

ORDER SHEET

W.P.NO.635 OF 2017
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SNIGDHA ACHARYYA
Versus
THE UNION OF INDIA & ORS.

BEFORE:

The Hon'ble CHIEF JUSTICE JYOTIRMAY BHATTACHARYA

The Hon'ble JUSTICE ARIJIT BANERJEE

Date : 16th May, 2018.

Appearance:

Mr.Srikanta Dutta,Advocate

Ms.Rituparna Dutta,Advocate

....for petitioner.

Mr.Kaushik Chandra,Ld.Addl.Solicitor General

Mr.S.C.Prasad,Advocate

....for Union of India.

Mr.Abhratosh Majumder,Ld.A.A.G.

Mr.Debasish Ghosh,Advocate

...for State.

The Court : Leave is granted to add the following parties as respondents in the writ petition :-

1. The Department of Empowerment of Persons with Disabilities, 5th Floor, Paryavaran Bhawan, C.G.O.Complex, Lodhi Road, New Delhi-110003.
2. National Institute for Visually Handicapped, 116 Rajpur Road, Dehradun.
3. The Ministry of Social Justice and Empowerment, B-I, B-II & B-III Block, 5th Floor, Paryavaran Bhawan, C.G.O.Complex, Lodhi Road, New Delhi-110003.

Service on the added respondents is not necessary since the learned Additional Solicitor General is representing the said respondents.

This public interest litigation has been filed for the benefit of those who are unfortunately visually impaired and who use the 'Braille' method for their studies. The main prayer in the writ petition is for a direction on the respondent authorities to take necessary steps so that the use of lead in the study method of 'Braille' for the visually impaired/challenged students can be substituted by any other metal or substance.

We had called for affidavits from the respondents. An affidavit-in-opposition has been filed on behalf of the National Institute for the Empowerment of Persons with Visual Disabilities (NIEPVB). In paragraph-15 of the said affidavit it has been stated, inter alia, as follows :

“15....It is true that the use of lead in study materials like Ar Types in a Tailor Board needs to be stopped and the Government of India is already working on it for a long time. It is false to contend that the respondents have ignored their constitutional duties or responsibilities. The process of finding substitute for lead to be used as Ar Types or pegs in a Taylor Board has been going on for a long time and presently the National Institute for the Visually Handicapped (new name:National Institute for the Visual Disabilities), Dehradun is about to start the production of the alternative thereof.”

“.....The facts about the R & D initiatives being undertaken by the National Institute for the Visually Handicapped, Dehradun (new name: National Institute for Empowerment of Persons with Visual disabilities), under the Ministry of Social Justice and Empowerment, Government of India, to design and develop Ar Types with non-toxic material ever since the year 2011-12 are in public domain. The said facts have not been brought to the notice of the Hon’ble Court by the petitioner.”

In paragraph-16 of the said Affidavit it has been stated, inter alia, as follows :-

“.....The National Institute for the Visually Handicapped (new name; National Institute for Empowerment of Persons with Visual Disabilities) is actively involved in the research work to replace the lead based Ar Types (or pegs) in the Taylor Frame with non-toxic ones ever since the year 2011-12 and field trials for the replacement have also been completed long back.”

Finally, in paragraph-24 of the said affidavit it has been stated as follows :-

“That after finalization of the AR Types of the Ar Types made of epoxy glass the NIVH started searching for industry partners to manufacture the said Types on a mass scale as NIVH did n’t have manufacturing facilities with it to manufacture the same. The institute has now been able to find a partner for manufacturing of the said Ar Types and mass scale production is expected to start in next three months time. The Taylor Frames with Ar Types made of safe material are expected to be available for sale and supply to the students by June, 2018.

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.

Thus, the writ petition is disposed of.

(JYOTIRMAY BHATTACHARYA, CJ.)

(ARIJIT BANERJEE, J.)

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