

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.01.2019

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE DR.JUSTICE ANITA SUMANTH

Writ Petition No.24341 of 2017

L.Muruganantham

Vs.

....Petitioner

1. State of Tamilnadu,
represented by its
Secretary to Government -in-charge,
Law Department,
Secretariat, St. George Fort,
Chennai - 600 009.
2. State of Tamilnadu,
represented by its
The Principal Secretary to Government,
Home (Courts) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
3. Union of India
represented by its
Secretary, Department of Justice,
Ministry of Law and Justice,
New Delhi - 110 001.
4. The State of Tamilnadu,
represented by its
The Principal Secretary to Government,
Welfare of Differently Abled Persons,
Secretariat, Fort St. George,
Chennai - 600 009.
5. Union of India
represented by its
Secretary, Department of Empowerment of
Persons with Disabilities,
Ministry of Social Justice and Empowerment
Shastri Bhawan, New Delhi - 110 001.

6. Union of India
represented by its
Secretary, Department of Electronics and Information
Technology,
Ministry of Electronics and Information Technology,
(Government of India) Electronics Niketan,
6, CGO Complex, Lodhi Road, New Delhi - 110 003.
7. The Registrar General, Madras High Court,
Parrys, George Town, Chennai,
Tamil Nadu - 600 104.
8. The Registrar (Judicial), Madras High Court,
Parrys, George Town, Chennai,
Tamil Nadu - 600 104.
9. The Registrar (Administration), Madras High Court,
Parrys, George Town, Chennai,
Tamil Nadu - 600 104. Respondents

PETITION filed under Article 226 of The Constitution of India praying for the issuance of writ of mandamus directing the respective respondents herein to ensure in High Court of Madras and all other Courts Tribunals Commissions Other Legal Forums all situated in State of Tamil Nadu the Following: (A) Video conferencing facilities is provided to persons with disabilities and senior citizens (B) Letter Petition facilities is provided to person with disabilities and senior citizens and further to send reply to the communications addressed by persons with disabilities and senior citizens. (C) All the facilities Provided under section 12 read with other provisions under Rights of Persons with Disabilities Act 2016 is provided to persons with disabilities on above Prayer (A) and (B). (D) Facilities for Speedy disposal of the cases of persons with disabilities and senior citizens (E) Listing of case of persons with disability on the top of all other cases in the cause list and providing options for mentioning of cases to persons with disability through online technology (F) Prior information for listing of party-in-person cases in each stage in advance so that party-in-person litigants can make necessary practical arrangements to reach the court in time (G) Complete E Filing Facilities and Paperless filing facilities for filing of cases, filing of Written Submissions, Statutory materials, Cases Laws, filing of other petitions and other documents are provided at the earliest at least for cases being filed by persons with disability. (H) Facilities through internet technology or other means of communications are to be provided to persons with disability so as to intimate the defects in the cases filed by them and to receive re-filing of the cases filed by them. (I) New coding sheet is provided showing information regarding the

disability and information regarding assistance required from the Court for persons with disabilities. (J) Statutory Acts, Rules, Orders, Modal forms of various cases, petitions and applications are provided in the website and in their filing sections in the most accessible manner for all persons (K) Exemption of court fees, batta fees, filing of copies and reimbursement of reasonable expenses spent for PIL related to disability (L) Mandate training on disability rights in all courses for the training of lawyers, Judges and administrative staffs of Courts, Tribunal, Commissions and other legal forums (M) To fix short time frame to be fixed by this Court to provide all the above relief stated in (A) to (L) and further to bring awareness of all the relief stated above to ensure it reaches the stakeholders.

For Petitioner : Mr.L.Muruganandam,
Party-in-person

For Respondents: Mr.J.Pothiraj,
Spl.G.P. R1, R2 & R4
Mr.Venkatasamy Babu,SPC, R3, R5 & R6
Mr.M.Baskar - R7 to R9

O R D E R

(Order of the Court was made by DR.VINEET KOTHARI,J)

The petitioner L.Muruganantham, who claims to be a Physically Disabled Person covered by the ambit and scope of Rights of Persons with Disabilities Act 2016 and also practices in this Court as an Advocate, has filed this Writ Petition in this Court on 30.08.2017 seeking a direction of this Court in PIL jurisdiction to the respondents, particularly Registrar General, Registrar (Judicial) and Registrar (Administration) of Madras High Court to ensure and provide special Video Conferencing facilities to the Persons with Disabilities and Senior Citizens and also for a direction to these respondents along with the State and Union of India to allow a Letter Petition facility to the Persons with Disabilities.

