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Mobility Justice, Disability Rights and Hate Crimes in Public Transportation: A Legal and Social Perspectiv

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ABSTRACT:

This paper examines the intersection of mobility, disability and justice, highlighting the challenges faced by differently-abled individuals in accessing transportation and exercising their right to movement. Although mobility is a fundamental human right, its realization is often hindered by structural inequalities rooted in class, race, gender and disability. The study draws upon legal doctrines, case laws and social research to demonstrate how persons with disabilities experience discrimination, harassment and hate crimes during travel. Issues such as inaccessible infrastructure, hostile social attitudes and insufficient legal safeguards exacerbate exclusion. The paper analyzes international and domestic legal frameworks, including the Protection of Rights under the UNCRPD and critiques their limitations in addressing on-board harassment and hate crimes. Through references to cases like *Dordevic v. Croatia* and incidents of disability-related abuse, it highlights systemic gaps in policy and enforcement. The study argues for amendments to mobility and disability laws to explicitly include anti-hate-crime provisions and emphasizes the need for awareness, training and inclusive transport design. It concludes by recommending stronger legal protections, proactive policing of transit spaces and cultural change to ensure dignified and safe mobility for all.

KEYWORDS: Mobility justice; disability rights; public transportation; hate crimes; accessibility; UNCRPD; legal framework; social exclusion.

INTRODUCTION:

Mobility is thought of as a way for non-human entities to meet their social and professional obligations. When marginalized groups are stuck in the procrastinated parts of the lifecycle or forced into the elegant details of urban life, they say it is very upsetting. "Mobility is supposed to be a basic human right, but in the real world, it works following class, racism, gender and disability-based segregation in the civic realm, in giving nationality and in giving tools of mobility to everyone.' In many ways, mobility justice is a doctrine that thinks of justice as an undeterminable arrangement that moves across different scales and fields"¹.

Sheller says that the 'clout patterns of mobility systems' are inspired by class hierarchies, racism, erotic charge, non-disabled body and gendered subjugation. "These hierarchies of movement (and resting places) determine whether transportation is used or not. Be that as it may, justice is not a static thing or a set of ideological conditions that must be met. Instead, it is a process of making



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new relationships in which the chemistry of different immobilities is the nucleus. Even more important, we can't just think of it as transportation justice in quarantine"³. Nor is the concept of "spatial justice" enough to cover all of the issues of mobility that are at the heart of today's political fights.

So then, we need to think about how to combine our efforts for accessibility and physical freedom of movement, not just separate them. Freedom of movement means that there should be equitable infrastructures and spatial designs that make it easier for people to move around, for fair, equal and sustainable transportation that is good for the environment and for a reasonable global distribution of resources and rights to move or live. When people move from one place to another for jobs, school, commuting, tourism, or even when there is a pandemic, they need to be able to get there. Disability law says that people should be able to get around in a good way. Consumerist natty places are hard to get around because they aren't easy. It shows that the way towns are set up, both in terms of how they use land and buildings, makes it hard for people with disabilities to get around because it doesn't consider their mobility issues. In a nutshell, this kind of discrimination grows because of how people treat each other at school:

- Public and private transportation mode that assumes that both drivers and passengers can do the same things (non-impaired) and
- The signs at the bus and train stations are written to assume that everyone can see and hear at the same level. There isn't enough transportation for people who have special needs, which stops them from going to school and work and it adds to the discrimination that already exists in our society. The people with special needs need to move smoothly not to get excluded from the labour market as a group. Most of the disabilities make it hard to move. "Our friends who have special needs have limited mobility, limiting their career growth to the point where they have to settle for temporary grey or blue-collar jobs in their villages. Even though the Directive Principles of State Policies say that the government should support cottage industries in Article 43 of the Constitution. The rural economy isn't strong enough to help people with disabilities stay in their homes. Special people have no other choice but to move out of their villages and look for jobs"⁴. As someone who travels, I find the idea of strangers (co-passengers) sharing their thoughts and subtleties very exciting. Still, there are many ways to pursue this excitement because there are many ways to get from X to Y. But humans can't just be seen as confusing things in motion. They learn and make up different kinds of journey-repertoires that follow them as they go through different stages of maturity, workout, ailment, disaster, or injury. In our cities, neighbourhoods and villages, we stretch these movements to make our bodies act like robots to follow the rules. "We look, we listen and we even move our way through landscapes that shape and change our ability to move."⁵

These places are better for some bodies than others. Our mobility is different. But when the categorization of body differences travels, it makes people with disabilities feel like they're being



