

ITEM NO.21  
(PART HEARD)

COURT NO.11

SECTION XVI

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

MISCELLANEOUS APPLICATION NOS. 741-742/2019  
IN  
C.A. NOS. 1265-1266/2019

[Arising out of impugned final judgment and order dated 29-01-2019  
in C.A. Nos. 1265-1286/2019 passed by the Supreme Court of India]

UNION OF INDIA

PETITIONER(S)

VERSUS

RADHA YADAV

RESPONDENT(S)

Mr. Shikhil Suri, Sr. Advocate, as Amicus Curiae, and Mr. Vikas  
Singh Jangra, Advocate, to assist the Amicus Curiae.

WITH

MA NOS. 743-744/2019 IN C.A. NOS. 1267-1268/2019 (XVI)

Date : 17-02-2026 These matters were called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH  
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s): Mr. Vikramjit Banerjee, A.S.G.  
Mr. Nachiketa Joshi, Sr. Adv.  
Mrs. Bharti Tyagi, Adv.  
Mr. Sachin Sharma, Adv.  
Mr. Ayush Anand, Adv.  
Mr. Rajeshwari Shankar, Adv.  
Mr. Amrish Kumar, AOR

For Respondent(s) : Mr. Shikhil Suri, Sr. Adv. (AC)  
Mr. Vikas Singh Jangra, AOR  
Mr. Vibhor Choudhary, Adv.  
Ms. Ritu Vishwakarma, Adv.  
Ms. Wamika Chadha, Adv.

O R D E R

Heard Mr. Vikramjit Banerjee, learned Additional Solicitor General (ASG) for the Union of India and Mr. Shikhil Suri, learned *Amicus Curiae*. Mr. Janak Kumar Garg, Chief Commissioner, Railway Safety, Indian Railways, is also present at the request of the Court.

2. Before coming to the main issue, we called upon Mr. Janak Kumar Garg, Chief Commissioner, Railway Safety, to suggest as to what according to him would be a step forward towards achieving the object of a safe railway travel by the common man.

3. In reply, Mr. Garg submitted that the task of fencing of railway tracks should be taken up and expedited, which is one of the basic measures to effectively reduce the frequency of accidents, where people and even animals tend to move over the railway lines oblivious of the movement of trains resulting in serious accidents. It is further submitted by Mr. Garg that the cost of fencing of the railway tracks is reasonable and that the work can be completed in a shorter span of time. It was submitted that an area of more than 15000 kms. has already been fenced and according to the Railways in the next 3-4 years, the entire work of fencing of the railway tracks will be completed. Further, he submitted that in majority of the

railway stations of this country, which have high passenger traffic, the movement of passengers/persons from one platform to the other is by taking the shortest route available, i.e., crossing over the tracks, which is highly dangerous and causes majority of the accidents. To address this, it was suggested by Mr. Garg that foot over bridges should be constructed at railway stations for movement of passengers from one platform to another and this should be done in a phased manner i.e., priority to be given to the platforms to and from which the movement of the passengers is the highest. It was further submitted that the authorities can make a provision for use of lifts at the railway stations with dense passenger traffic, where there is movement of senior citizens and also ramps for the differently-abled persons.

4. Concurring to the suggestions made by Mr. Garg, learned Additional Solicitor General submitted that such suggestions would have to be conveyed to the authorities and would also be communicated by the Officers of the Railways, who are present in the Court today and taking note of the proceedings.

5. At this juncture, we called upon learned ASG to assist with regard to the main issue at hand i.e., as to how the Railways have prioritized its areas of

investment/spending.

6. On the last occasion, we had noted that allocation of funds did not appear to be well thought of. On perusal of the affidavit filed yesterday, a physical copy of which has been handed over today to the Court, as the same is not on record, we are not able to understand clearly as to what the actual position is. In fact, the Court may also observe that it was rather a difficult task to understand and reconcile the figures and even upon embarking upon the same, the Court could not clearly understand as to what the affidavit disclosed. We refrain from commenting any further, for the present.

7. However, we record our strong displeasure in the manner in which the case has been conducted by the Railways. We also express our displeasure over the functioning of the authorities in providing assistance and briefing to learned Additional Solicitor General, as we feel that an attempt is made only to explain the things in the way they want it to be projected without taking into consideration the larger public interest or the indications of the Court. We reiterate our position that the entire exercise is for the ultimate benefit of the common man and not the privileged few who will be using the facilities of the Railways. This focus, according to

us, has not been maintained in the policies and the budgetary allocation of the Railways. On this aspect too, we refrain from passing any further comments or giving any positive directions, for the present.

8. At this juncture, learned ASG submits that one last opportunity be granted to file a detailed and comprehensive affidavit, clearly bringing out the statistical details by comparative chart with regard to the allocation of funds, their use and also a column of "Remarks" as to the reason why one feature has been given priority over the other. The reasoning is more important, as under the Constitution, every funding of any public exchequer has to serve a purpose and has to ultimately be oriented towards the welfare of the general public at the first instance.

9. Learned *Amicus Curiae* submits that there is no response with regard to the duality in covering passengers, who book ticket(s) online with an insurance scheme at a very nominal extra cost as the same is not available to the public who buy physical tickets over the counter.

10. In response thereto, learned ASG submitted that the Railways is still working out the modalities to ensure as

to how the passengers who buy physical tickets over the counter can be identified practically for purposes of issuing insurance certificates and its claims, so as to ensure that there is no misuse in the event of any mishap and the insurance company is not put to any loss for false and frivolous claims, which the insurance company may not be able to approve for the reason there not being any record of the identity of the person for whom the ticket(s)/insurance has been purchased.

11. On this, we only indicate that there cannot be a distinction with regard to the manner in which a ticket is bought by passengers i.e., online or over the counter, by granting the facility of insurance to one segment (online ticket booking) and not to the other segment (tickets bought over the counter). No doubt, the issue of misuse is a factor which needs to be looked into, but then a way out for the same has to be worked out and evolved, but not at the cost of depriving one segment of public with the benefit which is given to another segment, for a reason, which in our considered opinion, cannot be allowed to be a basis for such distinction. When the Railways sell tickets, it is their responsibility to take all the measures which are available today, especially in the modern era where the facility of advanced technology is available, through which identities can easily be fixed

and noted and to put such a technology at use at the ticket counters from where a common man buys ticket.

12. From the entire proceedings today, and also upon recapitulating what has happened in the past, we are convinced that nothing worthwhile has moved on the ground. We are fortified in our conviction as nothing is on record to indicate that any special effort or focus has been made by the Railways in view of the present proceedings. Only routine matters are being taken forward, that too, in a manner which we find is too slow and too little.

13. We indicate here that if on the next occasion, we find that we are not being assisted in the manner required and proper facts and figures are not put forth, the Court may have to take judicial notice and pass stringent orders by making some sort of an arrangement to be fully informed of what is actually happening on the ground level. We hope that the Railways would not let matters reach such a stage where we have no option, but to adopt the path indicated above.

14. On the request of learned ASG, list on 01.04.2026 at 2.00 p.m.

(POOJA SHARMA)  
AR-CUM-PS

(ANJALI PANWAR)  
ASSISTANT REGISTRAR