM FILING O.T. ON IA 2/2011

IA No. 2/2011 - EXEMPTION FROM FILING O.T.

IA No. 1/2006 - EXEMPTION FROM FILING O.T.

W.P.(C) No. 1380/2019 (PIL-W)

IA No. 68652/2021 - APPLICATION FOR PERMISSION

W.P.(C) No. 600/2021 (PIL-W)

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 65053/2021

IA No. 65053/2021 - EXEMPTION FROM FILING AFFIDAVIT

W.P.(C) No. 524/2024 (PIL-W)

FOR ADMISSION

Date : 29-07-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

M/S. Karanjawala & Co., AOR

Mr. Siddharth Bhatnagar, Sr. Adv.
 Ms. Tahira Karanjawala, Adv.
 Mr. Arjun Sharma, Adv.
 Mr. Arjun Singh Surjewala, Adv.
 Ms. Prerna Shaha, Adv.
 Mr. Aditya Sidhra, Adv.

Ms. Sanchita Ain, AOR

Ms. Roma Bhagat, Adv.
 Ms. Prapti Shrivastava, Adv.
 Mr. Rohan Sharma, Adv.
 Ms. Sneha Chandna, Adv.
 Ms. Ruchika Sharma, Adv.
 Mr. Varun Singh, Adv.
 Mr. Shashank Singh, AOR
 Mr. Amit Kumar Singh, Adv.
 Ms. Priya, Adv.

Ms. Jyoti Mendiratta, AOR

For Respondent(s) : Mr. V. N. Raghupathy, AOR
 Ms. Susmita Lal, AOR
 Mr. Gopal Prasad, AOR
 Mr. T. Mahipal, AOR
 Mr. Sanjay Kumar Visen, AOR
 Mr. Guntur Prabhakar, AOR
 Mr. M. T. George, AOR
 Mr. V. K. Verma, AOR
 Mr. Chanchal Kumar Ganguli, AOR

Mr. Pankaj Kumar Singh, Adv.
 Mr. Sk Warish Ali, Adv.
 Mr. Raj Singh Rana, AOR
 Mr. Pawan Kumar Shukla, Adv.
 Mr. Gp Mahto, Adv.

Mr. Nishe Rajen Shonker, AOR
 Ms. Diksha Rai, AOR
 Mr. Sanchit Garga, AOR

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

Mr. Gurmeet Singh Makker, AOR
 Dr. N. Visakamurthy, AOR

Ms. Aishwarya Bhati, A.S.G.
 Mr. Digvijay Dam, Adv.

Mr. Rajan Kr.chourasia, Adv.
 Mr. Amit Sharma-(b), Adv.
 Ms. Shreya Jain, Adv.
 Mr. Amrish Kumar, AOR

Mr. Vikramjit Banerjee, A.S.G.
 Ms. Archana Pathak Dave, A.S.G.
 Mr. Nachiketa Joshi, Sr. Adv.
 Ms. Sunita Sharma, Adv.
 Mr. Abhishek Atrey, Adv.
 Mr. R.r.rajesh, Adv.
 Mr. Siddhartha Sinha, Adv.
 Ms. Neelakshi Bhadouria, Adv.
 Ms. Adhya Jha, Adv.
 Mr. Shivank Pratap Singh, Adv.
 Mr. C.k.sharma, Adv.
 Mr. Kamal Digpaul, Adv.
 Mr. Arvind Kumar Sharma, AOR

Mr. Sudarshan Lamba, AOR

Ms. Aishwarya Bhati, A.S.G.
 Ms. Archana Pathak Dave, A.S.G.
 Ms. Madhulika Upadhyay, AOR
 Ms. Neelakshi Bhadouria, Adv.
 Mr. Ruchi Kohli, Adv.
 Mr. Adhya Jha, Adv.
 Ms. Suhashini Sen, Adv.
 Mr. Shivank Pratap Singh, Adv.
 Ms. Swati Ghildiyal, Adv.
 Mr. C.k.sharma, Adv.
 Mr. Siddhant Kohli, Adv.
 Mr. Chitvan Singhal, Adv.
 Mr. Sanjay Kr.dubey, Adv.
 Mr. Mohd.akhil, Adv.

