

**HIGH COURT OF MADHYA PRADESH,
PRINCIPAL BENCH AT JABALPUR**

**WRIT PETITION NO. 25097/2019
(In Reference Vs. Union of India)**

(Heard through Video Conferencing)

For the Court: Mr. Samdarshi Tiwari, Ld. Amicus Curiae.

For the Respondent: Mr. N.S. Ruprah, Ld. Advocate.

**Coram: Justice Sanjay Yadav
Justice Atul Sreedharan**

**ORDER
(27/07/2020)**

Per: Atul Sreedharan J.

This Public Interest Litigation (PIL) has been registered *suo-motu* by this Court to consider certain measures regarding railway journeys in the interest of the public at large. The PIL owes its genesis to a train journey undertaken by a Judge of this Court while was travelling from Gwalior to Jabalpur on an official visit. When the train reached the Katni-Murwara station, the Judge got off the train for a cup of tea and suddenly, the train started pulling out from the platform without blowing its horn. The Judge was put to great inconvenience and the accompanying hazard of boarding the running train. The incident made the brother Judge put forth three suggestions to the Indian Railways which if implemented would go a long way to ensure passenger comfort during the journey.

2. The Indian Railways is the largest State-owned railways in the world. It is the single largest employer and has more than 1.4 million (fourteen lakh) employees working for it (larger than the Indian Army which has 1.2 million personnel). It plies 7421 freight trains daily, moving three million tons of freight. It also runs 12617 passenger trains transporting about 23 million people every day¹ over a 66000 Kms rail network.

The three-suggestions put forth by the Judge of this Court are as follows.

- (1) **“It would be in the interest of the public at large that some light signal/sound be fixed on each bogie enabling the passengers outside the train to be alert prior to departure of train with a view to avoid mishappening/accident.**
- (2) **If the website/app is updated by displaying the position of the seats/berths to be allotted at the time of making reservation, that would be more convenient and suitable for the public in general.**
- (3) **The size/number of doors of the bogies should be increased or in the alternative, duration of stoppage of the trains should be increased from two minute to at least five minute, to make the people smooth and easy while boarding of getting off the train.”**

¹ Source: https://www.business-standard.com/article/beyond-business/18-interesting-facts-about-india-railways-business-standard-news-115021600404_1.html .

- (3) The reply filed by the Respondent Indian Railways is most apologetic and regretful for the inconvenience caused to the Judge. As regards the first suggestion the Respondent has replied that the train does not move without at least two whistles and without a display of the green/amber signal on the platform in front of each train. It is further stated that perhaps the Judge may not have heard the whistle/horn of the engine on account of the loud ambient sound on the platform. The Respondent says that further instructions have been issued to the staff concerned that greater caution and care should be taken to ensure that the horn of the engine is loud and audible and that the same is accompanied by repeated announcements on the platform through the public address system and also the video displays regarding the departure of the train.
- (4) As regards the suggestion that light signals or hooters being fixed on the coaches is concerned, the Respondent in the reply has stated that modification of the coach requires a policy decision and design approval affecting thousands of trains all over the country and that it would not be possible to switch over to a new system of signalling overnight or even over months. Respondent further says that the system has been developed by a highly specialised body of experts. However, the Respondents undertake to ensure greater display of the

green/yellow signals and efficient, loud and repeated blowing of the horn before the train departs from a station.

- (5) As regards the second suggestion put forth by the Judge with regard to information relating to vacant position of seats/berths, similar to what is shown on the websites and mobile applications of the airline services operating in the country, the Respondent state that though berths which are vacant for allotment are not displayed on the official website of the railways, a comparison with the airlines would not be an accurate assessment of the problem. The Respondent has stated that there can be no effective comparison between the airlines and the Indian Railways as the number of passenger trains running on an average day in India are over 12,000. It is further submitted by the Respondent that lakhs of passengers travel each day and so it is not physically possible to demonstrate which seats are vacant with the present IT infrastructure. The IT experts associated with the railways have stated that providing information relating to vacant berths and their position in the coach is presently not possible. Under the circumstances, the Respondent states that updating the website and the mobile application for displaying the position of seats/berths to be allotted at the time of drawing reservation is again a policy decision and involves major

changes and hence has huge financial implications and therefore unviable.

