



सत्यमेव जयते

## न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)

दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)

सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice and Empowerment

भारत सरकार/Government of India

Dated: 03.12.2021

Case No.12977/1141/2021

### NOTICE U/S 75 & 77 OF RPwD Act, 2016

To

- (1) Additional Director General,  
Airport Sector, Central Industrial Security Force,  
CISF Headquarters, Block 13,  
CGO Complex, Lodhi Road, New Delhi-110003  
Email: [adgaps@cisf.gov.in](mailto:adgaps@cisf.gov.in); Phone: 011-29582109
- (2) Director General,  
Bureau of Civil Aviation Security,  
"A" Wing, 1st-3rd Floors, Janapath Bhawan, Janapath,  
New Delhi-110001; Email: [dg.bcas@gov.in](mailto:dg.bcas@gov.in)
- (3) Director General,  
Directorate General of Civil Aviation,  
Technical Centre, Opposite: Safdarjung Airport,  
Aurobindo Marg, New Delhi-110003;  
Email: [dgoffice.dgca@nic.in](mailto:dgoffice.dgca@nic.in); Phone: 011-24627830, 24620784

**Sub: Notice to file comments in a Suo-motu matter of OBSTACLES FACED BY DIVYANGJAN IN ACCESSING FACILITIES AT AIRPORT VIS-À-VIS SECURITY CHECK [News Clipping of the 'Indian Express' dated 15.11.2021]**

Find enclosed a copy of news clipping of 'The Indian Express' on the above mentioned subject. The following facts were observed:-

1. Considering the terrorist activities happened in the past, extensive security checks are sine qua non for safety of Divyangjan and enabled air travellers alike. At the same time, it is indispensable to recognise the importance of free movement of Divyangjan from one place to another.
2. Right to free movement is guaranteed by Article 19 of Indian Constitution. This right when exercised by Divyangjan enables him to enjoy other constitutional and statutory

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rights, e.g., Right to live in a community (Article 21 of Indian Constitution and Section 5 of Rights of Persons with Disabilities Act, 2016); Right to non-discrimination in employment (Section 20 of Rights of Persons with Disabilities Act, 2016); Right to Participate in Sporting Activities (Section 30 of Rights of Persons with Disabilities Act, 2016); Right to have cultural life and participate in recreational activities (Section 29 of Rights of Persons with Disabilities Act, 2016) etc.

3 Situation of predicament occurred when two fundamental pillars of safe & accessible society, i.e. extensive security checks at airport and right to free movement came into conflict with each other. Recently a renowned actor and dancer Ms. Sudha Chandran shared her ordeal of similar nature on social media platform. Ms. Chandran informed that every time she visits airport in India, she is asked by CISF personnel at security-check-counters to remove her artificial limb. Ms. Chandran also shared that such mistreatment is done despite of her request to conduct ETD Test (Explosive Trace Detector Test) for her artificial limb.


4. Prima facie this court is inclined to take the view that such act of compelling any Divyangjan to remove her/his artificial limb or any assistive aid/device amounts to deprivation of Rights of Divyangjan.

5. **Section 75** of Rights of Persons with Disabilities Act, 2016 mandates that Chief Commissioner for Persons with Disabilities shall inquire, *suo motu* or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action; further **Section 77** of Rights of Persons with Disabilities Act, 2016 empowers Chief Commissioner for Persons with Disabilities with powers of civil court in respect of requiring the discovery and production of any documents; requisitioning any public record or copy thereof from any court or office; receiving evidence on affidavits.

6. **Accordingly you are directed to file your reply** presenting the following facts within 30 days from the date of issue of this notice.

- a. **Various steps taken by security personnel at Airports while conducting security checks of divyang commuters;**
- b. **If divyang commuters are forced to remove any assistive aid and device while they are being subject to security checks;**
- c. **If divyang commuters are forced to perform some action which they cannot perform because of nature of their disability; for instance if wheelchair bound Divyangjan is forced to get up from his/her wheel chair;**
- d. **Steps taken by the establishment to deal with such instances.**

Encl: As above

  
 (Dr. Janak Raj)  
 Dy. Chief Commissioner