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watched. This is because it has a precedent in the literature. “Disability has long been used in stories as the inventory management feature of characterization and an unscrupulous metaphorical device. They use bizarre bodies to show moral or social deviation in a character or a society, which the anecdotal arc claims to solve.”⁶ While they're on the road, people make fun of them and treat them as if they're weird. They are shamed during and after security scanning, which is an important part of the security process for both air and metro-rail transportation. They could be mocked, laughed at and spread around the internet if they have unique body types. Those actions go unnoticed because a sudden lurching motion or a body running haphazardly towards us makes us react differently than when a hand slowly reaches out to us. A common stereotype even when people are on vacation is that one disability comes with the features of other impairment groups. Those attitudes can make people with special needs afraid to travel because they can have a "scary effect of tangibly adverse exposure to discriminatory attitudes and, stereotypes behaviour or unusual staring," they say. Co-passengers can act like tomboys and say things like, "When you are blind, why did you travel at all.

At the bus stop, I act like everyone else. “It bothers me when people who aren't disabled say: Disabled! Disabled! and it bothers me. Almost, I wanted to get up and ask them what they were against. I didn't have the courage, but I'll do better next time. A German citizen has been reported by the F.R.A., the European Union Agency for Fundamental Rights. It can lead to hate crimes against people who have different abilities, making it hard for them to move around.”⁷

In addition, because they don't have the money to buy their car, these people have to use public transportation to get around. In the United States, people who don't have any other way to get from one place to another are called "transit captives." Transit captives are people who can't choose how to get around. They include the disabled, women, the elderly and poor people. They have to take on all the bad traits of the community transportation system and fall into the trap of not being very smart when they go on trips. As a result, people with disabilities who don't like to travel are afraid of public transportation because it isn't friendly or easy to use for people with disabilities. It makes the person with a disability feel more comfortable using the transportation if reliable. A special person needs to have a good time on their way to work, school and well-being.

Public transportation trips are ideal places for crimes against people with disabilities because they need a "victim," a "offender," and less "skilful guardianship. “It isn't very hard for the people who don't like you to figure out that you're nervous (differently-abled passengers). The unique travellers, on the other hand, are often naive enough not to notice the subtle hostility in the unfriendly body language of their fellow passengers, passersby, station hawkers and so on.”⁸ Even if the concerned victim understands the surrounding discomfort, their helplessness remains intact. “The concerned sufferer is possibly perplexed in a spot as hectic as a subway or bus station. It might rust a victim's aplomb to secure themselves. Powerlessness and a toothless retaliation are



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synonyms for the specially-abled people. Their vulnerable physique and fragile psychological condition are perfect for precipitation of bullying upon them because the perpetrators are sure of getting away with impunity.”⁹

Active and Passive Abuse Hurlled at the Specially-Abled Travellers

People with disabilities can be victims of sexual abuse, pickpocketing, public nuisance, seat-grabbing, luggage-grabbing and deboarding, as well as people who deliberately try to get them to board the wrong train or bus. “A person with a disability is forced to helplessly hang on the wafer-thin corner of her seat because people make fun of her, call her names, imitate her slurred gaits and clutch the significant part of her seat. As a result of anti-disability hooliganism that shows passive abuses, the especial passengers are often not allowed to go to the priority areas.”¹⁰ The worst “passive or collateral insolence” happens when someone mocks a disabled person's obvious problem and doesn't help her when she asks for help. This stonewalling has the same effect as “active abuse,” which makes the victim feel helpless and in a tight spot.

Human Rights and Disability Oriented Abuses on Board: Hate Crimes

Because the prey is often too naive to move away from the bad guy, on-board ignominy and anti-disability browbeating go on and on. Specially-abled passengers can't use reserved seats because of money, so they have to settle for overcrowded or isolated places to sit. People who abuse someone in crowded places make them feel fragile and hopeless before, during and after being used. It makes them feel more anxious about their mental and physical well-being after putting their assistive devices on the far loading shields away from the seats. On the plane, they are not even noticed. Special passengers have to ask for all the things that help people with disabilities. “Insolent actions like taking pictures of their disabilities go on for a long time without getting punished or even warning from anyone. Contrary to what you might think, in many cases, the seats of the disabled passengers are changed, or they get off the car. On-board violence is not a one-time thing. The subtle anti-disability violence is woven into our society. Disability-related hostility doesn't just happen at train stations and bus stops. It's not a one-time thing.”¹⁰ It looks like the disability-curing therapies shown through practices like institutionalized treatment, eugenic sterilization, psychosurgery and electroconvulsive therapies. “Because disability is seen as a flaw and taboo in our society, medical experimentation is mixed with social mores, leading to ill-advised and long-term medication, which causes destructive behaviour in people treated for disability.”¹¹

