



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. 14393/1141/2023

In the matter of-

Complainant

Dr. Suman Kumar,
General Secretary,
Indian Speech-Language and Hearing Association (ISHA)

Versus

Respondent

The Secretary,
Railway Board,
Ministry of Railways,
Rail Bhawan, Rafi Marg,
New Delhi
Email: secyrb@rb.railnet.gov.in

1. Gist of the Complaint:

1.1 Dr. Suman Kumar, General Secretary of ISHA, filed a complaint on 17.07.2023 regarding the Railway Board's circular (No. TC-II/2196/2016/Deaf&Dumb, dated 12.01.2018) that replaced outdated terms in the IRCA Coaching Tariff with new ones i.e. "Blind" to "Person with Visual Impairment," "Deaf and Dumb" to "Person with Hearing and Speech Impairment," and "Physically Challenged" to "Persons with locomotor Disabilities (Divyangjan)." The revised circular, effective from 01.02.2018, also updated the concession certificate format.

1.2 Dr. Kumar argued that the circular wrongly combines hearing

and speech impairments, excluding individuals with only Speech or Language Disabilities recognized separately under the Rights of Persons with Disabilities Act, 2016 from railway travel concessions.

2. Notice issued to the Respondent:

2.1 A notice dated 16.08.2023 was issued to the Respondent for forwarding their comments in the matter within 30 days. However, no response has been received so far from the Respondent despite the issuance of reminder on 10.10.2023.

3. Seeking current status of the case:

3.1 Current status of the case was sought from both parties vide email dated 17.06.2025. However, no response was received from any of the parties.

4. Hearing:

4.1 A hearing in hybrid mode was conducted on **30.10.2025**. The following parties/representatives were present during the hearing:

Sl. No.	Name and Designation of the Party/Representative	Parties	Mode
1.	Dr. Namita Joshi, Representative of the Complainant	Complainant	Online
2.	Dr. Mohammad Shahidul, Arologistic, (ISHA)	Complainant	Online
3.	Shri Brijesh Kumar, Dy. Director, Railway Board	Respondent	Online
4.	Shri Peeyush Kapasi Director, Railway Board	Respondent	Online
5.	Adv. Suman Gupta, Counsel for Railway Board	Respondent	Online

5. Record of Proceedings:

5.1 The Complainant reiterated their written submission. The Respondent submitted that the Railway Board does not give concessions to all the 21 categories of disabilities. They further submitted that Railway travel concession is a policy and commercial matter, independent of the Rights of Persons with

Disabilities Act, 2016 (RPwD Act). The existing Railway policy provides concessions only to persons having both hearing and speech impairment together, and not to persons having either impairment alone. This policy has already been examined by the Hon'ble High Court, New Delhi which, vide judgment dated 18 May 2023, held the said Railway Commercial Circular to be fair, just, and reasonable, and declined to interfere.

5.2 The Respondent further submitted that in so far as the propriety of terminology is concerned the term "*deaf and dumb*" has already been replaced with the expression "*Persons with hearing and speech impairment (both afflictions together in the same person)*". This change has been in effect since Commercial Circular dated 12 January 2018. Therefore, the concern relating to derogatory or out-dated terminology stands already addressed by the Railway Board.

6. Observations & Recommendations:

6.1 The Court sought from the Complainant the legal basis of their grievance, to which the Complainant submitted that being a government organisation, Railways can not discriminate between different categories of PwDs. The Court was of the view that the reasonable classification is permitted where there is an intelligible differentia between two classes.

6.2 Moreover, since the matter has already been decided by the Hon'ble Delhi High Court, it will not be appropriate for this Court to interfere. As such, the Complainant Association may take further legal recourse as available to it.

7. Accordingly, the complaint is disposed of.

(S. Govindaraj)
Commissioner for Persons with Disabilities