Mr. Omkar Deshpande, Adv.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Aaditya Aniruddha Pande, AOR
 Mr. Shrirang B. Varma, Adv.
 Mr. Nishant Ramakantrao Katneshwarkar, AOR
 Ms. Mithu Jain, AOR
 Mr. Anil Nag, AOR
 Mr. Jatinder Kumar Bhatia, AOR

Mr. Shiv Mangal Sharma, A.A.G.
 Ms. Sonali Gaur, Adv.
 Mr. Saurabh Rajpal, Adv.
 Ms. Nidhi Jaswal, AOR

Mrs. Shimpy Sharma, Adv.
Mr. Arman Roop Sharma, Adv.
Mr. Mohd. Aman Khan Afghani, Adv.
Mrs. Priya Pachouri, Adv.
Mr. Sandeep Jindal, AOR

Mr. Akshat Kumar, AOR
Ms. Anubha Dhulia, Adv.

Mr. Ankit Roy, AOR
Ms. Mrinalini Ramesh, Adv.

Mr. Bhakti Vardhan Singh, AOR
Mr. J Tarun Kumar, Adv.

Ms. Pragati Neekhara, AOR

Mr. Sameer Abhyankar, AOR
Mr. Krishna Rastogi, Adv.
Mr. Aryan Srivastava, Adv.
Mr. Aakash Thakur, Adv.

Mr. Anil Shrivastav, AOR

Mr. Avijit Mani Tripathi, AOR
Mr. T.k. Nayak, Adv.
Mr. Z Issac Haiding, Adv.
Mr. Daniel Lyngdoh, Adv.
Ms. Marbiang Khongwir, Adv.

Mr. Shishir Deshpande, AOR
Mrs. B. Sunita Rao, AOR
Mr. Kuldip Singh, AOR

Mr. Gaurav Dhama, A.A.G.
Ms. Nupur Kumar, AOR

Ms. Ranjeeta Rohatgi, AOR

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Ms. Deepanwita Priyanka, AOR
Ms. Aneesha Rastogi, Adv.

Mr. Rushab Aggarwal, Adv.
Mr. Pashupathi Nath Razdan, AOR

Ms. Manisha T. Karia, A.A.G.
Mr. Arkaj Kumar Ga, Adv.
Mr. Harmeet Singh Ruprah, AOR
Mr. Nirmal Ambastha, Adv.

Mr. Gopal Singh, AOR

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

Mr. James P. Thomas, AOR
Mr. Ravi Sagar, Adv.
Ms. Glorina George, Adv.

M/S. Plr Chambers And Co., AOR

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

Mr. Zulfiker Ali P. S, AOR
Mr. Manish Sindwani, Adv.
Ms. Anna Oommen, Adv.
Ms. Lebina Baby, Adv.

Mr. M. Yogesh Kanna, AOR

Mr. Uddyam Mukherjee, AOR
Mr. Swapnil Pattanayak, Adv.
Ms. Kratika Kushwaha, Adv.

Mr. B. Karunakaran, AOR
Ms. Pooja Lakshmi, Adv.

Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Mihir Joshi, Adv.

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

Mrs. Anil Katiyar, AOR

Mr. Samir Ali Khan, AOR
Mr. Pranjal Sharma, Adv.
Mr. Kashif Irshad Khan Faridi, Adv.

Mr. Shekhar Raj Sharma, A.A.G.
Mr. Akshay Amritanshu, AOR
Ms. Nidhi Narwal, Adv.
Ms. Srishti Jain, Adv.
Mr. Sarthak Srivastava, Adv.

Ms. Swati Ghildiyal, AOR
Mr. Adarsh Dubey, Adv.

Mr. Mukesh Kumar Maroria, AOR
Ms. G. Indira, AOR
Mr. Sudarshan Singh Rawat, AOR

Mr. Aravindh S., AOR
Mr. Aadithya Aravindh, Adv.
Ms. Anika Bansal, Adv.