Social truculence for people with disabilities is nurtured so subtly that it grows into cryptic forms, feeding on erotic abuse that is kept out of the public eye in the name of the family. Brutality seeps into the mental care asylums in several different ways through routine sexual abuse. It's become so typical for the people who are commonly able (not disabled) to enjoy anti-disability sadistic



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contentment that even killing people who are differently-abled has become institutionalized. Because of their vulnerability, the crooks are more likely to act out their anti-disability malice, making them even more likely to do so. Non-disabled people get a lot of respect from most people because they are thought to be the same as everyone else and they stay safe from disability-based abuse while on the road. “The direct attack on their right to travel comes with the chain of events above. In the case of Kent vs Dulles, the right to travel is part of a more significant case called liberty. The right to travel is something that every citizen has a legal stake in and it can't be changed without a court hearing first. If a citizen's right to travel is to be made official (changed), the law-making power of the legislature should be used to do so. Any delegation of authority must be based on strict rules and any given source must be carefully interpreted”¹².

“In American Public Transit Association vs Lewis, the Court made a confusing decision and didn't understand how to apply the "reasonable accommodation" rule to people who need to move around. In the first place, reasonable accommodation means enough security and seating and no bullying on the plane. In 1973, the American Architectural and Transportation Barriers Compliance Board examined how people with disabilities could get around architectural and transportation barriers. The idea of reasonable accommodations for a unique traveller is complicated and has many parts. “Respectful integration of transportation rights and disability law is expected to protect the self-esteem of differently-abled travellers and those who help or accompany them.”¹³ Disabilities-based intimidation happens all the time, but the family members are also caught up in the bullying and have to deal with the embarrassment of seeing their sweethearts being abused. That fear of being mocked is passed on to everyone who objects to disability-based harassment. It makes them not do anything to stop the bullying they are accusing. People related to the victim of the hostility stay quiet and don't fight back on their behalf, even if the victim is a relative. It is also important to note that even though the co-passenger might not be the main target of abuse, the escort for a person with a disability has to deal with many angry emotions.

“The case of Dordevic vs Croatia: The European Court of Human Rights (ECTHR)”¹⁴ asked that Croatian authorities didn't do anything to stop the violence against the differently-abled. In 2012, the European Court of Human Rights agreed to hear a mother's complaint about her disabled son, who had been bullied for about four years by a group of cheeky boys living in the neighbourhood. People called him names, spilt on him, yelled at him and made insulting drawings on the ground. “At times, the violence against the young man with physical and intellectual disabilities got worse. Cigarettes burned the victim's hands, or his head was hit against a wall and he was hurt. After the applicants tried to get help from different authorities and didn't respond, they went to the European Court of Human Rights (ECtHR) to find out what the state had to do to protect them (ECHR).”¹⁵



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Article 3 (three) prohibits "inhuman or degrading treatment." Article 8 (eight) protects the right to private life; Article 13 (thirteen) protects the right to an effective remedy and Article 14 (fourteen) prohibits discrimination. The European Court of Human Rights found that the Croatian government had violated the rights of the applicants. "But the sour episodes of insolence keep going on and on, where the people who did it get away with lenient punishments. As a result, Valerie Gillespie, the mother of an adult with a developmental disability in Canada, said that a Paratransit driver was guilty of committing a hate crime against her son in May of 2009."¹⁶

The boy in the centre of the current lawsuit couldn't stop spitting when he tried to clear his throat of mucus, so he spits as he tried to clear his throat. He rode in a Paratransit wagon run by Pat and the elephant. Paratransit wagons are for people who can't get around on their own. They are meant to get them from point A to point B. The young man tried to clean his throat as he got out of the car. So, sputum got on the wagon's gate. As he did this, he said he would teach him a lesson for the rest of his life. Valerie Gillespie, the teenager's mother, told the court that her son was disgusted by the accident. Palo Victor Szerman, the man charged with assaulting Gillespie's son, pleaded guilty to the crime in Prince Edward Island Provincial Court. Sherman was not accused of a disability hate crime, but he agreed to pay for an attack. "Judge John Douglas gave Szerman a conditional discharge, suspended him for six months and told him to write a letter of apology to the mother. He also told him to donate \$400 to a children's disability charity. Sherman was not fired from his job. His employer, Pat, moved him temporarily to a position where he drove for disabled adults and promised to return him to his career going for disabled children in the fall, after a cooling-off period, when he was ready."¹⁷

