

W.P.Nos.5957 of 2021, 38224 of 2005 and 923 of 2007

THE HON'BLE CHIEF JUSTICE
and
SENTHILKUMAR RAMAMOORTHY, J.

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner in W.P.No.5957 of 2021 insists that it is now appropriate that the State be restrained from acquiring any further bus to be added to the fleet in the public transport system in the State unless such bus conforms to the requirements of the Rights of Persons with Disabilities Act, 2016 and the Rights of Persons with Disabilities Rules, 2017, particularly Rule 15 thereof.

2. Rule 15 of the said Rules mandates that every establishment "shall comply with the following standards relating to ... transformation" and the specified standard is as indicated in a notification issued by the Government of India bearing GSR 895(E) dated September 20, 2016.

3. The relevant notification has also been placed by the petitioner. Such notification stipulates in its second paragraph that the

provision of the relevant Rule would be implemented in two phases: in the first phase, certain parameters as to technical specifications would apply to all buses on or after January 1, 2017, and in the second phase, the provisions of the revised specifications would apply on or after January 1, 2018. In fact in October, 2020, this Court was constrained to observe that though some of the writ petitions pertaining to better facilities for persons with disabilities had been pending from the year 2007 or even 2005, "nothing fruitful or worthwhile has been done to address the genuine grievances or day-to-day problems faced by the persons who are otherwise abled." The Court had also directed some of the respondents in W.P.No.923 of 2007 to appear before it on the virtual mode on December 10, 2020.

4. The matter got lost thereafter, possibly in the wake of the second surge of the pandemic that descended in March, 2021.

5. It is submitted on behalf of the State that there are certain practical difficulties, particularly in finding resources not only to acquire the more expensive buses but also to create the road infrastructure to be able to host such sophisticated buses. In view of the mandate of

the statute, read with the Rules framed thereunder and the notification published in accordance therewith, there may be no room to manoeuvre and little scope for the court to delay the implementation of the policy as reflected in the statute and the laws made thereunder.

6. The State seeks time to indicate a road-map. However, it is necessary that the State be restrained from acquiring any further bus for the public transport system which does not conform to the specifications indicated in the notification of September 20, 2016 referred to above. In other words, the State will not acquire any new bus for use thereof as part of the public transport system unless such bus meets the standards indicated in the notification of September 20, 2016.

List the matter on August 19, 2021.

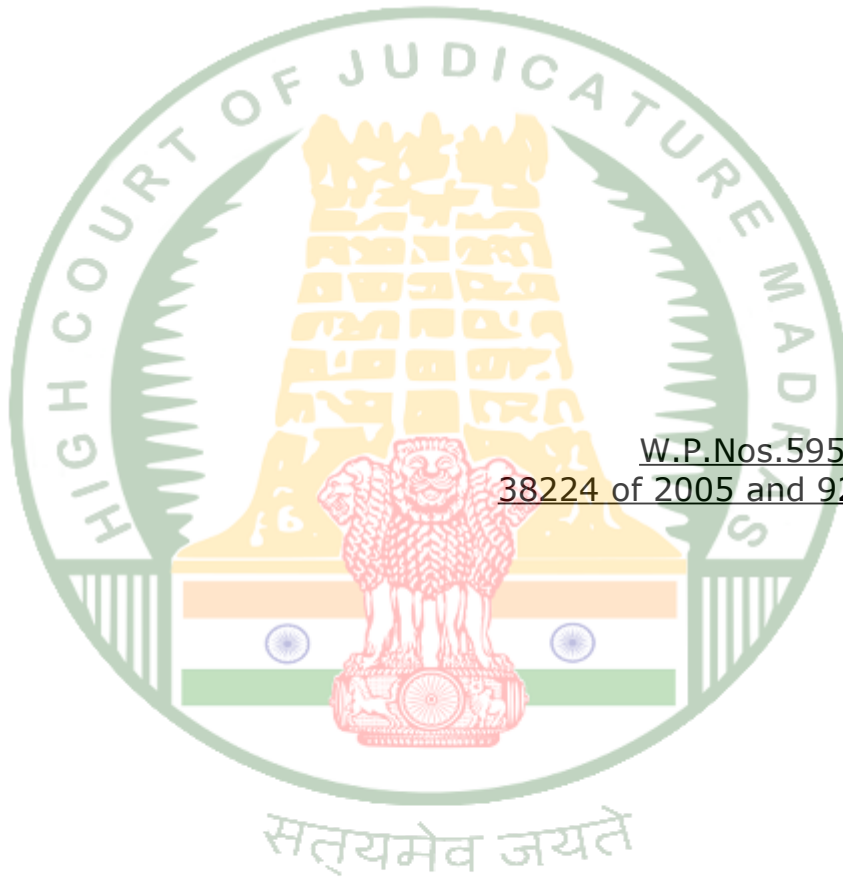
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(S.B., C.J.) (S.K.R.,J.)
22.07.2021

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