

In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 4/1493/2016-Wel/CD/685-86

Dated: 7/6/17

In the matter of:

Sh. Pawan Kumar,
RZ-A-39, Subhash Park,
Bindapur -- Matiala Road,
Uttam Nagar, New Delhi-110059.

.....Complainant

Versus

The Secretary-Cum-Commissioner,
Transport Department, GNCTD
5/9 Under Hill Road, Delhi-110054.

.....Respondent

Date of hearing: 01.06.2017

Present: Pawan Kumar, Complainant.

Sh. Sanjay Dewan,, PCO (ASCSTA) on behalf of Respondent No.2.

ORDER

Sh. Pawan Kumar, of Neelkanth Viklang Punarvas Sanstha (Regd.) on behalf of the persons with disabilities vide his complaint dated 30.11.2016 submitted that the mini stage carriage buses are not complying with Public Notice No. F. 10(86)/AS/STA/Order/Tpt.12/182 dated 05.11.2014 published by the Transport Department, Govt. of NCT of Delhi regarding reservation of seats to persons with disabilities on the conductor's side towards the front gate and acceptance of concessional passes issued by the Delhi Transport Corporation (DTC) to persons with disabilities. The complaint, which was received from the Office of Chief Commissioner for Persons with Disabilities vide letter dated 19.12.2016, was taken up with the respondent vide communication dated 03.12.2016 followed by reminders dated 24.01.2017 and 22.02.2017. As there was no response, hearing was scheduled on 01.06.2017.

2. The respondent vide letter dated 17.04.2017, informed that on receipt of the complaint, the matter was referred to the concerned branches of Transport Department i.e. CMVI, Inspection Unit Burari and Enforcement Officer. The Enforcement Officer has informed that the Department has been taking action

against the erring vehicles from time to time. Recently, 27 such vehicles were prosecuted / impounded under the provisions of Motor Vehicle Act and Rules. It has further been stated that at the time of issuing of Fitness to any transport vehicle, the Board of Inspection checks that the vehicle complies with the requirements of M.V. Act as well as permit conditions and orders issued by the Department from time to time.

3. During the hearing on 01.06.2017, the representative of the respondent reiterated the written submissions and added that any direction of this Court will be complied with and it will be ensured that any complaint received by the Transport Department is dealt expeditiously the Enforcement Branch or the Fitness Branch, as the case may be. He also informed that the Transport Department has its own Help Line number 42400400. Any person can record his / her complaint against any transport vehicle in Delhi.

4. The complainant submitted that there are still many buses which do not carry the inscription about the acceptance of concessional passes of persons with disabilities and the reservation of seats. However, he could not provide the registration number of such buses during the hearing.

5. The public notice dated 05.11.2014 of Transport Department reads as under:

"No.F.10(86)/AS/STA/Order/Tpt/12/182

Dated 5.11.2014

PUBLIC NOTICE

ATTENTION : OPERATORS/PERMIT HOLDERS OF STAGE CARRIAGE MINI BUSES

PERMIT CONDITIONS PROTECTING RIGHTS OF PERSONS WITH DISABILITIES /SENIOR CITIZENS /FREEDOM FIGHTERS/WAR WIDOWS

Complaints are being received that drivers/conductors of mini stage carriage buses are not adhering to the permit conditions concerning persons with disabilities/ senior citizens/freedom fighters/war widows. These permit conditions are reproduced as under :

1) That the crew (driver and conductor) wherever applicable shall assist and extend all possible help to disabled persons trying to board in and out of bus. Further, in case driver or conductor fails to stop the bus to allow a disabled

person to board at the designated bus stop or fails/refuses to assist the disabled person(s) to board the bus, it would be violative of the Persons with Disabilities (Equal Protection of Full Protection Right) Act, 1995 by attracting action under Section 62-A of the said act and would also be liable for action by the State Transport Authority for suspension/cancellation of the permit.

2) In case of bus having two doors the passengers (except for senior citizens, ladies and persons with disabilities) shall board from the rear door and alight from the front door only.

3) The permit holder shall ensure that his/her bus has at least 25% seats reserved for women, two seats reserved for senior citizens/disabled persons on the conductor side towards front gate. The seats reserved so shall also be marked accordingly. The conductor of the bus shall ensure the occupancy of these seats by the above said reserved passengers.

4) The permit holder and driver of private stage carriage buses shall ensure that the inscription "as per orders of Hon'ble Supreme Court of India the concessional passes issued by Delhi Transport Corporation to disabled persons, freedom fighters, war widows and their dependents are honoured in this bus" in bold letters at least (one inch size) in Hindi shall be written on both the interior side panels and on the exterior panel of the bus near door on the conductor seat side.

All the operators of stage carriage buses are hereby directed to strictly adhere to above permit conditions, failing which stringent punitive action shall be taken against the violators as prescribed under the Motor Vehicles Act 1988 and rules framed there under.

Dy. Secretary, STA "

6. After hearing the parties, the following actions are recommended:-

(i) The Respondent should organise Special Drive across Delhi to ensure that every bus carries the inscriptions about the acceptance of the bus passes of persons with disabilities and reservation of seats for them in accordance with the Public Notice dated 05.11.2014 and take appropriate action against the operators of the erring vehicles.

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(ii) The Vehicle Fitness Unit, Burari should also ensure compliance with the above mentioned requirements before issuing the Vehicle Fitness Certificates.

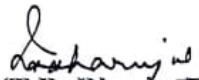
(iii) The mini carriage bus operators should also be advised from time to time to sensitise the bus drivers and conductors to be courteous to persons with disabilities and deal with them with respect and dignity.

(iv) Public notices may be issued from time to time for awareness of the public as well as the operators.

(v) The complainant is advised to bring to the notice of Transport Department any violation noticed by him through the Help Line or any other means.

The matter is disposed of accordingly.

Given under my hand and the seal of the Court this 7th day of June, 2017.


(T.D. Dhariyal)

State Commissioner for Persons with Disabilities