

HIGH COURT OF SIKKIM  
Record of Proceedings

**W.P. (PIL) No. 09/2018**

SLOMITA RAI Petitioner (s)

VERSUS

STATE OF SIKKIM & ORS. Respondent (s)

**Date: 06/03/2019**

**CORAM :**

**HON'BLE MR. JUSTICE VIJAI KUMAR BIST, CJ.  
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, J.**

For Petitioner (s) : Ms. Slomita Rai, Petitioner-in-person  
Mr. Sishir Mothay, Advocate.

For Respondent (s) : Mr. Karma Thinlay, Senior Government  
R-1 to R-3, R-6, R-7, Advocate, Mr. Thinlay Dorjee Bhutia,  
R-10 to R-12 Government Advocate, Mr. S.K. Chettri  
and Ms. Pollin Rai, Asstt. Govt.  
Advocate and Ms. Rita Sharma,  
Advocate, Forest Department.

R-4 : Mr. Jushan Lepcha, Advocate.

R-5 : Mr. Jorgay Namka and Ms. Panila  
Theengh, Advocates.

R-8 : None

R-9 : Mr. Manish Kr. Jain, Advocate.

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**Chief Justice**

Heard learned counsel for the parties.

The present petition has been filed by the petitioner seeking the following reliefs;

- I. Issue a Writ in the nature of Mandamus and /or any other appropriate Writ/Order/Direction of like nature thereby directing all the respondents to implement the Chapter VII titled as "Duty and Responsibilities of Appropriate Governments" the Rights of Persons with Disabilities Act, 2016 ("in short 2016 Act");

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- II. Direct the Respondents to forthwith make provision of wheelchairs with an attendee in every gate of the official buildings of Sikkim and with the advance booking facilities/system of wheelchair in terms of the 2016 Act;
- III. Direct the Respondents to ensure for extensive physical Universal Accessibility Audit of the existing structure/built environment as access auditing which requires technical expertise and assessment cannot be ordinarily done by engineers and architects without proper training on access auditing should be entrusted to profession or who are pioneer in making buildings;
- IV. Direct the Respondent to make the bus stoppages proper and appropriate so that it could be easily accessible as well as the bus stops must be well lighted for night time, signs should indicate the direction and name of the facilities. The symbol of accessibility should be there at the bus stops. That the size and layout of lettering on signs should be clear, distinctive in color and legible for differently abled persons.
- V. Pass any such other or further orders as may be deemed just and appropriate, in the facts and circumstances of the case and also in the interest of justice, in favor of the Petitioner.

As far as prayer No. 1 is concerned, learned Senior Government Counsel submits that 35 nos. of public buildings were identified as not being disabled friendly. Necessary rectifications with regard to 15 buildings out of 35 have already been taken up. For the remaining buildings steps would be taken within a period of one year.

In respect of the second prayer, learned Senior Government Counsel submits that wheel chairs with attendee will be provided in every official building. Steps for which will be taken immediately.

As regards third prayer, we direct the respondents to consider the prayer of the petitioner.

For prayer No. 4, learned Senior Government Counsel submits that the bus stoppages will be well lit at night. We direct the state respondents to take steps within a period of one year.

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Considering the submissions of learned Senior Government Counsel and the assurance that necessary steps will be taken in compliance of the Rights of Persons with Disabilities Act, 2016, we close this public interest litigation.

Accordingly, W.P.(PIL) No. 09 of 2018 stands disposed of.

**Judge**  
06.03.2019

**Chief Justice**  
06.03.2019

Index : Yes / No  
Internet : Yes / No

jk/ds/bp