

**DR. AJITH C.S PERERA v. ATTORNEY GENERAL AND OTHERS**

J.A.N DE SILVA CJ,  
AMARATUNGA J,  
SRIPAVAN J.

S.C. (FR) NO. 221/2009

27 APRIL 2011

This case is called for the purpose of clarifying the order that was recorded on 14/10/2009.

After hearing the submissions, the court replaced the order made on 14/10/2009, with the following order:

This court recognizes that people have different levels of ability to move freely, and that many- specially, the growing number of Seniors, Disabled Persons and Pregnant Mothers-are restricted in their movement.

This Court further recognizes that in terms of the Protection of the Rights of Persons with Disabilities Act No.28 of 1996, as amended, and the regulations made there under, no person should be discriminated against on the ground of disability and their mobility restricted in a manner which precludes or impedes them from enjoying equally their inherent right for access, safety and accommodation in day-to-day life at man-made public buildings, public places and facilities provided there.

Accordingly, this Court orders that All Parts of NEW public building or public places, specially toilets and wash facilities, as defined in the Accessibility Regulations No. 01 of 2006 made under the Protection of Persons with Disabilities Act No. 28 of 1996, as amended , hereafter shall be designed and constructed in accordance with the ‘design requirements’ specified in the regulations in force.

The Court further orders that compliance with this Court order is mandatory in order to gain approval of building plans, to certify the buildings on completion and to issue the certificate of conformity and hence, together with owners who are equally responsible, all authorities that are empowered to do so shall refrain from doing so in respect of all new constructions violating this order.

Failure to comply with this Court order shall be a serious punishable offence and shall attract punitive repercussions as set out in the law.

These proceedings are terminated. In case of a fresh violation a fresh action could be filed to deal with that situation.