



सत्यमेव जयते  
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

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**Case No. 14459/1101/2023**

**In the matter of —**

Shri Tushar Kanti

**... Complainant**

**Versus**

(1) The Secretary,  
Railway Board

**... Respondent No.1**

(2) The General Manager,  
Eastern Railway, Kolkata

**... Respondent No.2**

## **1. Gist of the Complaint:**

1.1 Mr. Tushar Kanti, an RTI activist, filed a complaint dated 03.09.2023 regarding the inaccessible environment for persons with disabilities and senior citizens at Uttarpara Railway Station. The complaint highlights the following issues:

(a) Lift installation: The lifts installed are not accessible, and the placement of Lift No. 1 and Lift No. 2 is inconvenient for persons with disabilities.

(b) Lack of planning: The Engineering Department's planning and execution of lift installation seem inadequate, ignoring the needs of persons with disabilities.

(c) Insufficient lifts: Only two lifts were sanctioned, despite three lifts being required to ensure accessibility to all platforms.

(d) Negligence: The railway authorities allow people to walk on railway tracks, which is punishable under the Railway Act, due to a lack of proper inter-platform transfer facilities.

(e) Misuse of funds: The complainant alleges that government funds are being misused for ineffective and purposeless installation of lifts.

1.2. The Complainant demanded that the lifts be installed at more accessible locations. The Railway authorities should provide safe and accessible inter-platform transfer facilities. The authorities should penalise people walking on railway tracks and take measures to prevent such incidents. He also demanded that the General Manager, Eastern Railway, visit the station to assess the situation and ensure implementation of accessibility guidelines as per the Ministry of Railways circular.

## **2. Notice issued to the Respondents:**

In the lights of the provisions of sections 3, 40, 41(1), 42, 44, 45 and 46 of the Rights of Persons with Disabilities Act, 2016 [the Act] read with Rule 15 of the RPwD Rules, 2017 as amended from time to time, the matter was taken up with the (1) the Secretary, Railway Board; and (2) the General Manager, Eastern Railway and notices dated 11.09.2023 and 25.10.2023 were issued to them for forwarding to this Court, their comments on affidavit on the complaint within the statutory time limit.

## **3. Hearing:**

3.1 A hearing was conducted on **08.04.2025 in hybrid mode**. The following

parties/representatives were present during the hearing:

Sl. No.	Name & designation of the party/representative	Mode of appearance
<b>For Complainant:</b>		
1.	Mr Tushar Kanti, Complainant	Online
<b>For Respondents (No.1 &amp; 2)</b>		
1.	Mr Harsh Kumar Garg, Sr. D.P.O. Howrah	Online
2.	Mr Anil Shiv Ratan, Sr. Divisional Commercial	Online

3.2 At the outset, the Court sought a response from the Complainant about his locus standi in the instant case. In response, the Complainant replied that he is not a person with disability but a senior citizen who is also facing difficulties due to accessibility issues at the Uttarpara Railway Station. He had filed the instant complaint as a social activist, keeping in view the difficulties being faced by persons with disabilities and senior citizens.

3.3. In view of the above, the Court informed both the parties that only aggrieved person(s) with disability (s) or an authorised person on behalf of person(s) with disability (s) can file a complaint before the CCPD u/s 38 (1) of the RPwD Rules, 2017.

#### **4. Observations & Recommendations:**

4.1 The Court noted that the Complainant has raised the accessibility issues at a particular railway station. However, the issue is quite large in scope. The RPwD Act, at sections 40, 41, 44, 45 and 46, makes mandatory provisions, and the Respondent No. 1 is bound to comply with these provisions across all railway stations and train compartments. This Court is reviewing the situation of physical accessibility in all public buildings and transport in a separate suo motu case, namely, Case No. 16137/1101/2025, where the Respondent No. 1 in this case has

also been made a party.

4.2 In view of the foregoing and the fact that the Complainant does not fulfill the statutory requirement of Rule 38 (1) of the Rights of Persons with Disabilities Rules, 2017, which permits an aggrieved person or a person authorised by an aggrieved person, to file a complaint before this court on the issues for which this Court has the mandate or jurisdiction, this Court concludes that no further action is warranted in this case. The Complainant is advised to prefer his grievance before an appropriate forum.

4.2 The case is accordingly disposed of.

**(Dr. S. Govindaraj)**  
**Commissioner for Persons with Disabilities**