2. The prayers made in this PIL Petition are quoted below for ready reference:

(A) Video conferencing facilities is provided to persons with disabilities and senior citizens (B) Letter Petition facilities is provided to person with disabilities and senior citizens and further to send reply to the communications addressed by persons with disabilities and senior citizens. (C) All the facilities Provided under section 12 read with other provisions under Rights of Persons with Disabilities Act 2016 is provided to persons with disabilities on

above Prayer (A) and (B). (D) Facilities for Speedy disposal of the cases of persons with disabilities and senior citizens (E) Listing of case of persons with disability on the top of all other cases in the cause list and providing options for mentioning of cases to persons with disability through online technology (F) Prior information for listing of party-in-person cases in each stage in advance so that party-in-person litigants can make necessary practical arrangements to reach the court in time (G) Complete E Filing Facilities and Paperless filing facilities for filing of cases, filing of Written Submissions, Statutory materials, Cases Laws, filing of other petitions and other documents are provided at the earliest at least for cases being filed by persons with disability. (H) Facilities through internet technology or other means of communications are to be provided to persons with disability so as to intimate the defects in the cases filed by them and to receive re-filing of the cases filed by them. (I) New coding sheet is provided showing information regarding the disability and information regarding assistance required from the Court for persons with disabilities. (J) Statutory Acts, Rules, Orders, Modal forms of various cases, petitions and applications are provided in the website and in their filing sections in the most accessible manner for all persons (K) Exemption of court fees, batta fees, filing of copies and reimbursement of reasonable expenses spent for PIL related to disability (L) Mandate training on disability rights in all courses for the training of lawyers, Judges and administrative staffs of Courts, Tribunal, Commissions and other legal forums (M) To fix short time frame to be fixed by this Court to provide all the above relief stated in (A) to (L) and further to bring awareness of all the relief stated above to ensure it reaches the stakeholders.

3. The petitioner appeared as party-in-person, and has drawn our attention to Section 12 of the Rights of Persons with Disabilities Act, 2016 providing for "Access to Justice" to the Disabled Persons covered by the said Act, wherein the appropriate Government is expected to ensure that the Persons with Disabilities are able to exercise the right to access any Court, Tribunal, Authority, Commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

4. Having heard the petitioner Mr.L.Muruganantham, who is also a practicing lawyer, we are of the opinion that the prayers made in this Writ Petition are very general and omni-bus in character and the petition does not make out any specific case

of the persons covered by 2016 Act having been denied access to justice at least by the Authorities of the High Court. We say so, because the High Court as well as the Subordinate Courts within the State of Tamil Nadu have already undertaken the projects for implementation of providing Video Conferencing facilities to the Advocates as well as Litigants and the project of providing e-facilities, funded by the Central and State Governments, are being undertaken on regular basis by all the Courts including the High Court of Madras.

5. We do not think that a special and dedicated e-system deserves to be separately developed or dedicated for catering the needs of the Persons with Disabilities covered by the ambit and scope of 2016 Act under the directions of this Court. The petitioner as well as persons belonged to the said class, of course, are also entitled to avail these video conferencing and other facilities like any other persons or citizens in the system already in place and which is being implemented under the various schemes in the Court system.

6. Therefore, we are not inclined to entertain this Writ Petition as a separate PIL for monitoring this aspect of the matter, keeping in view the class of Disabled Persons as a special class with reference to Section 12 of the said Act of 2016. We, however, give liberty to the petitioner as well as to other such persons belonging to the said class to avail these facilities of the Court system in the State in the same manner as the others are doing and if they face any difficulty in this regard, they may bring individual cases or grievances to the notice of the concerned Registrars in the High Court as well as in the District Courts and such Authorities may dispose of their representations after providing them suitable opportunity of hearing.

