

**IN THE COURT OF
THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES**

New Secretariat Rd, Nagaland: Kohima – 797004

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(Vested with powers of Civil Court under Rights of Persons with Disabilities Act, 2016)

SUO MOTU CASE NO. 02/SCPD/2022-23

To,

1. The Director General,
Central Industrial
Security Force
Ministry of Home Affairs
Government of India
2. The Additional Director
General, Airport Sector
CISF Complex
Mahipalpur, Delhi 37
3. The Deputy Inspector
General, Airport East and
North East
CISF complex
Kasba, East Kolkata Township
Kolkata, West Bengal 700107
4. The Commandant ,
Central Industrial Security Force
Lokpriya Gopinath Bordoloi
International Airport
Guwahati, Assam 781015.

ORDER

Dated: 18.07.2022

Brief facts of the case:

On 24.04.2022, Smti. Mhalo Kikon Lotha, aged about 80 years and disabled, was travelling from Lokpriya Gopinath Bordoloi International Airport, Gauhati to New Delhi along with her caregiver (granddaughter) Smti Longshibeni. While Smti Mhalo Kikon Lotha, a senior citizen on a wheelchair, was going through the security check procedure, the Central Industrial Security Force (hereinafter referred to as CISF) personnel during PESC detected the presence of a metallic item at her waist area by the hand-held metal detector and was asked to show the area of her metal implant (artificial hip) in her body. However, she was further made to strip down to her undergarments and adult diaper though it was duly informed to the CISF personnel that she is a hip replacement patient. Later, after hearing about the incident Smti Longshibeni (granddaughter) went to the SHA in-charge and filed a written complaint in the complaint register about the harassment and humiliation faced by her grandmother during PESC. She stated that at the time when the complaint was made, the SHA in-charge of 'A' shift was inattentive and did not show any concern. The matter was resolved only when the 'B' shift in-charge and other CISF personnel took prompt action by informing the senior officials and talking to the Complainant and her family members.

The matter came to the notice of the Court when the victim's daughter Dr. Dolly Kikon raised the issue on social media platform Twitter. Thereafter, the

matter was taken up with the respondents vide inquiry letter dated 10.05.2022.

In the inquiry letter the Court prayed for the following details:

1. A copy of suspension order.
2. Appointment of the Inquiry Officer.
3. A copy of the Inquiry Report.
4. Statements of officers/personnel/witness(s).
5. Findings of the Inquiry Report.
6. Or at what stage the Inquiry is currently (furnish complete details of the status report).
7. Steps taken against CISF personnel who committed the offense.
8. Any other documents in connection to the above-mentioned incident.

The Respondents filed their reply vide letter No.IC11015/CISF/ASG(G)/CIW/Complaint/2022-2725 dated 12.06.2022 and submitted the report as sought. The respondents submitted that PE has been completed and appropriate disciplinary action, including suspension, has been taken against the CISF personnel involved in the incident. The Court observes that the respondents were prudent in taking prompt actions in the case and commends the positive and solution-orientated approach of the respondents.

The complainant and her family have stated that they do not wish to proceed further with the matter. Hence, no further intervention of this Court is warranted.

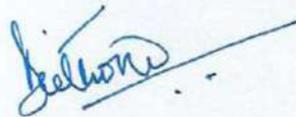
However, though appropriate action has been taken in the instant case, the Court is of the opinion that the case highlights issues often faced by travellers with disabilities at airports. Such callous and humiliating incidents have occurred time and again and reflects upon the ignorance of officers and personnel on rights of persons with disabilities, disability laws and disability issues.

The Rights of Persons with Disabilities Act 2016 safeguards the right of persons with disabilities to equality, life with dignity and respect for his or her integrity equally with others and provides for steps to be taken to enhance the capacity of persons with disabilities by providing appropriate environment and reasonable accommodation.

Hence, this Court recommends the following to the Respondents:

1. Necessary steps and actions to be taken to educate and sensitise officers and personnel on the needs of persons with disabilities. Training and workshops should be conducted at regular intervals and not just a one-time programme so that incidents such as the present case may not happen again in the future.
2. Accessibility Standards and Guidelines for Civil Aviation 2022 has been published by the Ministry of Civil Aviation to help service providers at airports understand the needs of persons with disabilities, and various other users to make air travel convenient for everyone. The prescribed Standards and Guidelines should be adhered to.

Accordingly, the case is disposed off.



(DIETHONO NAKHRO)

State Commissioner for Persons with Disabilities
Nagaland

Court of Commissioner (Disabilities)
New Secretariat Road
Nagaland : Kohima

Copy to:

1. The Chief Commissioner for Persons with Disabilities, New Delhi, for information.
2. The Commissioner & Secretary, Social Welfare Department, Nagaland for information.
3. Office Copy.



(DIETHONO NAKHRO)

State Commissioner for Persons with Disabilities
Nagaland