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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 5912/2017

HIMANSHU GOSWAMI ..... Petitioner

Through : Mr. Vishal Ranjan, Adv.

versus

UNIVERSITY OF DELHI AND ORS ..... Respondents

Through : Mr. Mohinder J.S. Rupal, Adv. for R-1.
Mr. Sanjoy Ghose, ASC for GNCTD with Mr. Rhishabh Jetley, Adv. for R-2.
Mr. Vikas Mahajan, CGSC with Mr. Shyam Sundar Rai, Adv. for R-3.
Mr. Ankit Lohan and Mr. Karan Sharma, Advs. for R-4.
Ms. Saroj Bidawat, Adv. for North DMC/R-5.
Ms. Eshita Baruah, Adv for Mr. Gaurang Kanth, Adv. for R-6.
Mr. Jagdish Sagar, Adv. for R-7.
Mr. Vipul Ganda and Mr. Raghav Kakkar, Advs. for R-8.
Mr. K. Datta and Mr. Manish Kumar Srivastava, Advs. for R-11 to 13.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

O R D E R

% 11.01.2018

1. This writ petition relates to the difficulties being faced by the visually impaired persons in navigating the pavements *inter alia* in the

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North Campus area.

2. In this regard, the writ petitioner has placed before us the "*Guidelines for Pedestrian Facilities*" published by the Indian Roads Congress in the year May – 2012 (*at page 41*).

3. These guidelines contain a glossary wherein in para 5.3 (*at page 45*), the Congress has identified the physical characteristics, which include the following : -

> *"**5.3 Physical Characteristics***
>
> *xxx xxx xxx*
>
> *(iii) **Obstructions** : The obstruction can be an **electric pole, tree garbage bin**, and **hoardings**. The location of garbage bin, electric pole and any other feature like signage etc. should be on **one side of the footpath so as to give a clear walkway to be pedestrian**.*
>
> *(iv) **Encroachment** : The **informal commercial activities are an integral part of the footpath environment** in India. The pedestrian also need them as they cater to their day-to-day needs, but sometimes the extent of encroachment rises to a level that the footpath facility becomes inaccessible/non-usable by the pedestrian. The informal sector has to be integrated in the overall design of the footpath facility by **providing space for them to operate**."*

4. The writ petition, which is supported by the photographs manifesting the submissions, makes an extensive grievance about several impediments on pavements which include parking vehicles; vendors; police booth and hoardings.

5. Pursuant to the notice issued by us, the respondents have filed status reports claiming various steps being taken by them to ensure that its premises and the pavements are disabled friendly.

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Perusal thereof, would show that a huge exercise needs to be undertaken in this regard.

All the respondents claim that their buildings/installations are accessible to the disabled which position does not appear to be correct.

6. We also find that the authorities are shifting responsibility from one to another. While some pavements are claimed to be under the jurisdiction of Municipal Corporation, the responsibility of others is shifted to the Public Works Department.

7. All the respondents disown responsibility for maintenance of access to bus stands stating that those are the responsibility of Delhi Transport Corporation.

8. The respondents shall file the status reports of the actual steps taken by them in order to make all buildings/installations disabled friendly as well as firm action plans setting out the time lines within which the same shall be completed.

9. In order to effect scrutiny of the situation prevailing at the ground level, we direct that two campuses, i.e., the North Delhi Campus and South Delhi Campus of the University of Delhi be treated as pilot projects.

10. It is directed that the Commissioners of the North Delhi Municipal Corporation and South Delhi Municipal Corporation as well as the Engineers – in - Chief of the PWD shall cause a joint physical inspection to be undertaken of all pavements around these two campuses. An action plan shall be drawn up in order to ensure that the same are made disabled friendly and steps forthwith shall be taken to ensure that all obstructions rendering pavements inaccessible are removed. These authorities ought to examine the guidelines suggested

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by the Indian Roads Congress which note the requirement of the informal commercial activities on the footpaths and the need of integrating it with the design of the footpath facility. If this was properly done the disabled pedestrian would have no difficulty. It is the unstructured, unplanned and hap hazard obstructions which are causing the difficulties.

11. In case, any obstruction has to be removed by any other authority, including Delhi Transport Corporation, University of Delhi and Delhi Police, it shall be the responsibility of this team to inform the authority which shall take immediate steps to do the needful.

12. It is made clear that continuity of the tactile pavement markings shall be ensured so that there is safe passage for visually impaired persons.

13. Reports in this regard shall be filed within six weeks from today.

14. It shall be open for the petitioner to verify the correctness of the reports and place his submissions before us on the next date of hearing.

15. List on 6th March, 2018.

Dasti under signature of Court Master.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 11, 2018
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