



WEST BENGAL HUMAN RIGHTS COMMISSION

PURTA BHAVAN (2ND FLOOR)
BLOCK-DF, SECTOR-I, SALT LAKE,
KOLKATA-700 091

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Ref. No. 109/NBHRC/COM/463/15-16

Date: 27.4.16

Recommendation No 1,2 & 3/16-17/WBHRC/COM/463/15-16

From: Shri Laima Chozah IAS,
Secretary & CEO.

To: The Chief Secretary
Government of West Bengal
NABANNA
325, Sarat Chatterjee Road
Mandirtala, P.O.- Shibpur,
Howrah-711102

Sir,

I am directed to send herewith an authenticated copy of the Recommendations dated 20.04.2016 in connection with a complaint of Shri Indrajit Roy, 161, Santoshpur Avenue, Kolkata - 700075 made by the West Bengal Human Rights Commission alongwith the copies of the report of the Special Secretary, Transport Department, Government of West Bengal, petition and Photographs of folded ramps for taking necessary action. The recommendations are self-explanatory.

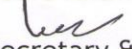
Action taken or proposed to be taken by the Government on the recommendations may please be intimated to the Commission within four months.

Enclosures: As stated above.

No. 109(1)/NBHRC/COM/463/15-16 dated 27.4.16
Copy with the copies of the recommendation alongwith the enclosures for necessary action to;

The Principal Secretary,
Transport Department, Govt. of W.B.
12, R.N. Mukherjee Road, Kolkata- 700001

Yours faithfully,


Secretary & CEO.


Secretary & CEO

WEST BENGAL HUMAN RIGHTS COMMISSION
Purta Bhavan, 2nd Floor, Salt Lake, Kolkata – 700 091.

File No. 463/WBHRC/COM/2015-16

P r e s e n t

- | | |
|-----------------------------|--------------------|
| 1. Shri Naparajit Mukherjee | Acting Chairperson |
| 2. Shri M. S. Dwivedy | Member |

Brief Facts of the Case:

A petition was received by State Human Rights Commission on July 27, 2015 from one Indrajit Roy, 161, Santoshpur Avenue, Kolkata-700 075 complaining that he was a physically challenged / disabled person having 60% disability and was entitled to an escort as per identity card issued by the concerned Government department. On 22.07.15 he and his elder sister (escort) went to board S-9 route bus of CSTC from Karunamayee, Salt Lake but despite showing his identity card, the conductor threw him out and asked for fare for boarding the bus. He protested that being a disabled person, he was entitled to an escort and his travelling was free. In spite showing his identity card he was refused entry. He also complained that whenever he boarded buses of SBSTC, WBTIDCL, WBSTC etc he was asked to deposit passenger fare charges which he was not supposed to pay being a disabled person.

Action taken by the Commission :

On receipt of the petition of Sri Indrajit Roy, the Commission directed the Principal Secretary, Transport Department, Government of West Bengal to conduct an enquiry and submitted its report vide its memo No.510/5/15-16-OC/463 dt. 17.08.15. After repeated reminders to the concerned department the Special Secretary, Transport department, Paribahan Bhavan, 12 R.N. Mukherjee Road, Kolkata -700 001 replied to the Commission vide his memo No.1326-WT/TR/O/3M-88/2009(Pt-1) dt. March 31, 2016.

In this above mentioned memo the Special Secretary reported to the Commission that the Calcutta State Transport Corporation enquired into the matter and steps were taken to rectify the issues / complaint of the petitioner. The complainant submitted a written deposition before the Management of Calcutta State Transport Corporation whereas he expressed his satisfaction regarding the steps taken by the CSTC authorities and thus requested the Commission to drop the matter. The Special Secretary enclosed a deposition of Sri Indrajit Roy in which the petitioner stated that he was heard by the OSD Traffic Department on the basis of his petition to the West Bengal Human Rights Commission and the OSD assured him that there would be no difficulties to him in future. Necessary action has been initiated both by Lake and Salt Lake depots so that no conductor and driver harasses the petitioner any further. Also one escort would be allowed with the petitioner as per existing rules. According to the petitioner, Shri Indrajit Roy, the OSD informed him that in case of any problem in future he was free to report to the OSD Traffic Department.

Decision of the Commission :

The Commission considered the petition and the replies from the Special Secretary, Transport Department and discussed the matter in detail on 13.04.16. It expressed satisfaction that the Transport department has taken prompt action on intervention of the Commission to resolve the issue. Further, it expressed concern that the matter of physically challenged and disabled persons need careful handling and adequate sensitization to all governments transport agencies as well as private operators. Since there are a large number of Transport agencies like, CSTC, WBSTC, DSTC, NBSTC, CTC, WBSTC, WBTICDL, Private bus and Mini bus operators etc, it needs careful sensitization about the rights of disabled persons.

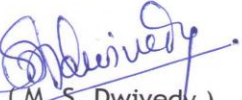
Further, the Commission noted with concern that there are no folded ramps available in the buses for facilitating wheel-chaired persons to board buses and trams. The Commission after due examination obtained designs and photographs of such folded ramp units which would be very helpful when installed in buses specially in the new buses under JnNURM Scheme. The Commission likes to point out that buses operating in apron area of NSCBI airport, Calcutta for ferrying passengers from terminal to the aircrafts have facilities of folded ramps for disabled and wheel-chaired persons.

Recommendations of the Commission :

In view of the above facts and findings of the Commission, its recommendations are as follows :

1. The Principal Secretary, Transport department should immediately organize a workshop of transport agencies working under him like CSTC, WBSTC, DSTC, NBSTC, CTC, WBSTC, WBTICDL, Private bus and Mini bus operators etc to sensitise the conductors and drivers about the rights of physically challenged persons and disabled persons. The State Human Rights Commission is ready to provide with suitable resource persons for such workshop, if required by the Transport department.
2. A quota of seats should be reserved in all transport department buses, private buses as well as long distance buses for disabled/physically challenged persons.
3. The transport department should consider the designs of folded ramps as enclosed in the photographs given by the Commission to be installed in buses wherever feasible to facilitate wheel-chaired persons and disabled persons to travel without any hindrance.

The Principal Secretary, West Bengal Human Rights is directed to send a copy of the recommendation along with enclosures to the Chief Secretary to the Government of West Bengal with a copy to the Principal Secretary, Transport Department, Government of West Bengal and request them to submit action taken report to the Commission within four months.


(M. S. Dwivedy)
Member


(Naparajit Mukherjee)
Acting Chairperson

20/4/2016

Dated, April, 2016

- Encl (1) Petition of Sri Indrajit Roy
(2) Report submitted by the Special Secretary, Government of West Bengal in this respect
(3) Photographs of folded ramps marked 'A', 'B' and 'C'