

WP No.38224 of 2005

The Hon`ble The CHIEF JUSTICE
and
The Hon`ble Mr Justice R. MAHADEVAN

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 affidavit of the first respondent.

2. The necessity of new buses meeting the requirement of persons with special needs as per norm and consultation with the Commission for Persons with Disabilities cannot be doubted. However, what is sought to be projected is that in some of the routes, a bus shelter may not be conducive to the ingress and egress for such buses. If that be the position, the first respondent, can always address the Commissioner, Municipal Corporation of Chennai/2nd respondent which would be mandated to make the necessary adjustments. It has also been stated that a policy decision would have to be taken by the Government, as the first respondent has no funds even to buy buses. In this behalf, all that we can say is that at some stage, the State Government would have to take a call as to how the first respondent is to be managed financially, if it wants the Corporation to continue. There can be buses already on the way out as per norms and we are conscious of the fact that it may be difficult to convert the existing buses and therefore our direction is for buses procured in future to comply with the requirements, so that over a period of time, all buses will become compliant.

3. Learned counsel for the first respondent further states that the bus-passes already issued to persons with disabilities would be put to valid use qua all the buses. This is in pursuance to the observation in paragraph-8 of our last order dated 06.04.2016 and our query arising in respect of the compliance thereof. This would equally apply to the State Express Transport Corporation and to avoid any complication, the said entity is now impleaded as party respondent. Memo of parties be amended accordingly.

4. Insofar as Southern Railway is concerned, we would like to have a chart showing the time line for compliance of aspects which are yet to be attended to with reference to paragraph-9 of our order dated 06.04.2016 whereafter we will ask the Commissioner for Persons with Disabilities to carry out an inspection and submit a report to us. The chart be filed within four weeks.

5. On a perusal of the affidavit filed by the Commissioner for Persons with Disabilities/4th respondent qua the observations in paragraph-10 of our order dated 06.04.2016, we have stated in paragraph-9 that the Central Public Works

Department (CPWD) and State Public Works Department appear to be concerned with only the maintenance of the buildings, and retrofitting has to be carried out by the occupants of the building. The issue of harmonized guidelines and the check-list used for the audit be brought to the notice of various departments. A reference has been made to the ``Accessible India Campaign`` seeking to target at enhancing accessibility of building environment, transport system and information and communication eco-system. One part of the campaign is stated to be accessible audit of 100 more important government buildings and converting them as fully accessible buildings. Tamil Nadu is one of the 7 States selected under the campaign in which 50 Government buildings in Chennai and 50 Government buildings in Coimbatore are to be made fully accessible. An agency has been empanelled for conducting accessibility audit from 19.04.2016 to 25.04.2016 and it is stated to be complete qua 13 buildings in Chennai and 9 buildings in Coimbatore.

6. The next phase of making them compliant by the owners/occupiers has to begin and as pointed out to us, surprisingly in Chennai, S.Nos.9 to 13 are Metro stations, which ought to have been built as compliant.

7. Learned counsel appearing for the Government of India states that the time-line for compliance will be filed through a bar chart.

8. As far as State Governments are concerned, similar report be placed before us.

List for compliance on 12th August, 2016.

[CJ] [R M D J]

28/06/2016

KSR