

**In the Court of State Commissioner for Persons with Disabilities  
National Capital Territory of Delhi  
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2  
Phone-011-23216002-04, Telefax: 011-23216005,**

**Email: [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)**

[Vested with powers of Civil Court under the  
Rights of Persons with Disabilities Act, 2016]

**Case No. 326/1101/2018/06/1568-1569**

**Dated: 29.03.2019**

**In the matter of:**

**Suo-Motu**

**Versus**

**The Chairperson,**  
New Delhi Municipal Council,  
Palika Kendra, Parliament Street,  
New Delhi-110001.

**.....Respondent No.1**

**The Cinema Manager,**  
PVR ECx Chanakya, Delhi,  
13A-16D, Chanakyapuri,  
Tikendarjit Marg, New Delhi-110021.

**.....Respondent No.2**

**Date of hearing: 27.03.2019.**

**Present:** Sh. Krishan Mohan, EE(R-IV) Civil and Sh. Sadvir Singh, NDMC on behalf of Respondent No.1.

Ms. Sangeeta Robinson, Head, Sustainability & inclusion, PVR Cinemas, on behalf of Respondent No.2.

**ORDER**

On a visit of the State Commissioner for Persons with Disabilities to PVR ECx Chanakya, New Delhi on 14.05.2018, it was noticed that its AUDI-1 was not connected to a lift and also there was no ramp of prescribed gradient. An elderly woman with disability was carried to AUDI-1 on a chair. The Cinema Manager of the PVR was therefore advised to intimate by 25.06.2018, the details of accessibility feature in PVR ECx Chanakya and the reason why

AUDI-1 should not be connected by a lift or ramp of prescribed gradient with handrails and why all facilities in the PVR should not be accessible for persons with disabilities vide letter dated 15.06.2018. A copy of the said letter was also endorsed to Chairman, New Delhi Municipal Council for information and necessary action to ensure that the “public buildings” and “public facilities & services” in the jurisdiction of NDMC are fully accessible for persons with disabilities as mandated by the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act.

2. Subsequently, Group Captain Prabal Malakar, Hon. Secy. of Multiple Sclerosis Society of India (MSSI) vide his letter dated 28.05.2018 also suggested to take up with the concerned nodal agencies for making places of entertainment, culture etc. accessible for persons with disabilities. Vide letter dated 21.06.2018, Chief Executive Officer, PVR Cinemas, Gurugram was requested to advise all the PVR/Cinema Hall Owners in the NCT of Delhi to ensure that :-

- “(i) Their premises have all the accessible features in accordance with the standards prescribed by the Central Govt;
- (ii) Designate sufficient number of seats in auditorium/halls/theatres for persons with disabilities especially for wheel chair users; and
- (iii) Prepare an action plan so as to make every public building and the service in the NCT of Delhi accessible to persons with disabilities by 15.06.2022 and 15.06.2019 respectively. A list of PVRs/Cinema Halls etc. in NCT of Delhi affiliated to your Association/Organisation alongwith their respective action plans be submitted to this office in the below mentioned format by 15.07.2018:

S.No	Name of PVR Cinema Hall / theatre	If accessible, give details of the accessible facilities	If not accessible, date by which it will be made accessible	Remarks

3. It was also brought to his/her notice that the Act has come into force w.e.f. 19.04.2017 and **Section 45** of the Act mandates that *all existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules and shall formulate an action plan for providing accessibility in all their buildings and spaces.* As per Section 2(w) of the Act, *“Public building”, includes a Government or private building, used or accessed by the public at large.* **Section 46** of the Act prescribes a time limit of two years for ensuring accessible services by service providers, whether Govt. or Private. *“Public facilities and services” include all forms of delivery of services to the public at large (as per Section 2(x)).*

4. The Central Govt. has notified the standards for public buildings as specified in the *“Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons with Disabilities and Elderly Persons”* issued by Ministry of Urban Development in 2016 in the Rights of Persons with Disabilities Rules, 2017 on 15.06.2017.

5. **Section 89** of the Act also provides for punishment for contravention of the provisions of the Act and rules made thereunder which may extend to five lakh rupees.

6. It was also brought to the notice that **Section 42** of the Act requires that persons with disabilities have *access to electronic media by promoting audio description, sign language interpretation close captioning.*

7. PVR Ltd. vide letter dated 05.07.2018 submitted as under:-

*“Sir/ Madam,*

*This has reference to the captioned letter issued by your goodself wherein we have been directed to comply with certain provisions of The Rights of Persons with Disabilities Act, 2016. It is submitted at the onset*

*that PVR Limited is a law abiding company and complies with all the laws, norms, rules, regulations, guidelines issued by competent authority etc. and is renowned for transparent and law abiding-ness working culture throughout the India.*

*It is submitted that PVR appreciates the intention of legislature in framing such a welfare law favouring a large number of people with disabilities in India and is fully conscious of its duty and for that purpose, is fully committed in the service of all of its patrons irrespective of their class or condition whatsoever. With specific reference to people with disabilities, PVR has hired Ms Sangeeta Robinson as Head of Sustainability & Inclusivity to make our cinemas accessible not only for people on wheelchair but also those with Hearing and Vision Impairment; thereby surpassing the accessibility requirements in our country and meeting those of developed nations. In her meeting with your goodself on 26<sup>th</sup> of June 2018, we understand she has apprised you about the facts regarding PVR's Accessibility roll-out plan from July to December 2018 having the following three components:*

