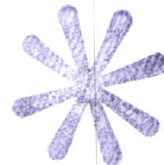


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IN THE HIGH COURT OF SINDH AT KARACHI

Constitutional Petition No.D-1348 of 2012



Before:

**Mr. Justice Irfan Saadat Khan &
Mr. Justice Zafar Ahmed Rajput**

ORDER

Date of hearing : 15.09.2015.

Petitioner : Raah-e-Raast Trust (Rgtd.) through its
Chairman, Agha Syed Atta-u-Allah Shah.

Respondent No.1 : The Province of Sindh through Mr. Miran
Muhammad Shah, Additional Advocate
General Sindh (AAG).

Respondent No.2 : The Administrator K.M.C. through Syed
Sultan Ahmed, Advocate.

Respondent No.3 : The Chief Controller Building (K.B.C.A)
through Mr. Anwar Ali Shah, Advocate.

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IRFAN SAADAT KHAN, J:- The instant Constitutional Petition has been filed with
the following prayers:

- 1. To declare that Disabled Persons are equally respectable citizens and entitled to enjoy all constitutional fundamental rights without distinction, discrimination or exception and are also entitled to the right to enjoy a decent life, as normal and full as possible, besides, the right of freedom of movement and access to public places.*
- 2. To direct the Respondents that height of Public footpaths and Ramps /Slopes on either sides thereof are constructed in Cities & Towns in accordance with the specifications of international cities, in a manner to facilitate its convenient use by walkers, by wheelchair users and by those who use pushing prams or pushchairs.*
- 3. To direct the Respondents to ensure that Ramp-facility is provided parallel to the stairs at all Public-use Buildings, Offices, Markets, Shopping-Centers, Educational Institutions, Hotels, Parks; including Cinema & Theaters etc. in Karachi and other Cities / Towns of this Province.*
- 4. To grant any other relief, which this Hon'ble Court deems fit and proper under the circumstances of the case.*

2. This petition has been filed as a public interest litigation, whereby it is prayed that since the disable, weak and ailing persons use wheelchairs, hence, instructions may be issued to the respondents to make sure that in the markets /shopping centers, mosques and educational institutions proper arrangement is made to enable the said persons to have access for these areas. Notices thereafter were issued to the respondents and in response whereof the respondent No.2 filed his comments wherein it has categorically been stated as under:

"It is ensured that in future during preparation of estimates for work of construction of footpaths, the provision of ramps at difference places will be incorporated in the interest of smooth mobilization of disable and weak persons".

In view of the above comments filed by the respondent No.2, we dispose of this petition by observing that proper legislation in this regard is imperative to facilitate these disable, weak and ailing persons using wheelchairs to have access and a free movement on the footpaths, in public places, markets, shopping centers, mosques, educational institutions, etc. We, therefore, direct the respondent No.1 to prepare a summary and refer the matter to the Chief Minister Sindh for making proper legislation in this regard to facilitate the disable and other persons. We also expect from the Chief Minister Sindh that he would make efforts for making proper legislation within a period of three months. We also direct the respondents No.2 & 3 to issue instructions to the concerned departments and concerned authorities for making provision of ramp for smooth mobilization of these persons. Petition stands disposed of in the above terms along with the listed application.

JUDGE

JUDGE

Karachi.

Dated : 15.09.2015.

Tahseen/PA