



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.7674/1103/2017

Dated: 01/09/2017

In the matter of:

Mrs. Mridu R. Goel
Chairperson
Handicare – Indian Association of Persons with Disabilities
15/1, Chowdhary Square
Near Mahanagar Rly. Crossing
Lucknow - 226007
Email: handicare@gmail.com

..... Complainant

Versus

Railway Board
(Through – The Chairman)
Rail Bhawan
New Delhi

..... Respondent

Date of hearing : 09/06/2017

Present :

1. Dr. Ram Krishna Goel, on behalf of Complainant
2. Shri Praveen Kumar, DDPM-II, Railway Board on behalf of Respondent.

ORDER

Ms. Mridu R. Goel, a person with locomotor disability, Chairperson, Handicare - Indian Association of Persons with Disabilities, Lucknow has filed a complaint vide email dated 02/06/2015 in the Court of Chief Commissioner for Persons with Disabilities under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as Act regarding discrepancies in Point No. 1 and Point No. 8 of the Commercial Circular No.18 of 2015 dated 12/03/2015 of Ministry of Railways and requested that Railways be directed to make necessary amendments in No. 1 and Point No. 8 of the Circular keeping in view the difficulties faced by the persons with disabilities.

2. The matter was taken up with the respondent under Section 59 of the Act vide letter dated 18/06/2015.

3. Respondent vide letter No.2011/TG-I/10/e-ticketing for disabled dated 13/07/2015 stated that the Railways grants concession to only four categories of disabled persons and that too in extreme cases of disability i.e. Orthopedically Handicapped/Paraplegic persons who cannot travel without an

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escort (ii) Mentally retarded persons who cannot travel without an escort (iii) Completely Blind persons when travelling alone or with escort (iv) Totally Deaf & Dumb persons (both afflictions together in the same persons) when travelling alone or with escort. Online ticket booking facility has been extended to aforementioned beneficiaries only who are already eligible for concession in fare on the basis of concession certificate in the prescribed proforma as per Railway rules. As regards the validity period of five years of the Photo Identity Card in case of persons with permanent disability who are above the age of 35 years is concerned, the card is valid for five years from the date of issue. At the time of expiry of the validity of the card, a new card can be got issued by submitting a fresh application upto three months before the expiry of the validity period of the card on the basis of same concession certificate which is valid for whole life in such cases.

4. Respondent's letter No.2011/TG-I/10/e-ticketing for disabled dated 13/07/2015 was forwarded to the complainant on 28/08/2015 for comments thereon. In response, the complainant vide email dated 02/09/2015 submitted his rejoinder withdrawing his 1st issue, but not agreed with the reply of point No. 2 stating that even the present Railway Concession Certificate is valid for the whole life of the disabled person if they are of more than 35 years of age. Whereas, in case of online reservation Identity Card, Railways wish a person with permanent disability (of any age) to get new photo Identity Card made after every five years.

5. The copy of complainant's rejoinder forwarded to the Director Passenger marketing, Railway Board vide letter dated 12/10/2015 for his comments. Director Passenger Marketing, Railway Board vide letter dated 03/11/2015 stated that as per para (4) of the Commercial Circular No. 18/2015, at the time of issuing Photo Identity Card with unique ID number against a valid Concession Certificate, details of the card issued will be endorsed on the original Concession Certificate (by affixing a stamp mentioning division, date of issue/initials) and thereafter concessional tickets shall be issued on the authority of the said card only and the Concession Certificate will not be accepted for issuing concessional tickets. However, while the validity of the Card is five years, it is renewable after five years by the applicant keeping in view that the concession is valid for life. Further, the five year validity of the Photo I.D. Card is an administrative decision in keeping with the prevalent practice acceptable all over, is considered reasonable and to ensure that the I.D. card represents current identification of the holder of the card.

6. Vide letter dated 08/12/2015, the copy of reply forwarded to complainant for her comments. The complainant vide his e-mail dated 16.12.2015 submitted her rejoinder. The copy of complainant's rejoinder forwarded to the Director Passenger marketing, Railway Board vide letter dated 30/05/2016.

