

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION **PUBLIC**
INTEREST LITIGATION NO.84 OF 2012 WITH
CONTEMPT PETITION NO.50 OF 2012 IN PUBLIC
INTEREST LITIGATION NO.84 OF 2012

Rashtriya Apang Vikas Mahasangh Petitioner Vs. State of
Maharashtra & Others Respondents

WITH PUBLIC INTEREST LITIGATION NO.22 OF
2016

All India Handicapped Development Foundation Petitioner Vs.
State of Maharashtra & Others Respondents

Ms Meenaz Kakalia i/by Ms Gayatri Singh, Senior
Advocate & Kranti L.C. for the Petitioner in all matters. Mr.
G.W. Mattos, AGP, for the Respondent-State in all
matters. Mr. M.L. Patil for Respondent No.8 in
CONPW-50/2012. Mr. Siddharth Ingule, Legal

Coordinator, Department of Social Justice, present in Court.

CORAM: S.C. DHARMADHIKARI &

R.I. CHAGLA, JJ.

DATE : NOVEMBER 04, 2019

P.C:

1. In these PILs several directions have been issued and the last one on 15-7-2019.

2. Mr. Mattos, on instructions, says that the Government is sincere and aware of the situation at the ground level and would do everything possible to fulfil the mandate of The Rights of Persons with Disabilities Act, 2016 which is a successor Legislation to The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. We may have as many compliance affidavits as the Government or the Department concerned wish to file and place on record but we would, firstly, expect the Head of the State, particularly the highest executive functionary, namely,

the Chief Secretary to ensure that there are training programmes and workshops organised throughout the State to make officials of the State aware of The Rights of Persons with Disabilities Act, 2016.

3. This Act of the Parliament has been enacted to give effect to the United Nations Convention on the rights of persons with disabilities and for matters connected therewith or incidental thereto. The United Nations General Assembly adopted its Convention on the rights of persons with disabilities on 13-12-2006. India is a signatory to this Convention and ratified it on 1-10-2007. It is to implement this Convention that the Law has been enacted.

4. The Convention is good 12 years and more old. The Law is now going to complete its three years. However, we see a general lack of sensitivity much less duty towards the disabled. This comes because there is no awareness of the fact that persons with disabilities have rights. These rights cannot be frustrated and defeated by a lacklustre attitude and refusal to implement the Law, enacted by Parliament, in right earnest.

That Law has to be implemented sincerely and all efforts will have to be made for the effective implementation and enforcement thereof. That is possible only when officials of the State and those in-charge of municipal governance and civic affairs are enlightened enough and for that the State would have to conduct and carry out training and awareness programmes. These will have to be organised throughout the State. These ought to be organised on a non-working day and would be a full and complete day long programme and session in which all the aspects of this Legislation would be duly discussed and deliberated upon. The experts in the field ought to be invited, including legal professionals to address these officers. The expectancy is that, tomorrows Heads of Departments are made aware of this Legislation and particularly about the rights of persons with disabilities. It is possible that a disabled or differently abled person may not be aware of his/her rights but he/she should not be deprived of the necessary assistance and support because of lack of sensitivity of his/her colleagues and the public at large. We feel that holding of programmes for the awareness of the officers of the State should be made compulsory. We would, therefore, expect

such training programmes to be organised by the State and direct that such programmes be undertaken and organised by all major Departments of the State Government under the auspices of the Department of Social Justice, Government of Maharashtra.

5. We place these matters on the supplementary board on **10-12-2019**. By that time we hope and expect that, firstly, there will be a Government in place and secondly, the programmes will be undertaken and organised by the Department of Social Justice in consultation with other Departments and Wings of the State. We would request the learned Advocate appearing for the PIL petitioner in these cases to participate in these programmes and training sessions, if invited. We expect the State to involve not only the arguing counsel but also Senior Advocate Ms Gayatri Singh. We would request the State Government to make all arrangements for the transport and reaching of Ms Kakalia and Ms Singh at the venue of the programmes/sessions. Needless to clarify that Rashtriya Apang Vikas Mahasangh and its officer bearers be

also associated with these programmes and sessions.

6. The Maharashtra State Legal Services Authority should also render assistance in addressing the officers of the State in this awareness programme.

(R.I. CHAGLA, J.) (S.C. DHARMADHIKARI, J.)

