

ITEM NO.801

COURT NO.3

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

IA Nos. _____/2016 in Writ Petition(s) (Civil) No(s). 855/2016

SHYAM NARAYAN CHOUKSEY

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln.(s) for impleadment and recall of the order dated 30.11.2016 and office report)

Date : 09/12/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Abhinav Shrivastava, AOR
Mr. Rituvendra Singh, Adv.
Mr. Hameet Singh R., Adv.

For Respondent(s) Mr. Mukul Rohatgi, AG
Mr. R.K. Rathore, Ad.
Mr. B. Krishna Prasad, AOR

Mr. Siddharth Luthra, Sr. Adv. (AC)
Ms. Tara Narula, Adv.
Ms. Gargi Khanna, Adv.
Mr. Siddhartha Mehta, Adv.
Ms. Supriya Juneja, Adv.

Mr. C.U. Singh, Sr. Adv.
Mr. P.V. Dinesh, Adv.
Ms. Sinha T.P., Adv.
Mr. R. Beniwal, Adv.
Mr. Namit Saxena, Adv.
Mr. Biresh K., Adv.
Mr. Arushi Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

These two applications have been filed one seeking impleadment in the writ petition and the other for recall of the order dated

30.11.2016.

On being mentioned by Mr. P.V. Dinesh, learned counsel, the I.As. are taken on Board.

Registry is directed to register the I.As.

Heard Mr. C.U. Singh, learned senior counsel along with Mr. P.V. Dinesh, learned counsel for the applicants, Mr. Mukul Rohatgi, learned Attorney General for India, and Mr. Sidharth Luthra, learned senior counsel who has sought leave of the Court to assist.

The prayer in the application is for recall of our order dated 30.11.2016. When it was brought to the notice of Mr. C.U. Singh, learned senior counsel about the grounds urged, we must fairly state that Mr. Singh submitted that he will have a re-look at the grounds and will amend the same.

As far as the recall of the order is concerned, the same has to be heard on merits when the matter is finally debated upon. Be it noted, Mr. Dinesh, learned counsel for the applicant at the time of mentioning had submitted that there has to be some kind of exemption for the physically challenged persons or physically handicapped persons. Mr. Siddharth Luthra, learned senior counsel who was present in Court has referred to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

Mr. Rohatgi, learned Attorney General for India submitted that how the physically challenged or physically handicapped persons shall show respect to the National Anthem, the Central Government will issue guidelines within ten days hence. As the guidelines are going to be issued, we clarify, if a physically challenged person or physically handicapped person goes to the Cinema hall to watch a film, he need not stand up, if he is incapable to stand, but must show such conduct which is commensurate with respect for the National Anthem. When we say physically challenged or physically

handicapped persons, it means persons with disability as defined under Sections 2(i) and 2(t) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

Another aspect needs to be cleared. When we said that the doors shall be closed, we did not mean that the doors shall be bolted as mentioned in the case of Municipal Corporation of Delhi, Delhi vs. Uphaar Tragedy Victims Association and Ors. [(2011) 14 SCC 481] but only to regulate the ingress and egress during the period while the National Anthem is played.

Let the matter be listed on the date fixed, i.e., 14.2.2017.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master