- 1. Wheel Chair access*
- 2. Closed captioning for Hearing impaired*
- 3. Audio Description for Vision impaired*

*In addition, she has also shared with you how we are making it easier for patrons with disability to discover wheel-chair friendly cinemas form our website, mobile app and box office so that they get seats most suitable for them. We are making concerted efforts to even work with Civil society to make our website accessible for our differently abled patrons.*

*It is further submitted that the information as has been desired in the captioned letter is as follows:*

<b>S.No.</b>	<b>Name of Cinema</b>	<b>Accessibility</b>	<b>Date by which it is planned to be made accessible</b>	<b>Remarks</b>
1.	PVR Anupam	1 of 3 Audis	July end	
2.	PVR Select City Walk	All 6 Audis will have accessible	July end	
3.	PVR Rivoli	1 of 2 Audis	October end	
4.	PVR Plaza	1 of 1 Audi	October end	
5.	PVR Pacific Mall, Subhash Nagar	All 6 Audis	October end	
6.	PVR Prashant Vihar		Before April 2022	
7.	DT Cinema Shalimar Bagh	All 4 Audis	July end	
8.	PVR Chanakya		Before April 2022	
9.	PVR 3C's Lajpat Nagar		Before April 2019	
10.	PVR Vikaspuri		Before April 2019	
11.	PVR Sangam	2 of 2 Audis	July end	
12.	PVR Directors Cut		Before April 2022	
13.	PVR Priya, Vasant Vihar		Before April 2022	
14.	DT Cinema, Vasant Kunj	4 of 7 Audis	July end	

*In the interim period, for cinemas that have stairs at the entrance, we have purchased Step Climbers and in some we are even installing stair lifts.*

*It is further stated and submitted that PVR provides all kinds of assistance to all its patrons irrespective of the categories they belong to,*

*specifically to those with different abilities as is apparent from the details given above.*

*We will feel obliged to give any further clarification, if required.*

*Thanking you,*

*Yours sincerely,*

*For PVR Limited*

*Authorised Signatory”*

8. While action taken report was still awaited, a hearing was scheduled on 27.03.2019. Sh. Krishan Mohan, EE(R-IV) Civil, NDMC, who appeared on behalf of respondent No.1, submitted that a copy of the notice was received by him only on 26.03.2019 and therefore written status report would not be submitted.

9. Ms. Sangeeta Robinson, Head, sustainability & inclusion, PVR Ltd. submitted that the time lines indicated in their reply dated 05.07.2018 for making the PVRs accessible are the outer limits. All efforts are being made to complete the work before the dates indicated therein. With regard to the PVR Chanakya, access to all the AUDIs has been provided from the exit route where lift is available. The following seats are accessible for wheel chair users and will be marked with relevant disability icons by 15<sup>th</sup> April, 2019:-

AUDI-1	-	P-1&2, Q-1&2
AUDI-2	-	R-1&2, Q-1&2
AUDI-3	-	R-1&2, Q-1&2

10. She also stated that they are ensuring reservation of one space for wheel chair users out of 100 seats in accordance with table 4.1 of the Harmonised Guidelines and Space Standards for Barrier Free Environment for Persons with Disabilities and Elderly Persons issued by Ministry of Urban Development.

11. From the submissions made by the parties, the following important points have emerged :

- (i) Omission of the requirement of barrier free features to all the facilities in the building plan that was prepared for PVR by the architect;
- (ii) Overlooking of accessibility requirements while examining and approving the building plan by the architect of NDMC; and
- (iii) Issue of completion certificate and permission to take occupation of the building by the NDMC without ensuring compliance with the accessibility standards.

12. The PVR was renovated in 2016 and completed in June, 2017 and at each of the above stages, the important requirement of inaccessibility to a portion of the PVR was ignored despite the fact that Section 44 of the Act provides for mandatory observance of accessibility norms which is reproduced below:-

***“Section 44-(1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under Section 40.***

***(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.”***

13. In the circumstances, the following recommendations are made:

- (i) Chairman, NDMC should make necessary arrangements for creating awareness about the provisions of the Act and the Harmonised Guidelines and Space Standards for Barrier Free Environment for Persons with Disabilities and Elderly Persons issued by Ministry of Urban Development.
- (ii) Take steps for capacity building of the concerned architects/engineers/functionaries to ensure that no structure is constructed without adhering to the accessibility standards. This court has

already made detailed recommendations in this regard among other things, in Suo-Motu Case No.4/1665/2017-Wel/CD in which NDMC is one of the 14 respondents.

- (iii) Issue instructions for strict compliance of the guidelines and provisions of the Act and to bring to the notice of all concerned that contravention of any provision of the Act or the Rules/Regulations made thereunder is punishable under the Act and the fine may extend to Rs.5 lakhs.
- (iv) Respondent No.2 shall intimate this court soon after the PVRs are made fully accessible as per the action plan submitted vide letter dated 05.07.2018.

14. Action taken on the above recommendations be intimated to this court within 3 months from the date of receipt of this order as mandated under Section 81 of the Act.

15. The matter is disposed of with the above recommendations.

16. Given under my hand and seal of the Court this 29<sup>th</sup> day of March, 2019.

**(T.D. Dhariyal)**  
**State Commissioner for Persons with Disabilities**