

**HARI CHAND**

**ADVOCATE**

ਹਰੀ ਚੰਦ

ਵਕੀਲ

**PUNJAB & HARYANA HIGH COURT**

ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ

H. NO. 2299,

SECTOR 44-C, CHANDIGARH-160045

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ਸੈਕਟਰ 44- ਸੀ

ਚੰਡੀਗੜ੍ਹ 160045

**DATED: 30.5.2019**

TO,

The Secretary, Union of India, Ministry of Social Justice and Empowerment, New Delhi. E-mail: [secywel@nic.in](mailto:secywel@nic.in)

**Subject:- Demand for removal of inappropriate reference to disabled persons in the Motor Vehicles Act, 1988.**

**By E-mail**

Dear Sir,

I hereby serve the following notice on you.

1. That I am practicing as an Advocate in the Hon'ble High Court of Punjab and Haryana at Chandigarh. I have carved out some special space for me as a Public Interest Litigant by filing a substantial number of Public Interest Litigations (PILs) in the Hon'ble High Court of Punjab and Haryana at Chandigarh.

2. That the Motor Vehicles Act, 1988, makes reference to disabled persons in a derogatory/inappropriate manner. For instance, Section 2 (18) defines "invalid carriage" as under:-

"2 (18) "invalid carriage" means 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;"

3. That from a perusal of the aforesaid definition, it is clear that vehicles to be registered in the name of disabled persons have been referred to as "invalid carriage".

4. That it is further pertinent to state that the class of vehicles, mentioned in the driving licence issued to disabled persons is described as “INV CRG”, the full form of which is “invalid carriage”.

5. That you will kindly appreciate that even the word “disabled persons” was found to be derogatory/disrespectful to such persons, who are suffering from some physical disability or defect, and in the Government communications and policies pertaining to such disabled persons, they are usually referred to and described as “specially abled persons”. Of late, there had been a move to describe the “disabled persons” as *divyang persons*. However, it is a matter of regret that the expression “invalid carriage” has been borrowed and incorporated in in Section 2 (18) of “Motor Vehicles Act, 1988” thereof, by borrowing it from Section 2 (10) of the Motor Vehicles Act, 1939. Thus, a British era nomenclature used for the vehicles designed specially for the use of disabled persons ( “invalid carriage” )has been incorporated again in the Motor Vehicles Act, 1988. The aforesaid derogatory reference to the nomenclature assigned in the Motor Vehicles Act, 1988 to “disabled persons” or, for that matter, to “specially abled persons” deserves to be deleted and substituted by some appropriate non-derogatory nomenclature. For instance, it could be described as ‘Special Person’s Carriage’ or “Special Carriage”.

I would therefore, call upon you to take immediate steps for substituting the expression “invalid carriage” in Section 2 (18) of the Motor Vehicles Act, 1988, by some other appropriate expression which may not be derogatory/disrespectful to the “disabled persons”, or for that matter , to “specially abled persons”. In case I do not hear from you any positive response within a period of one month from the date of receipt of this notice by you, in that event, I shall be left with no other alternative except to approach the Hon’ble High Court of Punjab and Haryana at Chandigarh by way of Public Interest Litigation (PIL) for seeking redressal of my aforesaid legitimate grievance in public interest.

Meanwhile, please acknowledge receipt of this notice.

Thanking you.

Yours sincerely,

(HARI CHAND)  
ADVOCATE