

WP No.38224 of 2005

The Hon`ble The CHIEF JUSTICE  
and  
The Hon`ble Mr Justice M.M.SUNDRESH

RAJIV RAJAN  
S/O. RAJAN, DOOR NO.5, GOLDEN PLAZA, 60,  
61, M.M.RAMASWAMY STREET,  
JAFFARKHANPET, CHENNAI-83.

Vs

THE CHAIRMAN AND MANAGING  
DIRECTOR, METROPOLITAN TRANSPORT CORPN.  
(CHENNAI) LTD., AN UNDERTAKING OF THE  
GOVT. OF TAMIL NADU, PALLAVAN HOSE,  
ANNA SALAI, CHENNAI-2. and 3 others.

We have perused the report of the Commissioner for Persons with Disabilities dated 09.03.2016, a copy of which has been made available to us in Court. It appears that this report is not on record and the learned Government Pleader to take steps to bring the same on record.

2. We have also perused the memo dated 27.03.2016 filed by the learned Amicus.

3. Learned Amicus suggests that for the time being, the issue which we are required to address is the lack of improvement by Metro Transport Corporation (MTC) and State Express Transport Corporation (SETC) in introducing buses which are disabled friendly.

4. On the other hand, learned counsel appearing for the MTC and SETC submits that though initially there was some restraint in respect of procuring buses, it had been observed that there may be some buses procured dedicated for the use of persons with special needs, but the passengers found travelling in such buses were few.

5. We are of the view that any steps to be taken for the benefit of the persons with special needs has to be inclusive in character. The idea cannot be to have separate buses, but buses which are used daily by passengers meeting

the requirement of Persons with special needs. It is not possible to pre-determine the route to be travelled, the destination to be reached etc., by introducing buses only for certain routes which are disabled friendly. The objective has to be, over a period of time, to make sure all the buses in use meet the requirement of people with special needs. This can only happen if procurement of such buses which are meant to cater to the people with special needs, as otherwise what has happened would continue to happen - introducing of new buses in the fleets which still do not meet the requirement of the people with special needs.

6. We thus direct that any new buses to be introduced in the fleets must meet the requirement of the people with special needs and as per the norms in consultation with the Commissioner for Persons with Disabilities.

7. In determining whether a bus is disabled friendly, inter alia, it has to be ensured that there is easy access for boarding and alighting.

8. It should also be ensured that the benefits which are available in terms of travel concession etc. for the persons with special needs are available on all these buses also. In respect of the aforesaid, a compliance report be filed by the learned counsel within eight weeks.

9. The Southern Railway has been added as a party subsequently as there appears to be some problem in introducing the relevant measures. Learned counsel states that he will file an affidavit setting out a list of the facilities which are in existence and the ones which are proposed to be introduced, and if there are any existing norms, what more facilities should be envisaged. In this behalf, the Railways may use the benchmark of accepted international norms. The affidavit be filed within eight weeks.

10. Learned Amicus points out that qua any new building constructed, the PWD has accepted the norms, which would suffice, but the problem is of retrofitting the old buildings, especially larger and taller buildings. In this behalf, the steps taken by the Central Public Works Department (CPWD) may be intimated to the Commissioner for Persons with Disabilities, who would carry out sample surveys to find out whether there is any progress in these matters or not.

11. The report of the Commissioner for Persons with Disabilities be filed within eight weeks.

12. Copies of all the reports be given to the learned Amicus, so that he can analyse and assist us.

13. The name of Mrs. Rita Chandrasekar for M/s. Jayesh Dolia be printed in the cause list.

List for compliance on 28.06.2016.

[CJ] [M M S J]

06/04/2016

KSR