Theological Imprudence: A platform for Disability Oriented Hate Crimes in India

People with disabilities don't have legal rights or aren't people in religious doctrines. Legal agents can't be different-abled people, so Manu labels them "idiots, the dumb, the blind," and "the deaf," so he can carry out his attack. "People who don't have all of their limbs are like animals when Manu compares them to animals when he says that the "specially-abled, beasts, too older adults, women, barbarians and the sick" all have the same rights as "everyone else." He also says that they can't come into the courtroom during the trial"¹⁸.

Only food, clothing and shelter were given to everyone else. If Ashtavakra is a mythical figure, we could only find a name that shows his physical deformity and hides his spiritual enlightenment. It is essential to look into the psychology of disability-based hate crimes because religion has often put the congeniality of judgment at risk. "This is how traditional theologies have blocked new moral insights coming from the social application of modern discourse: religious conservatives tend to embrace their religious beliefs fiercely, even though they haven't worked"¹⁹. In our society, the priesthood has been essential, so the Brahmins have influenced how the courts talk about social law. All religion is based on tradition and diktat and they stick with it. Manu has defended the



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social death of people with disabilities. To get rid of this religious hatred, we need to use the international human rights approach. On the other hand, Theology says that the differently-abled get what they deserve because of their sins, which causes divine fury. Hate crimes against the differently-abled can go unpunished because of this.

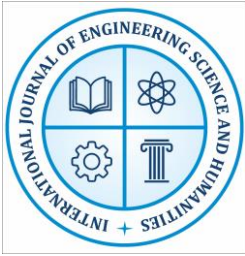
The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Right to Transportation: Has No Provision Against Hate Crimes

Three Articles of the UNCRPD⁵⁰ protect the rights of people with disabilities to get around by car. Article 9 talks about how easy it is for people to get around and about transportation, mobility and mobility skills in that Order. “It doesn't say anything about people with disabilities being intimidated while in transit or waiting to get on a public transportation car. Accessibility and mobility clauses of the UNCRPD should be changed to address disability-based hate crimes specifically; I think If the anti-bullying law proposed above is added to the UNCRPD, it will become a *jus cogens* law”²⁰.

People who are harassed while on a plane need international law because they have the right to go somewhere else. Furthermore, this kind of legislation wants to make sure that everything is the same both at a national and global level. People also need to be consistent in their own countries because public transportation doesn't work on custom-made contracts between two people. Transportation arrangements for people with disabilities were made to deal with specific problems, not as part of a more comprehensive policy. That's why people have talked about making unique travellers' trips happy with practical help and accommodations. But the policymakers didn't pay attention to "on-board hate crimes" because they had a narrow view of the legitimate needs of different people. “They didn't know what to do or how to do it. Anti-disability hostility and hate crimes can happen on any transportation or on any of the routes people use to get around.”²¹ All laws that govern roads, rails, waterways and air travel must have specific rules about the appointment of marshals who can police. These Marshals must be well-trained in disability rights law and work for the government full-time.

CONCLUSION:

Mobility remains a crucial yet underprotected right for persons with disabilities. The findings of this study indicate that discriminatory attitudes, inaccessible infrastructure and lack of legal safeguards create significant barriers to safe travel. People with disabilities often face verbal abuse, bullying, passive hostility and active hate crimes in transit settings, sometimes leading to trauma and further exclusion from education, employment and social life. International conventions like the UNCRPD provide a framework for accessibility but fail to address transit-based hate crimes directly. Case law, including *Dordevic v. Croatia*, demonstrates the need for state accountability in protecting disabled individuals from violence and harassment. Instances of abuse reported in India and abroad, including harassment by transit staff, underline that legal provisions are



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inadequate without robust enforcement and cultural change. The paper recommends: Amending domestic and international mobility laws to include specific provisions against hate crimes targeting people with disabilities. Establishing trained disability rights marshals in public transportation systems. Incorporating anti-bullying and accessibility standards into all transport policies and urban planning. Conducting widespread awareness and sensitivity training for transport staff and co-passengers. Strengthening accountability mechanisms to ensure swift redressal of grievances and exemplary penalties for perpetrators. By integrating legal reform with social sensitization, policymakers can transform public transit into inclusive spaces, ensuring equal dignity and freedom of movement for all.

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