7. With this liberty and observation, the present Writ Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sl

To

1. State of Tamilnadu,
represented by its
Secretary to Government -in-charge,
Law Department, Secretariat,
St. George Fort, Chennai - 600 009.

2. State of Tamilnadu,
represented by its
The Principal Secretary to Government,
Home (Courts) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
3. Union of India
represented by its
Secretary, Department of Justice,
Ministry of Law and Justice,
New Delhi - 110 001.
4. The State of Tamilnadu,
represented by its
The Principal Secretary to Government,
Welfare of Differently Abled Persons,
Secretariat,
Fort St. George,
Chennai - 600 009.
5. Union of India
represented by its
Secretary, Department of Empowerment of
Persons with Disabilities,
Ministry of Social Justice and Empowerment
Shastri Bhawan,
New Delhi - 110 001.
6. Union of India
represented by its Secretary,
Department of Electronics and Information
Technology,
Ministry of Electronics and Information Technology,
(Government of India) Electronics Niketan,
6, CGO Complex,
Lodhi Road,
New Delhi - 110 003.
7. The Registrar General,
Madras High Court,
Parrys, George Town,
Chennai,
Tamil Nadu - 600 104.
8. The Registrar (Judicial),
Madras High Court,
Parrys, George Town, Chennai,
Tamil Nadu - 600 104.

9. The Registrar (Administration),
Madras High Court,
Parrys,
George Town,
Chennai,
Tamil Nadu - 600 104.

Copy To:

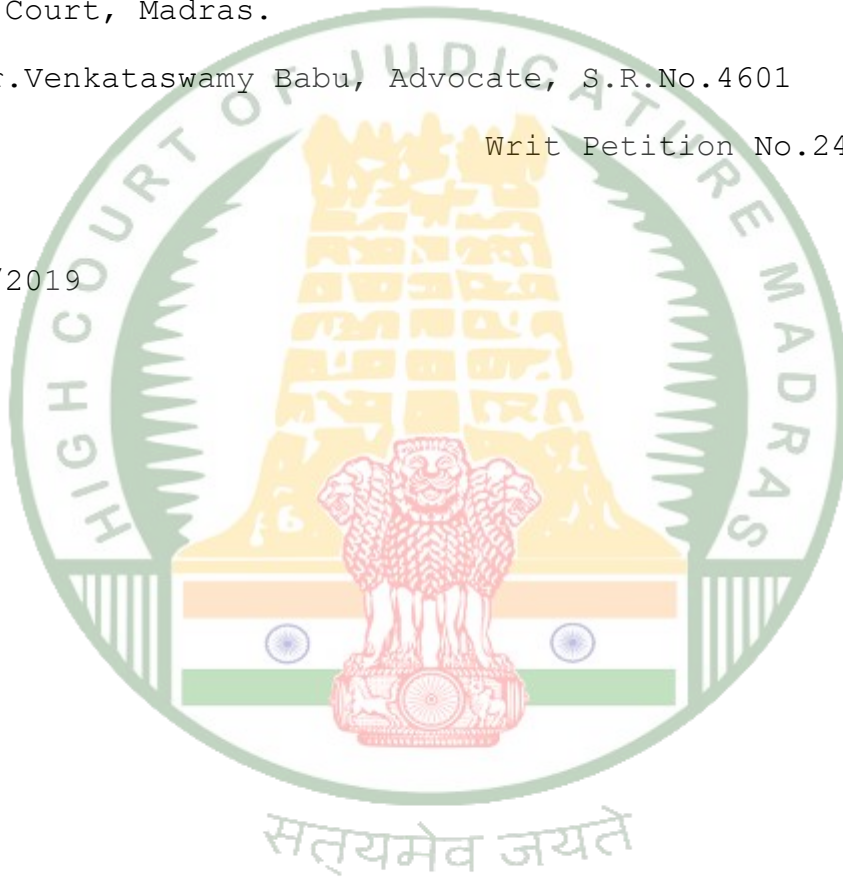
The Section Officer,
(Legal Cell Section),
High Court, Madras.

+1cc to Mr.Venkataswamy Babu, Advocate, S.R.No.4601

Writ Petition No.24341 of 2017

KS(CO)

rrs 19/02/2019



WEB COPY