

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO 121 OF 2024

Arushi Singh

... Petitioner

Versus

Union of India & Ors.

... Respondents

O R D E R

- 1 The petitioner is a “Person with Bench Mark disability” as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016 (for short the RPD Act). The petitioner graduated from the National Law University, Bhopal and then did her Masters from the National University of Singapore. She has been working as a Public Policy Professional.

- 2 The petitioner has invoked the jurisdiction of this Court under Article 32 of the Constitution praying for the following reliefs :

“i) Issue a Writ of Mandamus directing the Respondents to effectively enforce the regulations and operating procedures laid down in line with RPD Act, Accessibility Standards and Guidelines for Civil Aviation 2022; Series M of Civil Aviation Requirements, 2014, and Screening Guidelines followed by CISF security for Passengers with Disability.

(ii) Issue directions to the Respondent No 1 to make reasonable classification between people with disabilities who require wheelchairs, and other passengers requiring special assistance at the airport, and to make provisions to reflect such classification on the boarding passes of the passengers to prevent discrimination against passengers with disabilities while maintaining their dignity.

(iii) Issue a Writ of Mandamus to Respondent No. 3 directing them to establish essential sensitisation campaigns as a part of the vocational training provided to the security personnel deployed at airports, especially those screening persons with disabilities.”

- 3 The petition was heard extensively over a period of time. It fell from this Court that what has been pointed out by the petitioner requires consideration at the end of the Union of India. This petition seeks to create an awareness regarding the assimilation of specially abled into society.
- 4 The learned Solicitor General was requested to look into the matter and suggest what best could be done to take care of what has been highlighted by the petitioner in her petition.
- 5 The learned Solicitor General and Ms Aishwarya Bhati, the learned Additional Solicitor General looked into the issues raised in the petition closely and have suggested the following :

“MOBILE APPLICATION FOR REAL TIME WHEELCHAIR AVAILABILITY

2. The prospect of developing a real-time wheelchair availability monitoring software/ application may be considered. This application may be designed in a manner to provide a real time update on the number of wheelchairs available at specified/demarcated points in the airport where users seeking the same may approach. This measure aims to reduce the navigation time and promotes the ease of travel for passengers seeking wheelchair assistance. As a mode of precaution against possible misuse of the feature, it may be mandated that the persons register themselves on the said platform prior to availing its services.

MANDATORY AVAILABILITY OF MECHANISED WHEELCHAIRS

3. Considering the possibility that the wheelchair passengers may often be solo travellers or might not be provided timely assistance by the concerned authorities, it is

strongly urged that the possibility of making available a certain number of mechanised wheelchairs on every gate/ wheelchair collection point be made available so as to reduce the hindrance that may be caused to their unattended/ unassisted navigation through the airports. This may also be considered from the point of view of promoting their self-dependence and dignity.

CODING OF BOARDING PASSES

4. It is suggested that the Boarding passes of specially abled individuals contain two new components. The first an ALPHABET CODE that indicates the nature of disability. For instance, the LETTER 'A' may be used to denote a MOTOR DISABILITY. The LETTER 'B' may be used to denote a NEUROLOGICAL DISABILITY and so on and so forth. The second element may be a COLOR SCALE which may denote the SEVERITY of the disease. For instance, the COLOUR 'RED' may be used to denote EXTREME SEVERITY. On the other hand, the COLOUR 'YELLOW' may denote LOWER SEVERITY.

INTEGRATION OF THE UDID DATABASE

5. It is suggested that the Unique Disability Identity Database be integrated into existing ticket booking websites. The Database is a repository of the information of individuals who are suffering from various sorts of disabilities and contains a extensive list of disabilities in various categories. This will help in a more seamless and instant transmission of verified information about the travellers disability and allow for appropriate assistance to them. It is stated that this will be in addition to existing and any future digital infrastructure that may be created by private entities or the government for identification of disabled individuals.

SPECIALISED KIOSKS

6. It is suggested that specialised kiosks for dispensing boarding passes be integrated into airport infrastructure. At airports across the country we now have kiosks that provide a contactless experience for the receipt of boarding passes. These kiosks can be repurposed to provide access to the disabled as well. Such repurposing would involve the addition of Voice Recognition and Response technology that is already being used by the Indian Railways to assist passengers in determining the running status of trains across India.

DISABILITY LITERACY

7. It is suggested that airport staff be given regular

sensitization training, in addition to their regular security training. Trainees for this purpose can be divided into two categories:

- a. Staff required to regularly interact with specially abled individuals;
- b. All other staff.

8. The staff falling under CATEGORY 'a' may be trained more regularly; either tri-annually or quarterly. The staff falling under CATEGORY 'b' can be given training and sensitisation classes at less regular intervals; bi-annually or annually. The training would involve introducing the staff with various forms of disabilities and their consequences for the afflicted individuals. Additionally, the classes would involve training in successfully and sensitively assisting specially abled individuals in any issues they may face during transit. It is suggested that staff will undergo regular evaluation for the same.

9. It is most humbly submitted that these suggestions are jointly presented by the Counsel(s) for the parties for the kind perusal of this Hon'ble Court."

- 6 The suggestions which have been noted above shall be treated from now onwards as mandatory guidelines and shall not be limited only to wheelchair users, i.e., persons with disability. It shall be extended to all elderly and injured passengers also who may be in need of assistance with wheelchair.
- 7 The aforesaid guidelines should not be construed to mean that the physical assistance which is being provided at various airports are now to be withdrawn. They shall be continued to be provided over and above the guidelines referred to above.
- 8 We dispose of the Writ Petition in the aforesaid terms laying more stress on sensitizing the staff at the airport to be more compassionate towards the specially abled passengers. For the staff falling under Category B, necessary training should be imparted at regular intervals. The training should be imparted so as to be proficient in successfully and sensitively assisting the

specially abled individuals with any difficulties they may have to encounter during the transit.

9 Pending applications, if any, stand disposed of.

.....J.
[J B Pardiwala]

.....J.
[Pankaj Mithal]

New Delhi;
November 12, 2024
GKA

ITEM NO.41

COURT NO.15

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 121/2024

ARUSHI SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 12-11-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Ms. Abiha Zaidi, AOR
Ms. Suriti Chowdhary, Adv.
Mr. Anuj Bhave, Adv.
Mr. Pritam Raman Giriya, Adv.

For Respondent(s) Mr. Abhikalp Pratap Singh, AOR
Ms. Aagam Kaur, Adv.
Mr. Kartikey, Adv.
Ms. Gayatri Agarwal, Adv.
Ms. Shubhangi, Adv.
Mr. Utkarsh Kumar, Adv.

Mr. Vikramjeet Banerjee, A.S.G.
Mr. Nachiketa Joshi, Adv.
Mr. Naman Tandon, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Manish, Adv.
Mr. Durga Dutt, Adv.
Mr. Bharat Sood, Adv.
Mr. Arvind Kumar Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The Writ Petition is disposed of in terms of the signed order.
2. Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(POOJA SHARMA)
COURT MASTER

(Signed order is placed on the file)