



UNIVERSITY COLLEGE OF MEDICAL SCIENCES
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DELHI – 110 095

EU/EOC/UCMS/231

Dated 24 Feb 2016

ENABLING UNIT (for Persons with Disabilities)

Shri Rajan S Katoch

Secretary (Heavy Industries)

Udyog Bhawan, New Delhi- 01

[Kind Attention: Sh Pravin L Agrawal, Director (Auto)]

Subject: Discriminatory Guidelines by Maruti Suzuki against customers with right leg disability for availing concession of Central Excise duty

Ref: NC/SLP/15-16/02/SPB-Nexa-13: Booking and delivery system for auto transmitted cars (Baleno Delta CVT) for customer with physical disability (with left leg disability) dated 10.02.16

Dear Sir,

I am a person with right leg disability who is already using Maruti Alto. I wish to buy automatic transmission (ATM) car and avail the concession on Central Excise duty as given by Government. On enquiring, I came to know that the guidelines for booking ATM car for customer with physical disability are limited only to customers with left leg disability (Annex 1). The same thing was confirmed to me by CRM department, Head Office, Maruti Suzuki India Limited (MSIL), New Delhi.

2. The Central Govt guidelines on availing Central Excise duty **nowhere differentiates between right or left leg disabilities**. I am already driving Maruti Alto and I have a driving license under the category of invalid carriage.

3. Section 2 (18) of the Motor Vehicles Act, 1988 defines “invalid carriage” as a motor vehicle specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability, and used solely by or for such a person.” An adapted /altered Scooters or an adapted Car with suitable modification like hand brakes and gears provides an easy mobility to a user with orthopedic disabilities. Previously, Maruti Udyog Ltd. used to manufacture special type vehicles for disabled persons with suitable modifications/ attachments but stopped manufacturing them. Since almost no major company now produces such cars (invalid carriage) in India, people with disabilities have to get the fabrication done through local mechanics and fabricators. An adapted /altered Car with suitable modification like hand brakes provides an easy mobility to a user with orthopedic disabilities.

4. Justice D Hariparanthaman of Madras High Court in the case of C.Paulraj vs The Secretary W.P.(MD) NO.9795 of 2008 AND W.P.(MD) NO.11415 of 2008 has ordered that Motor Vehicles Act 1988 did not prohibit any person, including physically challenged persons, to convert motor vehicles as invalid carriages, so long as the alterations do not change the basic feature of the vehicle. The Hon'ble Justice clarified that changing the leg operated brake, clutch and accelerator into one of hand operation, would not cause a change in the basic feature of the vehicle and asked the RTO to issue permanent registration to petitioner's vehicle within four weeks. He also stressed, "If the mobility of physically-challenged persons is curtailed, it would result in perpetuating inequality and the object of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 would be defeated." (<http://indiankanoon.org/doc/94108995/>)

5. Justice P K Misra's judgment in the High Court case W.P.(MD) No. 4482 of 2008 and M.P.NO.1 of 2008 was a landmark one as it expanded the meaning of 'invalid carriage' by bringing vehicles modified in private workshops under the same category. He said: "I don't find any restriction that a normal vehicle can't be redesigned and reconstructed specially for the use of a person suffering from disability, so that such altered vehicle can be registered as invalid carriage." He also said there should be no bar on registering a vehicle as invalid carriage even if it was registered as a regular vehicle earlier. The judgment made it clear that "there is nothing in section 2 (18) of Indian Motor Vehicle Act, 1988, which excludes the possibility of the vehicle being redesigned and reconstructed by a mechanic for a use of a person suffering from disability." (<http://indiankanoon.org/doc/29771/>)

6. Based on the above landmark High Court decisions and directives from Department of Heavy Industry and in spirit with Persons with Disabilities Act, 1995, the decision by MSIL to exclude customers with right leg disability is discriminatory to say the least. I therefore request your office to instruct MSIL to **allow me and other persons with right leg disabilities to avail the benefits given under law** without any riders.

7. Also, the word "Invalid Carriage" is derogatory & improper for people with disabilities and I request the Ministry to change it to "**Adapted/Altered Vehicle driven by a person with disability**".

Thanking you

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