



## 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: 14089/1103/2023**

**In the matter of -**

Shri Rakesh Kumar ... Complainant

**Versus**

The Secretary, ... Respondent No. 1  
Railway Board,  
Ministry of Railways

### 1. Gist of the Complaint

1.1 Shri Rakesh Kumar, a person with **75% locomotor disability**, submitted a complaint via email dated **26.04.2023**, alleging that **Train Nos. 12324 (Howrah-Barmer) and 12323 (Barmer-Howrah)** do not have a **Divyang (PwD) coach**, thereby denying accessible travel facilities to persons with disabilities. He requested that an appropriate accessible coach be attached to both trains.

### 2. Notice issued to the Respondent:

2.1 Notices were issued to the Respondent on **02.06.2023** and **03.07.2023**, seeking comments on the complaint. No reply was received. A hearing was accordingly scheduled on **03.04.2025**.

### 3. Hearing:

3.1 A hearing in hybrid mode (online/offline) was conducted on **03.04.2025**. The following parties/representatives were present during the hearing:

Sl.	Name and Designation of the Attendees	Parties	Mode
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No.			
1.	Rakesh Kumar	Complainant	Online
2.	Sanjay Kumar Mishra, Assistant Traffic Manager,	Respondent	Online

#### 4. Record of Proceedings

4.1 The Court expressed concern regarding the Respondent's **persistent non-response** to the statutory notices issued on 02.06.2023 and 03.07.2023.

4.2 The Complainant submitted that the absence of PwD-reserved coaches in the two trains reflects a broader and longstanding problem of inaccessible rail services experienced by persons with disabilities.

4.3 The Respondent stated that the said trains have been converted to **Linke-Hofmann-Busch (LHB)** rakes. Under LHB operations, when there are more than six air-conditioned coaches, **two power cars** are required until the route is fully electrified. Only after electrification can the **SLR (Sitting-cum-Luggage Rake) coach with PwD facilities** be reinstated. The Respondent submitted that electrification between **Jodhpur and Bikaner** is still in progress.

4.4 The Court noted that while the Complainant's concern is legitimate from an accessibility standpoint, **Rule 38 of the RPwD Rules, 2017** requires that a complaint before this Court be filed by an "**aggrieved person.**" As the Complainant is no longer a resident of the area and has not demonstrated a **personal grievance**, the complaint does not meet the statutory threshold of maintainability.

4.5 Nevertheless, the Court took note of the **Railway Accessibility Guidelines** issued by the **Department of Empowerment of Persons with Disabilities (DEPwD)** on **12.03.2024**, which mandate full accessibility of trains, coaches, and platforms for all disability categories. The guidelines provide a **two-year compliance period ending in 2026**.

4.6 The Court also referred to the judgment of the **Hon'ble Supreme Court in Rajive Raturi v. Union of India, 2024 INSC 858 (08.11.2024)**, which identifies **railways as one of six critical sectors** requiring mandatory accessibility compliance. The Court reiterated that accessibility in the Indian Railways must be implemented in a **uniform and standardised manner**. Merely providing a single dedicated coach is insufficient; accessibility must be integrated into the entire passenger ecosystem.

#### 3. Observations

3.1 Although the complaint is not maintainable due to lack of personal grievance under Rule 38, the submissions reveal systemic accessibility gaps that warrant review under **Section 75 (1) (c) and (d)** of the RPwD Act — namely, reviewing safeguards and recommending remedial measures for effective implementation.

3.2 The Respondent's explanation regarding LHB rake configuration is noted; however, accessibility obligations **cannot be postponed indefinitely**. Electrification delays cannot justify the prolonged non-provision of Divyang-friendly coaches.

3.3 The Court finds that the Respondent must ensure compliance with (i) **DEPwD standards (12.03.2024)** and (ii) **constitutional and statutory accessibility mandates**, and must furnish concrete steps being taken to ensure accessibility on the route in question.

#### **4. Recommendations**

4.1 In exercise of mandates and powers under **Sections 75 to 77** of the RPwD Act, the Respondent (Railway Board) is **recommended** to:

(a) Review the accessibility status of **Train Nos. 12323 and 12324**, including LHB rake configurations.

(b) Ensure that **Divyang-friendly coaches** or alternate accessible arrangements are provided at the earliest feasible stage.

(c) Align implementation with **DEPwD's Railway Accessibility Guidelines (12.03.2024)** and the binding principles laid down in **Rajive Raturi** (2024).

(d) Establish a uniform accessibility strategy for LHB trains to avoid route-specific disparities.

(e) Investigate into the lack of response to the notices of this Court as mentioned in para 2 above and take necessary remedial action.

4.2 In terms of **Section 76 of the RPwD Act, 2016**, the Respondent shall submit an **Action Taken Report (ATR)** within **three months** from receipt of this Order, with a copy endorsed to the Complainant.

5. In light of the above and subject to compliance with the recommendations, the matter is **disposed of**.

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