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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELATE JURISDICTION  
SUO MOTU PUBLIC INTEREST LITIGATION NO.243 OF 2009

A.B.Thakkar ...Petitioner  
vs.  
Western Railway & Central Railway  
Divisional Manager, Indian Railway ...Respondent

Mr.M.S.Karnik, Advocate Amicus Curiae for the  
petitioner  
Mr.Anil Singh, ASG a/w Mr.Suresh Kumar for the  
respondent No.1  
Ms Nisha N. Valani for respondent No.2-UOI

CORAM : A.S.OKA, &  
A.K.MENON, JJ.  
DATE : JANUARY 16, 2015

ORAL JUDGMENT : (PER A.S.OKA,J.)

1 We have heard the learned Amicus Curiae. We have heard the learned Additional Solicitor General of India on behalf of the Railways. We have perused the earlier orders passed by this Court on 20<sup>th</sup> March 2014, 23<sup>rd</sup> April 2014, 27<sup>th</sup> June 2014, 24<sup>th</sup> July 2014, 4<sup>th</sup> December 2014 and lastly 23<sup>rd</sup> December 2014. The important issue raised by the petitioner in fact does not require any serious debate.

2 The issue is of making available dedicated reserved seats for senior citizens in suburban railway trains run by both the Central and Western railways. The issue is of providing reserved seats in the II Class compartments of suburban trains in such a manner that the same are easily accessible to

the senior citizens. Considering the mandate issued by the Ministry of Social Justice & Empowerment, (AGING-II-SECTION), the Government of India by letter dated 27<sup>th</sup> June 2014 and considering the mandate of Article 41 of the Constitution of India, the Railway Board has taken a decision to provide 14 seats inside the II Class General Compartment in every train to the senior citizens. The decision of the Railway Board was to provide 7 seats in first II Class General Compartment and remaining 7 seats in the last II Class General Compartment in every train.

2 This Court has already noted in more than one order that this decision of Railway Board remains only on paper as it is impossible for the senior citizens to enter inside the said II Class General Compartments and to occupy the seats reserved for them. In one of the orders, a judicial notice of the fact is taken that even younger people find it difficult to enter the II Class General Compartment of the suburban local trains in Mumbai and its suburbs during any hour of the day.

3 The Railways have also accepted that every day at least 36,000 senior citizens above age of 65 years travel by suburban local trains in Mumbai. The Railways have accepted that there is a need to provide 14 reserved seats for the senior citizens. Once the Railways accept the need of 14 reserved seats for senior citizens in every suburban local train, it is the duty and obligation of the Railways

to provide 14 reserved seats for the senior citizens in such a manner that the same can be easily occupied by the senior citizens. It is the duty of the Railways to ensure that the senior citizens shall have an easy access to the said seats and that the said seats are used only by the senior citizens. The Railways have already implemented a policy decision to provide separate sitting arrangements for handicapped and pregnant women. It is obvious that while providing facility of dedicated reserved seats to the senior citizens, the Railways cannot curtail the facility which is already extended to physically handicapped and pregnant women.

4 A decision has been already been taken by the Railway Board to provide 14 dedicated seats to the senior citizens in every train but the said decision is not of any benefit to them as the reserved seats are inside II Class General Compartments, and considering the enormous rush round the clock from early morning to midnight, the senior citizens find it impossible to go anywhere near the reserved seats.

5 The learned Additional Solicitor General of India has taken initiative and after having held meetings with the officials of the Railways has come out with certain suggestions. Only after the learned ASG intervened that some suggestions have been put forward by the Railways.

6 However, we must note here that after so many

orders have been passed which reiterate the obligation of the Railways to provide dedicated reserved seats to the senior citizens, there appears to be some hesitation on the part of the Railways to come out with a workable solution. More than sufficient time has been granted to the Railways to ensure that the decision of the Railway Board to provide 14 reserved seats for the senior citizens is effectively implemented. It cannot be disputed that as of today, the said decision of the Railway Board is not being effectively implemented as practically no senior citizen is in a position to avail of the benefit of the reserved seats which are inside the II Class General Compartment.

7 As stated earlier, the legal obligation of the Railways to implement the decision of the Railway Board cannot be disputed. Even otherwise, the Railways are under a legal obligation to provide all necessary assistance to the senior citizens. We, therefore, propose to dispose of the petition by granting reasonable time to the Railways to provide dedicated reserved seats for the use of the senior citizens in the suburban local trains. We propose to grant time to the Railways till 15<sup>th</sup> April 2015 to implement the decision.

8 Accordingly, we pass the following order:

- (I) We direct both Central and Western Railways to effectively implement the decision of the Railway Board to provide 14 seats for the

senior citizens travelling by II class in each suburban local train;

(II) We direct the Railways to ensure that dedicated 14 seats are available to the senior citizens in every suburban train. The seats shall be made available in such a manner that the senior citizens shall have an easy, free and unobstructed access to the reserved seats. The Railways shall ensure that the reserved seats are actually made available to the senior citizens. The reserved seats shall be provided in such a manner that the senior citizens are able to easily reach upto the seats and occupy the same easily;

(III) We make it clear that the Railways shall maintain the facility already provided to the disabled and pregnant women and while providing the facility to the senior citizens, it shall not curtail the number of seats already reserved for the handicapped and pregnant women. It is also obvious that for providing facility to the senior citizens in terms of this order, dedicated facility extended to the women passengers shall not be curtailed. We grant time to both the Central and Western Railways to implement this decision till 15<sup>th</sup> April 2015;

(IV) Compliance affidavit shall be filed by both the Railways on or before 18<sup>th</sup> April 2015. The petition shall be listed under the caption of 'Directions' on 20<sup>th</sup> April 2015 for considering the compliance;

(V) We record our appreciation for the services rendered by the learned Counsel Shri M.S.Karnik;

(VI) The registry shall forward a copy of this order to Shri A.B.Thakkar at the address set out in the letter dated 27<sup>th</sup> September 2009.

(A.K.MENON,J.)

(A.S.OKA,J.)