



न्यायालय मुख्य आयुक्त दिव्यांगजन

COURT OF THE CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES (DIVYANGJAN)
 दिव्यांगजन सशक्तिकरण विभाग/Department of Empowerment of Persons with Disabilities (Divyangjan)
 सामाजिक न्याय और अधिकारिता मंत्रालय/Ministry of Social Justice & Empowerment
 भारत सरकार/Government of India
 5वाँ तल, एन.आई.एस.डी. भवन, जी-2, सेक्टर-10, द्वारका, नई दिल्ली-110075; दूरभाष : (011)20892364
 5th Floor, N.I.S.D. Bhawan, G-2, Sector-10, Dwarka, New Delhi-110075; Tel.: (011) 20892364
 Email: ccpd@nic.in; Website: www.ccpd.nic.in

Case No. 14002/1103/2023

In the matter of-

Shri Avtar Singh

...Complainant

Versus

The General Manager., Northern Railway

...Respondent

1. Gist of the Complaint :

1.1 Shri Avtar Singh, President, Handicapped Welfare Association & Senior Citizens Council, Ghanauli, District: Rupnagar (Punjab), vide email dated 13.03.2023, requested this Court to help with the upgradation of Ghanauli Railway Station in making it accessible for persons with disabilities. He submitted that the Railway Platform is almost down to the Railway line due to which the persons with disabilities as well as senior citizens have to face difficulties in boarding and de- boarding the train.

2. Notice issued to the Respondent :

The matter was taken up with the General Manager, Northern Railway vide notice dated 02.05.2023 for forwarding their comments on affidavit on the complaint within the stipulated time followed by reminders dated 05.06.2023, 17.07.2023 and 14.08.2023.

3. Reply filed by the Respondent :

3.1 The Divisional Engineer-IV, Ambala Cantt, Northern Railway filed a reply on affidavit dated 30/31.08.2023 and inter alia submitted that —

- (i) The Ghanauli Railway Station is a halt station with rail level platform and on the demands of the public, the up-gradation of the platform has already been considered by Northern Railway.

(ii) A proposal works program 2023-24 for the up-gradation and higher level platform of the said station was uploaded before the concerned Department (IRPSM) and the permission is awaited.

(iii) All the requisites will be done expeditiously after the receipt of the permission from the concerned Department.

3.2 The Deputy Chief Personnel Officer, Northern Railway, Head Office, vide letter dated 03.06.2024, has informed that a proposal for this platform work was sent in the year 2023-24, but it was not approved. Hence, a proposal is being sent to include this work in the year 2024-25 and its estimated cost is 1.5 Crore. The work will be done after its approval.

4. Rejoinder filed by the Complainant :

4.1 The Complainant, in his rejoinder dated 21.09.2023, submitted that the Respondent had made only a promise without any specific date for completion of the work.

4.2 He requested that the Respondent be directed to upgrade the platform within a specific time limit.

5. Hearing

5.1 A hearing was held on 25.02.2025. The following parties were present:

- I. Shri Avtar Singh, Complainant;
- II. Shri Subhash Chandra Devi (Representative of Respondent)

5.2 The Complainant, while reiterating his grievance, stated that the platform should be approximately 4.5 feet high. It was his say that the failure to do the needful is putting the lives of persons with disabilities in jeopardy.

5.3 The Respondent submitted that the reason for the non-upgradation of the platform was the want of a sanction of funds to carry out the same from the Divisional Railway Manager. It was said that their proposal for this purpose was submitted in the financial year 2023-24 and 2024-25 but was not shortlisted on either occasion. No reasons for the rejection of the proposal were cited, and no written communication was received in this regard. They expressed their willingness to carry out the work, but only on the receipt of the fund sanction.

6. Observation/recommendations:

6.1 This case brings to light a troubling state of affairs that shocks the conscience of this Court. Despite the Complainant filing this complaint on 13.03.2023, the Respondent has been lying in deep slumber. It has failed to upgrade the platform to ensure it is at the requisite height. This failure constitutes a clear breach of a panoply of statutory and legal obligations imposed on the Respondent.

6.2 First, Section 41 of the Rights of Persons with Disabilities Act, 2016 ["RPwD Act"], obligates the Appropriate Government to:

"41. Access to transport.—(1) The appropriate Government shall take suitable measures to provide,—

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform to the design standards..." Crucially, this obligation of making all modes of transport accessible has not been made contingent on the availability of economic resources. Consequently, it does not lie in the mouth of the Respondent to cite resource needs as a justification for failing to comply with this statutory mandate.

6.3 Second, as per Section 45[1] of the RPwD Act, the Appropriate Government is mandated to make all existing public buildings accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules. In this regard, the Rights of Persons with Disabilities Rules, 2017, came into force on 15.06.2017. Rule 15(1)(a) of the same stated that all Establishments must comply with the Standard for Public Buildings as specified in the Harmonized Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March 2016. The 5-year period prescribed to comply with the aforesaid stipulation expired on 15.06.2022. Therefore, the Respondent has violated its statutory obligation u/s 45(1).

6.4 Third, on 13.11.2023, the Ministry of Railways, Government of India, published the Guidelines on accessibility of Indian Railway stations

and facilities at stations for differently abled persons (Divyangjans) and passengers with reduced mobility. These standards were given legal force on 08.03.2024, by virtue of their notification as Rule 15 (1) (I) of the Rights of Persons with Disabilities Rules, 2017. Part III of these standards mandates the accessibility of railway station platforms. Since almost 18 months have elapsed since these Rules were given legal backing, the Respondent needs to be held accountable.

6.5 In view of the above, this Court is of the clear view that the Respondent has not taken this matter with the seriousness that it deserves. The Respondent needs to mend its ways before it is too late and we are faced with the occurrence of a mishap.

6.6 This Court would also like to remind the Respondent that the Hon'ble Supreme Court has clearly recognized the right to accessibility as a facet of the right to life under Article 21 of the Constitution, in the case of *Rajive Raturi v. Union of India*, 2024 INSC 858. It is well settled that resource constraints cannot be cited as a justification for the violation of a fundamental right [illustratively, see *Municipal Council, Ratlam v. Shri Vardhichand & Ors*, 1980 AIR 1622]. Accessibility of railway platforms is undoubtedly a facet of the right to accessibility. Therefore, any shortage of funds cannot be a legally valid excuse.

6.7. This Court therefore recommends to the Respondent to carry out the platform upgradation exercise to bring it up to the requisite height as per the prescribed standards. An action taken report, indicating compliance with the aforesaid recommendation, must be filed within 3 months from the date of receipt of the recommendation in accordance with Section 76 of the RPwD Act, 2016.

6.8. The case is disposed of accordingly.

(S. Govindraj)
Commissioner for Persons with Disabilities