



सत्यमेव जयते

न्यायालय मुख्य आयुक्त

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment

भारत सरकार/ Government of India

Case No. CCPD/16369/1111/26

Dated: 17/03/2026

Case No. CCPD/16369/1111/2026

In the matter of:

Suo Motu cognizance of alleged denial of access to a child with disability at "Sunder Nursery", New Delhi, and alleged denial of use of facilities in a public park open to the public.

Versus

1. The Chief Executive Officer, Aga Khan Trust for Culture (India)
2. The Director General, Central Public Works Department (CPWD)

RECORD OF PROCEEDINGS

1. Whereas the matter was taken up for hearing in hybrid mode on 19.02.2026 before the Hon'ble Commissioner for Persons with Disabilities. The proceedings arose from the notice already issued in the matter by the Court on Sua Motu basis, wherein the case had been admitted for inquiry under Sections 75 and 77 of the Rights of Persons with Disabilities Act, 2016, in view of a viral video and subsequent newspaper reports containing allegations of disability-based denial of access/use of facilities, discrimination, denial of reasonable accommodation, barriers in public facilities and alleged humiliating conduct in public view.
2. And whereas the notice also required the respondents to file a factual report and relevant documents including incident details, accessibility arrangements, CCTV preservation, visitor policies, staff deployment and sensitisation/training details.
3. And whereas on behalf of Respondent No. 1, Shri Ratish Nanda appeared and identified himself as the CEO, Aga Khan Trust for Culture, and stated that in that capacity he is the Managing Trustee for Sunder Nursery.
4. And whereas on behalf of the CPWD, Shri Sunil Kumar Rathi, Dy. Director from Horticulture and Shri

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Virat Singh, Architect from the office of the Senior Architect appeared.

5. And whereas at the outset, the Court indicated that the matter concerns alleged violation of the rights of a child with disability in a public park and referred to the relevant protections under the RPwD Act relating to equality, non-discrimination, reasonable accommodation, cultural participation, recreation and protection from degrading treatment. Respondent No. 1 was then asked to place on record its stand in relation to the circulated video and the news report that formed part of the background of the suo motu proceedings.

6. And whereas Shri Ratish Nanda submitted, in substance, that Sunder Nursery was developed as a barrier-free and wheelchair-accessible public space and that persons with disabilities are provided free entry, parking and accessibility support. He further submitted that, according to the respondent, the child concerned had in fact entered the play area and used several rides/facilities for a substantial period, and that the issue arose only when access was sought to an elevated zipline, which, according to the staff on duty, posed a safety risk for a five-year-old child. He stated that an objectionable remark was allegedly made by a security guard in Hindi, for which apology had been tendered by the management, and that the respondent had repeatedly sought the complete unedited footage from the family to enable appropriate action. He also submitted that refresher training/sensitisation of staff was being organised and that additional CCTV coverage was proposed.

7. And whereas these aspects also broadly correspond with the written reply of the respondent, wherein it was stated that CCTV footage of the relevant time had been preserved, though no camera covered the north end of the playhouse where the incident allegedly occurred; that the park and playhouse are accessible; and that staff training on customer interaction, conflict resolution and cultural sensitivity had already been conducted in 2025, with further special-focus training planned in February 2026.

8. And whereas during the course of hearing, it also emerged that Respondent No. 1 contests the allegation of denial of entry to the child and contends that the incident was confined to denial of access to one elevated ride on stated safety considerations, while at the same time expressing regret regarding the language allegedly used by one of the guards. Respondent No. 1 further submitted that it had not placed videos publicly online out of concern for the dignity of the child, and that it remained willing to take corrective action and cooperate with the Court.

9. And whereas with regard to the role of the CPWD, while the notice had referred to the park infrastructure having been developed in collaboration with CPWD, the Respondent No. 1 stated during hearing that the infrastructure had been developed/implemented by it.

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10. And whereas the Court observed that, on the one hand, the material placed by Respondent No. 1 suggests that the establishment has attempted to provide accessibility and sensitisation measures; however, on the other hand, the exact nature of the incident, whether the child was merely cautioned on safety grounds or was effectively prevented from accessing a facility on account of disability, and whether humiliating/discriminatory conduct occurred, cannot be conclusively determined without examining the parent's version and the full relevant material. It was specifically observed that if the matter takes the form of "parent versus park", the parent's appearance and response would become necessary for proper adjudication.

11. And whereas the Court further indicated that the full video footage needs to be called from the parents to enable it to holistically examine the matter vis-à-vis the respondent's presentation and also news material/article dated 16.02.2026, which may have bearing on the facts. The hearing was therefore not concluded on merits and the matter was kept for further examination after collection of all relevant records/evidence, including video proof and any committee report, if available. It was also indicated that, if necessary, another hearing may be held and even a fact-finding visit/committee may be considered.

12. And therefore, the Court was pleased to issue the following directions:

(a) The parent/guardian of the child concerned shall be **impleaded as a necessary party/material participant** in the present suo motu proceedings for the limited purpose of placing on record their version of facts and relevant evidence.

(b) Notice be issued to the parent/guardian, calling upon them to file a short written statement within 15 days, along with all supporting material, including:

(i) original/unedited video recording(s), if any;

(ii) photographs, chats, emails or social media communications, if relied upon;

(iii) details of the date, time, place and sequence of events as per their account; and

(iv) any other evidence/context relevant to the allegation of discrimination or denial of reasonable accommodation.

(c) A copy of the Reply be forwarded to the Respondent No.1, who will file their rejoinder or any additional material, including the subsequent article/report dated 16.02.2026 and any other documents relied upon during hearing.

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(d) Respondent No. 1 shall preserve and, if not already filed, place on record all CCTV footage/electronic records pertaining to the relevant time and date, along with incident register entries, names/designations of staff/security deployed, action taken reports, visitor policy/playhouse rules, and training/sensitisation details.

(e) The matter be adjourned for further hearing after receipt of the above material. The next date of hearing be notified separately.

(f) It is made clear that no final opinion on merits has been expressed at this stage and all issues are kept open.

13. This is issued with the approval of the Commissioner for Persons with Disabilities.

Yours faithfully,

(Praveen Prakash Ambashta)
Dy. Chief Commissioner

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