

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION [CONTEMPT]
ORIGINAL SIDE

CC/11/2021
WITH
WPO/635/2017

SK. AINUDDIN AHAMMAD
VS
AMIT KHARE AND ORS.

BEFORE:

The Hon'ble JUSTICE ARIJIT BANERJEE

AND

The Hon'ble JUSTICE APURBA SINHA RAY

Date : September 8, 2023.

Appearance:

Mr. Srikanta Dutta, Adv.(VC)
Mrs. Rituparna Sarkar Dutta, Adv.
...for the petitioner
Mr. Shiv Chandra Prasad, Adv.
...for the respondents/alleged contemnors

THE COURT: The issue that was brought before a co-ordinate Bench by way of a public interest litigation being WP 635 of 2017, was that the 'Braille' system used in the schools for visually impaired persons, are being made primarily using lead, which is poisonous. The persons using such Braille system, being in constant touch with lead, suffer health problems. The petitioner sought for a direction on the respondent authorities to ensure that lead is substituted by some harmless or less harmful material in making the Braille system.

By a judgement and order dated May 16, 2018, the said writ petition was disposed of. The operative portion of the judgement and order reads as follows:

“It is clear from the aforesaid averments in the said Affidavit that the respondent authorities are conscious of the risk of using lead in the ‘Braille’ method of study and are actively working towards substituting lead with other substance having no harmful effect on the users thereof. The stand of the respondent authorities is fair and is appreciated.

We hope and trust that as stated by the authorities themselves, by the end of June, 2018, ‘Braille’ method will be made by some safe material which will have no adverse effect on the health of the users thereof. In any event, such change must be implemented by the end of September, 2018. We further direct the State Government through its concerned department to conduct medical tests on all the visually impaired/challenged students who have been using ‘Braille’ method with lead component till date. If upon such examination, it is found that they have suffered any adverse effect, the State Government shall take appropriate remedial measures including medical measures for such affected students. Such exercise shall be completed by the end of the year, 2018.”

The instant contempt application has been taken out for alleged violation of the aforesaid order by the respondents herein. From time to time we have heard learned counsel for the parties. Affidavits have been filed by the alleged contemnors. In such affidavits they have stated that all necessary steps have been taken as per direction contained in the judgment and order dated May 16, 2018 and all Braille systems that are now being made use zinc instead of lead.

We had requested the petitioner to file a supplementary affidavit furnishing names and particulars of schools for the visually impaired in and around the city of Kolkata. Such supplementary affidavit has been filed. Names of fifteen schools have been mentioned along with the addresses.

Mr. Prasad, learned advocate representing the respondents, says that if the school authorities approach the State Government for substituting the Braille system in their schools by new Braille system made with zinc instead of lead, the State Government, in co-ordination with the Central Government, will take appropriate steps.

Accordingly, we dispose of the contempt application by observing that the authorities of the schools mentioned in the supplementary affidavit affirmed by the petitioner on August 10, 2023, will be at liberty to approach the State Government for substituting the lead made Braille system in those schools with zinc made Braille system.

If an authority of a school so approaches the Department of Education, State Government, necessary steps for replacing the lead made Braille system with the zinc made Braille system will be taken by the State Government within three months from the date of being so approached.

(ARIJIT BANERJEE, J)

(APURBA SINHA RAY, J.)