Mr. Vikramjeet Banerjee, A.S.G.
Mr. K.m. Natraj, A.S.G.
Mr. Nachiketa Joshi, Sr. Adv.
Mr. Shreekant Neelappa Terdal, AOR
Ms. Sunita Sharma, Adv.
Mr. Abhishek Atrey, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. R.r.rajesh, Adv.
Mrs. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Kanuagrawal, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Shashwat Parihar, Adv.
Mr. Harish Pandey, Adv.
Mr. Apoorv Kurup, Adv.
Mr. Piyush Beriwal, Adv.

Ms. Kamini Jaiswal, AOR
Ms. Sneha Kalita, AOR

Mr. Amit Sharma, AOR
Mr. Dipesh Sinha, Adv.
Ms. Pallavi Barua, Adv.

Ms. Aparna Singh, Adv.

Ms. Asmita Singh, AOR
Ms. Asmita Singh, Adv.

Mr. Gopal Singh, AOR

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

Mr. Jatinder Kumar Bhatia, AOR

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

Ms. Vishakha, AOR

Mr. Avneesh Arputham, AOR
Mr. Ankit Sharma, Adv.

Mr. Anil Shrivastav, AOR

Mr. Sravan Kumar Karanam, AOR
Mr. P. Venkatraju, Adv.
Ms. G. Sushmitha, Adv.
Ms. M. Harshini, Adv.

Mr. Nishe Rajen Shonker, AOR
Mr. Prashant Shrikant Kenjale, AOR

Mr. Vikramjeet Banerjee, A.S.G.
Mr. K.m. Natraj, A.S.G.
Mr. Nachiketa Joshi, Sr. Adv.
Mr. Shreekant Neelappa Terdal, AOR
Ms. Sunita Sharma, Adv.
Mr. Abhishek Atrey, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. R.r.rajesh, Adv.
Mrs. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Kanuagrawal, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Shashwat Parihar, Adv.
Mr. Harish Pandey, Adv.

Mr. Apoorv Kurup, Adv.
Mr. Piyush Beriwal, Adv.

Mr. T. G. Narayanan Nair, AOR
Ms. Samyuktha H Nair, Adv.

Mr. Gopal Jha, AOR
Ms. Shireesha Sharma, Adv.
Mr. Sawan Datta, Adv.
Mr. Priyanshi Goel, Adv.
Mr. Tilak Vij, Adv.
Ms. Ratna Priya Pradhan, Adv.

Mr. Guntur Prabhakar, AOR

Ms. Sindoor Vnl, AOR
Ms. Alike Priya, Adv.

Mr. Naresh K. Sharma, AOR

Mr. Ahanthem Henry, Adv.
Mr. Ahanthem Rohen Singh, Adv.
Mr. Mohan Singh, Adv.
Mr. Aniket Rajput, Adv.
Ms. Khoisnam Nirmala Devi, Adv.
Mr. Yesu Mehta, Adv.
Mr. Tanay Hegde, Adv.
Mr. Ravi Kumar Bodhani, Adv.
Mr. Kumar Mihir, AOR

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Rohit Bansal, Adv.
Mr. Varij Nayan Mishra, Adv.

Mr. Mahesh Thakur, AOR
Mr. Sunil Kumar Jain, AOR
Intervenor-in-person, AOR
Mr. Pramod Dayal, AOR
Mr. Arjun Garg, AOR
Mr. Amit Pai, AOR

Mr. Rahul Bajaj, Adv.
Mr. Amar Jain, Adv.
Mr. Amritesh Mishra, Adv.
Ms. Sarah, Adv.
Mr. Talha Abdul Rahman, AOR

Ms. Manisha Ambwani, AOR

Mr. Ashok Mathur, AOR
Ms. Shradha Zutshi, Adv.

Ms. Nidhi Mittal, AOR
Mr. Naresh Kumar, AOR

Mr. Sanjai Kumar Pathak, AOR
Mrs. Shashi Pathak, Adv.
Mr. Arvind Kumar Tripathi, Adv.
Ms. Ruhi Sultana, Adv.
Mr. Robin Kumar, Adv.
Mr. Ashish Kumar Sinha, Adv.
Mrs. Binita Jaiswal, Adv.

