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.- CCPD/14573/1092/2023

In the matter of—

Sh. Sonu Verma **…Complainant**

Versus

The Secretary,
Railway Board,
New Delhi **…Respondent**

1. Gist of the Case:

1.1 Sonu Verma, a 100% hearing-impaired citizen from Kurukshetra, Haryana, and a UDID cardholder, has filed a complaint dated 13.10.2023 against the Ministry of Railways for discriminatory fare concessions provided to persons with disabilities.

1.2 While persons with locomotor, visual, and intellectual disabilities receive 75% concession in mail/express trains and 25% in premium trains like Rajdhani and Shatabdi, hearing and speech-impaired individuals receive only 50% in mail/express and none in premium trains. After receiving no response from the Railway Ministry to his 2022 petition, Sonu Verma approached the State Commissioner for Persons with Disabilities, Haryana, who ruled in favor of equal treatment and directed the Railway Board to comply within three months. However, the Railway Board later refused to implement the decision, citing its independent powers to determine fare concessions.

2. Notice issued to the Respondents:

2.1 A notice dated 18.10.2023 was issued to the above mentioned respondents for forwarding to this Court comments on affidavit for violation of section 13 (2), 13 (5), 58 (3) of the Act read with Rule 19 of the RPwD Rules, 2017 on the complaint within the statutory time limit.

3. Reply filed by the Respondents:

3.1 After several correspondence, no reply has been received from the Respondent.

4. Hearing:

4 . 1 A hearing was scheduled on 26.11.2025 in hybrid mode and the following parties/representatives were present:

Sl. No.	Name & Designation of the Attendees	On behalf of	Mode of Attendance
1.	Mr. Sonu Verma	Complainant	Online
2.	Mr. Advocate Gyanendra Purohit	Advocate representing the Complainant	Online
3.	Mr. Rohit Kumar- Joint Director of Passenger Marketing (JDPM)	Respondent	Online

4.2 Submissions on behalf of the Complainant

4.2.1. The Complainant, who has a profound hearing impairment and primarily relies on sign language for communication, reiterated his grievance regarding the differential railway fare concessions available to persons with disabilities. His learned counsel contended that the differential treatment accorded to persons with hearing impairment, as compared to persons belonging to other disability categories, raises concerns regarding equality, non-discrimination and equitable access to public transport under the Rights of Persons with Disabilities Act, 2016.

4.2.2. It was further submitted that the Complainant's ability to produce limited vocalisations following speech therapy does not necessarily establish the absence of a speech or communication impairment. The Complainant primarily communicates through sign language owing to his profound hearing loss. Accordingly, it was contended that the eligibility for concessions should be considered in the context of his actual functional limitations and the applicable provisions governing railway concessions.

4.3 Submissions on behalf of the Respondent

4.3.1. Sh. Rohit Kumar, Joint Director of Passenger Marketing,

representing the Ministry of Railways, submitted that railway fare concessions are governed by the applicable Railway Board rules and commercial circulars. According to the Respondent, the existing eligibility criteria provide concessions to persons having both hearing and speech impairments, as reflected in the relevant disability documentation.

4.3.2. It was submitted that the Complainant's existing disability certificate records hearing impairment but does not separately reflect speech impairment. Consequently, the Respondent considered him ineligible for the concession under the applicable criteria.

4.3.3. The Respondent further submitted that the Railway Board had previously considered representations seeking extension of concessions to additional categories of persons with disabilities and that such matters involved policy considerations, including financial and operational implications. It was also indicated that the issue of extending such concessions was subject to further consideration and legal proceedings.

4.4 Proceedings before the Court

4.4.1. Upon consideration of the submissions made by both parties, the Court noted that the dispute concerned the eligibility criteria prescribed by the Ministry of Railways for extending fare concessions to persons with hearing and speech impairments.

4.4.2. The Court further noted the Complainant's submission that, notwithstanding the description of his disability in the existing certificate, his profound hearing impairment substantially affects his ability to communicate through speech, and that he primarily relies on sign language.

4.4.3. In view of the discrepancy between the Complainant's functional limitations, as stated by him, and the particulars recorded in his existing disability certificate, the Court advised him to approach the competent medical authority for reassessment of his disability, wherever warranted, and for appropriate documentation of any speech impairment found upon medical evaluation.

5. Observations and Recommendations

5.1 The Court observes that the Rights of Persons with Disabilities Act, 2016, seeks to protect the rights of persons with disabilities and promote their full and effective participation in society on an equal basis with others. Section 3 of the Act provides for equality and non-discrimination, while Section 3(5) requires the appropriate Government to take necessary steps to ensure reasonable accommodation for persons with disabilities. Access to public

transport is an important component of independent living and participation in social and economic activities. Accordingly, policies governing concessions for persons with disabilities should be implemented in a manner consistent with the applicable legal framework and should not result in the arbitrary exclusion of otherwise eligible persons.

5.2 In the present case, the issue concerns the eligibility of the Complainant for railway fare concessions in view of the nature of his hearing impairment and the specific eligibility criteria prescribed under the applicable Railway Board rules and circulars. In view of the submissions made during the hearing, the Complainant is advised to approach the competent medical authority for reassessment of his speech and hearing impairments, wherever warranted, and for appropriate documentation thereof in his disability certificate and UDID records. If a speech impairment is identified and certified in addition to the hearing impairment, the Complainant may submit the revised disability certificate and updated UDID particulars, as applicable, to the Ministry of Railways for consideration of his eligibility under the relevant rules. The Court takes note of the judgment dated 15.10.2012 passed by the Hon'ble High Court of Delhi in D.S. Chauhan v. Railway Board, Ministry of Railways, W.P. (C) No. 206/2012, wherein the Hon'ble High Court examined the issue of railway fare concessions in the context of the distinction between persons with hearing impairment alone and persons having both hearing and speech impairments. The Hon'ble High Court examined the classification adopted by the Railways under the statutory framework then applicable and did not find the classification arbitrary on the facts before it. The said judgment is relevant to the factual issue raised in the present complaint. However, as the judgment was delivered under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, its conclusions are required to be understood in their statutory and factual context and cannot automatically be treated as determining every issue arising under the Rights of Persons with Disabilities Act, 2016

5.3 The Ministry of Railways/Railway Board is advised to consider the Complainant's claim for railway fare concessions in accordance with the applicable rules, circulars and eligibility criteria upon receipt of the relevant disability documentation. The Respondent is also advised to examine whether its existing procedures adequately address cases in which the nature and functional impact of a person's disability may not be fully reflected in the description recorded in the disability certificate, with a view to ensuring that eligible persons with disabilities are not denied benefits due to avoidable discrepancies in documentation.

5.4 In view of the foregoing observations and advice, the Complainant is advised to seek reassessment by the competent medical authority, wherever warranted, and thereafter submit the relevant disability documentation to the Ministry of Railways for consideration of his eligibility for railway fare concessions under the applicable rules. The Respondent is advised to consider the claim accordingly, in conformity with the applicable rules and the disability documentation furnished by the Complainant.

6. Accordingly, the case is disposed of.

Digitally signed by
S Govindaraj
Date: 28-10-2026
16:15:43

(S. Govindaraj)
Commissioner for Persons with Disabilities