

Not attainable To Operate Only Low Floor Buses in State, Transport Department Tells Madras High Court

Madras HC on 21st January 2023 said that it is not attainable To Operate Only Low Floor Buses In State, Transport Department Tells. This was seen in the matter of **Ms. Vaishnavi Jayakumar v. The State of Tamil Nadu & another, Case No: WP No. 29914 of 2022** the matter was presided over by the Coram of **Chief Justice T Raja & Justice Bharatha Chakravarthy.**

FACTS OF THE CASE

The Institute of Road Transport on Friday informed the Madras HC that it is not technically attainable for the State Transport Undertakings to have only low-floor buses in the state.

The bench of Acting Chief Justice T Raja & Justice Bharatha Chakravarthy was hearing a plea filed by cross-disability rights activist Vaishnavi Jayakumar against a tender notice issued by the Tamil Nadu Transport Department for procuring 1770 non-AC diesel buses with a floor height of 900mm.

Challenging the notice, the plea argues that the law permits procurement of low-floor buses with a floor height of 400mm or max height of 650mm with ramps/kneeling system/lifts for entry.

Jayakumar has argued that as early as in 2005, there were orders from the court to ensure universally available buses as per the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act 1995. The tender notice is a blatant violation of the earlier court orders, according to the petitioner.

Urging the court to quash the tender, Jayakumar has said that buses with floor height of 900 mm are difficult to access not only by persons with disabilities but also by the elderly & pregnant women.

Pointing out the operational difficulties in procuring all buses as Low Floor buses, the Transport Department submitted that such procurement would also need infrastructure upgradation at Bus Stops & bus bays, sufficient road width, drainage of rainwater, etc, which are under the jurisdiction of Greater Chennai Corporation, Chennai Metropolitan Development Authority (CMDA) in Chennai & various local bodies in the districts.

The court was told that even earlier, an attempt was made to operate low-floor buses, but the same could not reach positive results due to insufficient road width for turns, non-standard speed breakers, water stagnation, etc.

Further, it was submitted that during rainy season, due to water stagnation in cities, water will enter into the buses easily which will also lead to stoppage of such buses in many areas. It was

also informed that the workshops currently are not equipped with servicing the low floor buses as they require modified servicing pits, special tools & equipment etc.

JUDGEMENT

The court has asked the department to get instructions on whether it is attainable to keep ramps available in the buses with floor height of 900mm, to be used whenever persons with disability are boarding the buses. The matter has been adjourned to January 24.

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JUDGEMENT REVIEWED BY YAKSHU JINDAL.