Mr. Sahil Tagotra, AOR
Ms. Shreya Kasera, Adv.
Mr. Abhishek Pandey, Adv.

Mr. Shovan Mishra, AOR
Ms. Bipasa Tripathy, Adv.
Mr. Shlok Luthra, Adv.

Mr. Deepayan Mandal, AOR
Mr. Naman Varma, Adv.
Mr. Mridul Bansal, Adv.
Mr. Monu, Adv.

Mr. Sudarshan Singh Rawat, AOR
Mr. Ratan Kumar Choudhuri, AOR
Ms. Enakshi Mukhopadhyay Siddhanta, AOR

Mr. Divyakant Lahoti, AOR
Ms. Madhur Jhavar, Adv.
Ms. Vindhya Mehra, Adv.
Ms. Praveena Bisht, Adv.
Mr. Kartik Lahoti, Adv.
Ms. Akanksha Soni, Adv.
Ms. Shubheksha Dwivedi, Adv.
Mr. Siddharth Tripathi, Adv.
Mr. Anand Soni, Adv.
Ms. Radhika Gautam, AOR
Ms. Astha Sharma, AOR

Mr. Annam Venkatesh, AOR
Mr. Rahul Mishra, Adv.
Ms. Agrimaa Singh, Adv.
Mr. Satyartg Singh, Adv.
Ms. Tejaswani Upadhyay, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. We heard Ms. Bhagat, the learned counsel appearing for the original petitioner, namely Rajive Raturi. Mr. Siddharth Bhatnagar, the learned Senior Counsel appearing for the Sanket Foundation (one of the petitioners), and Mr. Rahul Bajaj, the learned counsel appearing for one of the interveners, namely Mr. Amar Jain and Ms. Sanchita Ain for one of the petitioners.
2. We also heard Ms. Aishwarya Bhati, Mr. Vikramjit Banerjee and Miss Archana Pathak Dave, the learned ASGs appearing for the Union of India.
3. In the course of today's hearing, all the learned counsel assisted us in recapitulating the basic facts that gave rise to the original judgment rendered by this Court dated 8th of November, 2024. We looked into one of our orders dated 11th of February, 2026, which is quite exhaustive.
4. In pursuance of the order referred to above i.e., dated 11th of February 2026, status report has been filed on behalf of the Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment in the form of an affidavit duly affirmed by one Sri Pradeep Anirudhan, Director in the Department of Empowerment of Persons with Disabilities. The status report highlights the developments which have taken place after February 2026. The learned ASGs brought to our notice that in so far as Built environment is concerned, the draft final gazette

notification is ready. Once the final nod is given, the Rules would be notified and they would come into force.

5. Insofar as Information and Communication Technology (ICT) is concerned, the matter is at the stage of draft rules. Insofar as Assistive Technologies, services and products are concerned, the Union has prepared the draft report. In fact, Ms. Bhati, learned ASG clarified that the draft rules insofar as Information and Communication Technology (ICT) have been published. Along with the status report, the draft rules have also been annexed.

6. The learned counsel appearing for the petitioners would submit that before the draft rules are finalized and they are published in the official gazette, their suggestions may be considered meaningfully, so that no lacuna or any deficiency is left behind for proper implementation of the Rules or to put it in other words, to make the provisions of the Act more effective so as to subserve the object of the Act. Their suggestion is that the Union should avail the services of some experts on the subjects including some of the petitioners.

7. We are of the view that in so far as the aforesaid is concerned, there should not be any difficulty on the part of the Union to ensure that the Rules are not deficient in any manner and they subserve the object of the Act on all aspects of the matter. We are informed by the learned counsel appearing for the petitioners that they have already tendered their suggestions to the various Committees constituted by the Ministry. We urge the Union to look into the suggestions put forward by each of the petitioners and try to understand the same. We say so because once

the Rules are finalized and are notified, later it should not happen that some shortcomings are highlighted in the same.