7. Director Passenger Marketing, Railway Board vide his letter dated 08/07/2016 has informed that clarification has been issued to Zonal Railways vide Board's letter dated 29/06/2016 that in those

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cases where the concession certificate is valid and the renewal of Photo ID card is due, fresh verification of the concession certificate is not required but the procedure for renewal of the photo identity card as mentioned in Para 11 of Commercial Circular No 18 of 2015 shall be followed. It is again reiterated that five year validity of the photo ID card has been fixed to ensure that the ID card represents current identification of the holder of the card and it does not represent the validity of the concession certificate if the concession certificate is valid for a longer period. It is also brought to the notice that concessional booking on the basis of the concession certificate is only a temporary measure for some time till the photo ID cards are issued to the existing beneficiaries. For the new beneficiaries, however, obtaining photo ID card is mandatory for concessional bookings.

Para 1(ii) of letter dated 29/06/2016 as follows:-

"ii Para -8 is substituted by the following:-

The validity of the card will be five years from the date of issue of till the last date up to which the concession certificate is valid, whichever is earlier.

As per rules under IRCA Coaching Tariff No. 26 para (I) Vol.(II), in certain cases as follows, the validity of concession certificate exceeds five years:-

- In case of permanent disability, the concession certificate is valid for ten years in the age group of 26 to 35 years.
- In case of permanent disability, the concession certificate is valid for whole life of the concerned person above the age of 35 years."

8. Vide letter dated 22/08/2016, the copy of reply has forwarded to the complainant for his comments.

9. The complainant vide his e-mail dated 04/09/2016 has submitted rejoinder/comments stating that (i) the routine concession certificate issued to disabled persons by Indian Railways to avail of due concession, is valid for the whole life of the disabled person if his age is 35 years or more. Whereas, the new ID card which is being issued for online booking is valid for five years only irrespective of his/her age. He has further stated that (ii) these ID cards are only being issued from DRM offices, and DRM offices are not located at every district rather there are only seven DRM offices in U.P. Hence every five years a disabled person would be required to go, all the way to the nearest DRM office to get his ID card renewed. Whereas, the concession certificates are issued at every district by CMO or any Government doctor and more so, they are valid for whole life.

10. Upon considering the replies received from both the parties, a personal hearing in the matter was scheduled on 09/06/2017 at 1200 Hrs

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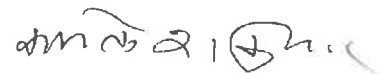
11. During the hearing, the representative of the complainant reiterated their earlier submissions made vide email dated 02/06/2015 and subsequent correspondence made by them on the discrepancies in the Commercial Circular No.18 of 2015 of Ministry of Railways and requested that Railways be directed to amend Point No. 1 and Point No. 8 of the Circular.

12. During the hearing, the officers representing the Railways submitted their written submission dated 09/06/2017 and reiterated that Railways provide concession to only four categories of disabled persons and that too in extreme cases of disability. These concessions in Railway fare are being given since decades. So far as the use of terminology is concerned, if directed, Railways can use the term "Persons with Disabilities" instead of physically challenged subject to the provisions of the Indian Railways Conference Association (IRCA) Coaching Tariff No.26 Part I Volume II. With regard to the replacement of words "Deaf and Dumb" by "Hearing and Speech Impaired", the same will be examined within the feasibility under the IRCA Coaching Tariff No.26 Part I Volume II.

13. Representatives of the respondent further stated that it is necessary to fix the terms of the identity card in order to establish the correct identification of the holder of the card as has been the case with the identity cards issued in various other cases viz. freedom fighters, etc. Also in the case of permanent disability where the concession certificate is valid for ten years in age group of 26-35 years and for whole life in case of above 35 years of age, fresh verification of the concession certificate is not required but the Identity Card must be renewed following the procedure as mentioned in Para 11 of Commercial Circular No. 18 of 2015.

14. After hearing the parties, the Chief Commissioner given the following directions to the respondent –

- (i) Railways should use definitions/nomenclature of disabilities as defined in Rights of Persons with Disabilities Act, 2016.
- (ii) Railways to make policy to increase the validity of Identity Cards issued to persons with disabilities for atleast 10 years.
- (iii) Ensure accessibility in its building and counters to avoid inconvenience to persons with disabilities.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner
for Persons with Disabilities