(6) The Respondent while answering the issue of granting lower berths to senior citizens has stated that in the priority list of the railways, the VVIPs like ministers, Supreme Court/High Court judges etc., fall very high and they have to be first allotted the lower berths. After the VVIPs are accommodated, priorities are given to pregnant women and senior citizens. The Respondent has expressed their inability to manage to the extent that each and every person should be given the lower berth. However, they state that the best efforts are being made to ensure that senior citizens do get the lower berth. The Respondent also states that design of the railway coaches are being made in such a manner that in future it shall be convenient for every person to climb up to the upper berth also however, some inconvenience while travelling is inevitable and therefore regretted.

(7) As regards the third suggestion relating to widening the doors or increasing the stoppage time of the trains at the stations, the Respondent states that it will not be possible to widen the size of the doors because it will decrease the passenger carrying capacity of the coach and will also compromise the safety of the passengers. It further says that any modification in the passenger coaches contains lot of public expenditure, trials and

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experiments. As regards the stoppage of a train at a particular station, the Respondent submits that the stop of the train at each station is widely published through railway timetables, announcements, noticeboard and display board etc. Increasing the stoppage of a train, according to the Respondent, would further delay the train in reaching its destination and that the fixing of the halting time at the stations is based upon an assessment by the Respondent with regard to the number of passengers alighting and boarding a particular train at the station. In other words, an indiscriminate extension of time would be counter-productive to the running of trains as it would cause delays and disrupt the time schedule of the trains in reaching their destinations.

- (8)** Having heard the submissions of the learned Amicus Curiae and the learned counsel for the Respondent, we are satisfied with the reply given by the Respondent. The suggestions that were put forth to the Respondent have been considered by the Respondent and they have expressed their inability for the reasons stated hereinabove. This Court cannot force the Respondent to incur expenses which the Respondent does not consider as economically viable and also on account of the large number of trains on which the said measures would have to be implemented which makes the proposals

difficult, almost impossible to implement. The suggestions put forth are aspects relating to policy decisions of the Respondent entailing huge expenditure. This court cannot pass a judicial order in matters which would interfere with aspects of policy relating to the Respondent Indian Railways for which this court lacks the technical expertise to appreciate the difficulties that would be faced by the railways in giving effect to the suggestions.

- (9) However, as regards the prioritisation of berth allotment is concerned, the Respondent Indian Railways is requested to consider re-prioritising the berth allotment by giving the highest priority to pregnant women, then to senior citizens and thereafter to the VVIPs. As far as VVIP's/Officials being given a priority in reservation of seat/berth is concerned, the rationale of officials being given a priority is understandable as they are required to travel at short notice for their official duties. However, as regards the priority of allocation of the lower berth is concerned, the same as it exists on date is unpragmatic. Pregnant women are most vulnerable on account of their medical condition and it would cause them great inconvenience in occupying the middle or upper berth. Thus, the dictates of reason and the fulfilment of a welfare state demands that they be given the highest priority along with passengers suffering from terminal

illness or life threatening ailments like cancer and those who are physically or mentally challenged, be considered as priority No.1 for allotment of the lower berth. The senior citizens who on account of their advanced age and attendant medical issues should be considered at priority No.2 and lastly, the VVIP's who are usually serving state functionaries are invariably those blessed with better health and so be considered at priority No.3. With the above direction to seriously reconsider the prioritisation of allotment of the lower berth in trains, the petition is finally disposed of.

(Sanjay Yadav)
Judge

(Atul Sreedharan)
Judge

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