



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 5893/1101/2016

Dated: 11.08.2017

In the matter of:

Suo-motu

Versus

All India Limited *R2892*
(through: the Chairman & Managing Director)
Airline House
113, Gurudwara Rakabganj Road
New Delhi – 110 001

Respondent No. 01

Ministry of Civil Aviation *R2893*
(through: the Director General of Civil Aviation)
Aurobindo Marg
Opposite: Safdarjung Airport
New Delhi – 110 003

Respondent No. 02

Date of Hearing : 07.04.2017 & 26.05.2017

Present on 07.04.2017

Ms. Sangeeta Bawa, Manager(Comm), Air India
Sh. Kaushik Mukhopadhyay, Assistant Director, DGCA
Sh. Deevyendu Ameta, Assistant Director, DGCA

Present on 26.05.2017

Sh. Sanjeev Gajral, Sr. Manager(Comm.), Air India
Sh. Ranjan Datta, Sr. AGM, Air India
Sh. Kaushik Mukhopadhyay, Assistant Director, DGCA
Sh. Deevyendu Ameta, Asstt. Director, DGCA

ORDER

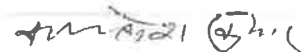
A suo-motu cognizance taken by this Court on Newspaper clipping dated 04.02.2016 regarding refusal to give boarding pass to Shri Safayat Amir, a person with Autism by Air India on 26/27.12.2015.

2. The matter was taken up with the Respondents vide this Court's letter dated 29.02.2016 under Section 59 of the Contemporary Act followed by Reminder letter dated 29.11.2016.

3. Director(AE), Director General of Civil Aviation vide their letter No. 23-01/2015-AED dated 05.12.2016 intimated as follows:

Contd./2

- I. With regard to factual information from airlines' perspective on the newspaper article, Air India will be in a better position to explain.
 - II. The Clauses & provisions referred to in case reference letter dated 29.02.2016 pertains to CAR of older version. Civil Aviation Requirement (CAR), Section 3 – Air Transport, Series 'M', Part I, Issue III, dated February 2014, Revision 3 dated 30th July 2015 on "Carriage by Air – Persons with Disability and /or Persons with Reduced Mobility" was the applicable CAR on the date of alleged incident.
 - III. In order to safeguard the interest of person with disability/reduced mobility without affecting the safety aspects of aircraft operation, the regulation have been revised from time to time based on the feedback received from stakeholders. The latest Revision 4 of the above said CAR, date of amendment 12.07.2016, "Carriage by Air of Persons with Disability and /or Persons with reduced Mobility" is available in public domain on DGCA website at URL <http://www.dgca.nic.in/rules/car-ind.htm>.
4. As no reply received from the Respondent No. 01 so far, therefore the matter was fixed for hearing on 07.04.2017 at 15.00 Hrs vide this Court's Notice of Hearing dated 01.03.2017.
 5. The matter was heard as scheduled and vide Record of Proceedings dated 11.05.2017, the parties were apprised about the next date of hearing, scheduled for 26.05.2017 at 12.00 Hrs.
 6. The representative of the respondent has submitted during the hearing on 26.05.2017 that the child was sleeping abnormally at Kolkata Airport and when asked for, the guardian of the child did not give satisfactory answer, so the respondents, seeing the medical condition of the child denied the child to board the aircraft for Air travel. It is a circumstances originated issue and not practicing to harass the person with disability.
 7. In view of the above, it is directed to the Respondents that they need to be more sensitized to ensure that such type of incidents do not occur in future with the persons with disabilities, causing the parents /escorts of such persons to suffer unnecessarily on trivial issues like "fit to fly certificate". The matter is disposed off.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities