

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
W.P.(C) 2145 OF 2011

% *Judgments Reserved on:22.8.2012*
Judgment Delivered on:12.09.2012

PRAVEEN KUMAR G . . . PETITIONER
Through : Mr. Pankaj Sinha, Advocate.

VERSUS

UNION OF INDIA & ORS. RESPONDENTS

Through: Mr. Rajeev Mehra, ASG with Mr.
R.V. Sinha, Mr. R.N. Sinha, Mr.
Ashish Virmani, Advocates for
UOI.

CORAM :-

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

A.K. SIKRI, ACTING CHIEF JUSTICE:

1. This petition filed in public interest by a blind person alleges, in this petition the discrimination between disabled persons and senior citizens in the Policy of IRCTC which provides facilities and services for issuing the railway ticket on internet, or at the reservation counters.

It is pointed out that whereas senior citizens can book their railway tickets at concessional rate on the internet as mentioned in the policy, disabled persons cannot avail the same. Therefore, they are left with no other option but to get their railway ticket booked from the designated ticket counters at various railway stations and reservation centres.

2. The policy of senior citizens is as under:-

“In case of tickets booked through internet no concession is permitted except senior citizen.

“Thus, a person with disability is not entitled to avail the concessional facility in case the tickets are booked through internet, which is otherwise available to him if he/she buys from the designated ticket counters at various railway stations.

3. The petitioner filed an application under Right to Information Act, 2005 to the Public Information Officer of the Indian Catering and Tourism Corporation limited on 18.9.2009 seeking information for travel concessions for completely blind persons on the website of IRCTC. The said application was replied by the IRCTC on 12.10.2009 stating that the travel concessions for blind persons for online ticket booking is a policy matter and needs to taken up by the Ministry. Hence, IRCTC shirked off its responsibility from this vital issue and no initiative was taken by the same regarding introducing the system of online ticket booking at concessional rate. The petitioner filed a

representation to the Railway Board dated 3.6.2010 requesting the facility of concessional booking of tickets on IRCTC to be extended to the handicaps as is already done for the senior citizens. The said representation was replied by the Railway Board on 13.9.2010 stating that the concessional booking of ticket on IRCTC website has been extended where the physical document is not required to be submitted in advance as it might lead to misuse of the electronic reservation slip and hence, handicaps are not allowed to do the same. It is submitted that no effort has been made by the Ministry of railway to make the policy disabled friendly and have arbitrarily denied the facility to them. The Policy of IRCTC was formulated to provide as a feature to the public at large. Later, the internet ticket booking facility was introduced at concessional rates for the senior citizens. The said policy is formulated and issued by the Railway Board, which is under the Ministry of Railway. Thus, the said policy is exclusively for the public at large and the same is highlighted as the sole Eligibility Criteria on the website of the said department except the senior citizens, who are entitled for ticket booking through internet at concessional rate.

4. The submission of the petitioner is that the persons with disability cannot access this concession facility though provided to senior citizen and, therefore, it amounts to discrimination qua the disabled persons. With this, though the concessional facility is

required, it cannot be effectively availed. It is submitted that the system of online ticket booking helps to save time and resources and also help the public at large to avoid long queue at the reservation counter. The said system has also helped the system of ticket booking more accessible and easy to handle. In this context it would be pertinent to mention that such a system for ticket booking would be magnanimously useful and beneficial for the persons with disability for whom the reservation counter in most of the occasions is inaccessible. The petitioner therefore calls for amendment to the Policy.

5. Notice in this petition was issued. Initially, the respondent filed the counter affidavit contesting the petition, pointing out the difficulties which may face by introducing this facility for disabled persons as well. The main apprehension of the Railways is that it may lead to misuse. Since it is a matter in public interest and not adversarial in nature and the intention was to find a solution, when it came up for argument on 21.12.2012, Mr. Chandhiok, learned ASG took time to enable the respondent to have a re-look in the matter and to find a solution as to who the facility of online ticketing with concession could be available, at the same time, scheme be devised that it prevents any misuse. Thereafter, the Railway Board, Ministry of Railway, Government of India prepared broad outline and placed before us. These are as under:-

- A unique Photo Identify Card would be issued by the concerned Zonal Railways to those physically challenged as per the extant eligibility criteria subject to verification of proper supporting documentation. Issue of the said ID card will be a one-time activity, subject to re-validation from time to time, on the basis of which physically challenged will have access to e-ticket facility.
- The card will be valid for a specified period and thereafter can be renewed subject to verification/completion of the necessary procedural formalities.
- This card will contain a Unique-ID which will be used by the physically challenged for undertaking concessional booking through the internet. The details of the physically challenged who have been issued unique-id Cards will be stored in the PRS database and details can be verified at the time of internet-booking. Any fake ID Cards/false declarations can be verified and the particular Card suspended if the details provided are not genuine/or as per prescribed norms.
- The Card will have to be carried during journey and produced for verification during on-Board/Off-Board verification.
- A Pilot based on the above outlines will be initially implemented as a pilot project for a period of one year. After six months a review will be undertaken to assess the performance and make modifications/system improvements if any, based on the feedback/learning outcomes.

6. The petitioner has filed response to the aforesaid Draft Scheme dated 3.8.2012. Attempt is made to show that there can be a better system, as suggested by the petitioner, without any misuse. Since it is for the Government to devise the procedure and system and it is making endeavour in this behalf, we direct the respondents to take into consideration the suggestions given by the petitioner in its response dated 30.8.2012 and on that basis, further amendments in this scheme that may be feasible can be carried out. Mr. Rajeev Mehra, learned ASG appearing for the Government submitted that there is always scope for improvement and these suggestions will be taken into consideration. The Railway Board can deliberate on these suggestions and come out with further recommendations if so required in the Draft Scheme suggested by it. If the petitioner still feels aggrieved, he is given liberty to approach again.

7. Writ petition stands disposed with these directions.

ACTING CHIEF JUSTICE

**(RAJIV SAHAI ENDLAW)
JUDGE**

SEPTEMBER 12, 2012/skb