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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
PUBLIC INTEREST LITIGATION NO.27 OF 2007

Indian Centre for Human Rights
and Law and Ors. ... Petitioners
Vs.
The Union of India and Ors. ... Respondents

Mr. Kranti L.C. a/w Ms. Meenaz Kakalia & Saugata Hazra for the
Petitioners.

Ms. Sangeeta Yadav i/by Mr. Suresh Kumar for the Respondent No.2.

Ms. Trupti Puranik for the Respondent – BMC.

CORAM : A.S. OKA &
A.A. SAYED, JJ.

DATE : 5th OCTOBER, 2016

PC.

1 We have perused the earlier affidavits. In this PIL, both the Central Railways and Western Railways have taken consistent stand that on the Railway Stations of Mumbai Suburban lines (Western, Central and Trans-harbour lines), the Railways have made compliance with the Revised Guidelines on “Passenger Amenities for Passengers/Persons with Disabilities” which are annexed to the Railway Board's letter dated 6th June, 2013. Our attention is also invited to the Revised Guidelines and Space Standards for Barrier Free Built Environment for Persons with Disabilities and Elderly Persons issued in February, 2016 by the Government of India, Ministry of Urban Development.

2 There are affidavits filed on record on behalf of the Central Railways and Western Railways. There is an undertaking of the Shri S.P. Kulshreshtha, Senior Divisional Engineer (Estate) on behalf of the Central Railways which is dated 26th September, 2016. There is an affidavit filed by Shri Mukul Jain working as Divisional Railway Manager, Mumbai Railway Division Western Railway. The affidavit of Shri Kulshreshtha is filed on behalf of the Central Railways and the affidavit of Shri Mukul Jain is filed on behalf of the Western Railways. In both the affidavits, it is stated that it will be open for the Petitioners to examine the facilities provided on Western, Central and Trans-harbour lines in presence of the officers nominated by the Railways. There is a categorical undertaking given on behalf of both the Railways that whatever deficiencies are pointed out by the Petitioners shall be accepted by both the Railways. It is, thus, obvious that whatever deficiencies are found by the Petitioners in compliance with the aforesaid guidelines, the same will be accepted by both the Central and Western Railways without any demur. We accept the undertakings given to that effect on behalf of both the Railways.

3 The learned counsel appearing for the Petitioners has placed on record proposed schedule of the visits by representatives of the Petitioners to various stations on Western, Central and Trans-harbour lines for making accessibility assessment. A copy of the said

schedule is taken on record and marked 'S1' for identification. The learned counsel appearing for the Petitioners states that representatives of the Petitioners will visit respective Railway Stations on the dates mentioned in the said schedule at 10.00 am. We accept the said statement. A copy of the schedule is already provided to the learned counsel for the Railways. Both the Central and Western Railways are aware of the time and dates on which the representatives of the Petitioners will visit the respective Railway Stations. We make it clear that it will not be the responsibility of the Petitioners to serve specific notice of visits of their representatives to the said Railway Stations. We direct the representatives of the Petitioners to visit the office of the concerned Station Masters of the respective Railway Stations at 10.00 am on the respective dates fixed in the schedule so that the officers of the Railway will be in a position to co-operate with the Petitioners. As per the schedule, the last visit will be on 2nd December, 2016. Both the Railways shall give intimation of the schedule to all concerned Station Masters.

4 It will be appropriate if the Petitioners keep on submitting periodical reports to the Railways after completing visits for accessibility assessment. Needless to add that if any deficiencies are mentioned in the said reports, without raising any dispute, the Railways will have to take care of those deficiencies.

5 Exhaustive report shall be submitted by the Petitioners to this Court on or before 12th January, 2017. For considering the said report and action taken by the Railways, if any, the Petition shall be listed under the caption of 'Direction' on 18th January, 2017. We make it clear that the representatives of the Petitioners will be entitled to take photographs and/or video films of the facilities provided at the Railway Stations. The Respondents or the Railway Police shall not raise any objection to the same. Needless to add that while submitting the periodical reports, the Petitioners shall furnish copies of the photographs/video films to the Railways. The learned counsel appearing for the Petitioners states that necessary details of the representatives of the Petitioners who will be visiting the stations will be furnished to both the Central Railways and Western Railways by 25th October, 2016 along with the photographs of the said representatives and documents of their identity. We direct the Railways to provide them identify cards so that they will be able to make accessibility assessment.

6 Needless to add that even if the representatives of the Railways do not remain present, the representatives of the Petitioners will proceed with the inspection.

7 All concerned including the Station Masters of the concerned Railway Stations as well as officers of the Railway Police Force to act upon an authenticated copy of this order.

(A.A. SAYED, J)

(A.S. OKA, J)