8. In such circumstances referred to above, we are suggesting this keeping in mind the larger public interest and the fact that this is a non-adversarial litigation. Some of the learned counsel appearing for the petitioners have yet to look into the status report filed by the Union along with the draft Rules. We request the learned ASGs to see that one copy each of the status report along with the draft Rules are furnished to all the stakeholders so that they can look into the draft Rules and respond accordingly. Let this exercise be undertaken at the earliest.

9. Mr. Bajaj pointed out that the State Governments are obliged to appoint Commissioners in accordance with the mandate of Section 79 of The Rights of Persons with Disabilities (RPwD) Act, 2016. According to him, the State Commissioners have an important role to play for better, effective, and meaningful implementation of various provisions of the Act. He pointed out that the following States have yet to appoint State Commissioner:

i) Delhi, ii) Haryana, iii) Rajasthan, iv) Himachal Pradesh, v) Karnataka, vi) Andaman and Nicobar Islands, (vii) Nagaland, viii) Puducherry, ix) Sikkim, x) Tamil Nadu.

10. We direct all the States referred to above to ensure that the Commissioners are appointed in accordance with Section 79 of the RPWD Act within a period of four weeks from today. This direction shall be strictly complied with and none of the States referred to above should exhibit any laxity in this regard. The laxity, if any, shall be viewed very strictly.

11. It is needless to clarify that the State concerned shall appoint the Commissioner with an independent charge. The State should not appoint anyone as a Commissioner holding additional charge.

12. Mr. Bajaj also pointed out that there is no full-time Chief Commissioner for persons with disabilities since 2019. It is the Secretary in the DEPwD who is holding this post as an additional charge. This, according to him, is in the teeth of the note to Rule 30 of the RPWD Rules 2017. As according to Mr. Bajaj, the Rule requires any Government servant to resign from Government service on taking charge as CCPD. The Chief Commissioner and two Additional Commissioners have to be appointed as per the mandate of Section 74 of the RPWD Act.

13. We direct the Union to ensure that the appointments of Chief Commissioner and two Additional Commissioners in accordance with Section 74 of the RPWD Act are undertaken within a period of four weeks from today. We invite the attention of the Union to Rule 30, of the Rules which reads thus:

" 30. Qualification for appointment of Chief Commissioner.

- No person shall be eligible for appointment as Chief Commissioner, unless -

(a) he is a Graduate from a recognized University: Provided that preference shall be given to persons having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

(b) he is having experience of at least twenty-five years in a Group "A" level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability related matters or social sector or as a senior

level functionary in registered national and international voluntary organizations in the field of disability or social development:

Provided that out of the total of twenty-five years of experience, he should have at least three years of experience in the field of rehabilitation or empowerment of persons with disabilities; and

(c) he has not attained the age of sixty years as on 1st January of the year of recruitment.

Note. - If he is in the service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post."

14. One another aspect of the matter on which our attention was drawn is Section 89 of the RPWD Act. Section 89 of the Act provides for punishment for contravention of provisions of Act or Rules or regulations made thereunder. Section 89 reads thus:

"89. Punishment for contravention of provisions of Act or rules or regulations made thereunder.- Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees."

15. All the learned counsel appearing for the petitioners submitted that although the Act provides for punishment for contravention of the provisions of the Act or Rules or regulations, yet there is no mechanism in so far as mode of recovery of fine is concerned. This, according to them, should be taken care of by the rule making process. The rules should provide a mechanism for effective recovery of the fine by way of punishment. We impress

upon the Union to look into this aspect of the matter and see to it while finalizing the Rules that adequate mechanism insofar as mode of recovery of fine is concerned is appropriately provided.

16. In the last, Mr. Bajaj pointed out that compliance with existing accessibility standards must continue unabated. He brought to our notice the observations made by this Court in para 83 of the main judgment, which reads thus:

"it is clarified that progressive compliance with the standards listed in the existing Rule 15 (1) and the progress towards the targets of the "Accessible India campaign" must continue unabated".

17. The issuance of the non-negotiable norms must be completed within a period of six months from today. We hope and trust that this entire exercise should now be completed within the aforesaid period.

18. Post this matter to report compliance of our directions on 20.01.2027.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)