

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION(CIVIL) NO. 98 OF 2012

JEEJA GHOSH & ANR.

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

The present writ petition was filed by petitioner no. 1- who is suffering from cerebral palsy along with petitioner no. 2 (Abled, Differently Abled, All People Together, formerly known as the Spastics Society of India). The grievance was in respect of the treatment mooted out to the first petitioner by the crew of Spice Jet.

2. On 24th March, 2015, this Court recorded that a representation had been filed, *inter alia*, to seek directions for the respondents to follow the Civil Aviation Requirements (CAR) guidelines dated 1st May, 2008 with regard to the carrying/lifting of differently abled persons. Subsequently this Court awarded a compensation to the petitioner no. 1 on 12.5.2016.

3. Subsequently, on 14.02.2017, this Court was apprised of the revised CAR guidelines and that suitable amendments are required to be made for effective care of differently abled people. The Director General of Civil Aviation (DGCA)

was directed to look into the suggestions submitted by the petitioners and to incorporate amendments in the CAR guidelines as may be necessary after considering the directions of this Court as well as the remarks/comments of the petitioners.

4. It appears that the guidelines were revised on 2nd July, 2021. Now the draft guidelines regarding 'Carriage by Air of Persons with Disability and/or Persons with Reduced Mobility' have been put in public domain in the year 2021.

5. Mr. Gonsalves, learned senior counsel appearing for the petitioners has raised multiple objections to the draft guidelines. We leave it open to the petitioners to submit objections/suggestions to the draft guidelines with a hope that the DGCA shall consider such suggestions even if the time limit for submission of the suggestions has come to an end. Such suggestions may be submitted within 30 days from today.

6. Before parting, two aspects need to be mentioned. First is that no differently abled person should be manually lifted without his consent. We find that the suggestion is worth considering, as lifting of a person manually is inhumane. How, the differently abled person should be treated with dignity is left to the DGCA.

7. Another aspect we want to mention is about some of the differently abled person use prosthetic limbs/calipers. Some

time, they are directed to remove their prosthetic limbs/calipers as a part of the security check. In the draft guidelines circulated, it has been mentioned that scanning of prosthetic limbs/calipers though full body scanner but to what extent differently abled persons with prosthetic limbs/calipers are required to be checked for the purpose of security should be in a manner where, no such person is asked to remove prosthetic limbs/calipers to maintain human dignity while ensuring the requirement of security checks.

8. With such direction and liberty, we dispose of the present petition with the hope that the Director General of Civil Aviation will take into consideration the suggestions, if any, submitted by the petitioner.

9. All pending applications stand disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

NEW DELHI
1ST DECEMBER, 2021

ITEM NO.11

COURT NO.11

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 98/2012

JEEJA GHOSH & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([OFFICE REPORT FOR DIRECTION])

Date : 01-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Colin Gosalves, Sr. Adv.
Mr. Siddharth S, Adv.
Mr. Satya Mitra, AOR
Ms. Sneha M, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG
Ms. Binu Tamta, Adv.
Mr. Atulesh Kr., Adv.
Ms. Ruchi Kohli, Adv.
Ms. Archana Pathak Dave
Mr. Sughosh Subramanyam
Ms. Sunita Sharma, Adv.
Mr. Amrish Kumar, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. B. V. Balaram Das, AOR

Mr. Sunil Fernandes, AOR

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

The Writ Petition is disposed of in terms of the
Signed Order.

All pending applications stand disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)

[Signed Order is placed on the file]