

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No.3224 OF 2006

UNION OF INDIA & ORS.

.....APPELLANTS

VERSUS

RAM DUTT SHARMA

.....RESPONDENT

O R D E R

Heard Mr.Ajit Kumar Sinha, learned senior counsel for the appellants and Mr.Yunus Malik, learned counsel for the respondent.

Being aggrieved by the directions issued by the High Court of Rajasthan at Jaipur Bench in D.B.Civil Writ Petition No.5240/1996, the appellants are in appeal by special leave. The High Court in paragraph 14 of its order has issued certain directions to be complied with by the Railways. Though, all the directions related to medical assistance to the passengers yet Mr.Sinha, learned senior counsel appearing for the Union of India would submit that despite the experimentation in respect of the said directions, they have not been successful. It is further submitted by him that as directed by the High Court, the compliance system was carried out for two years.

When the matter was taken up by this Court on 14.02.2017, the Court noticed that most of the directions had been worked out. However, it asked the Railways to file an affidavit clearly stating what has really been done by the Railways. In pursuance of the aforesaid order, an additional affidavit has been filed by the

Railways. It is appropriate to reproduce what the Railways has done, in the meantime:

7.1 It is submitted that the Railway is already providing a First Aid Box containing Life Saving Drugs in long distance trains and it is invariably ensured that with the help of the doctor traveling in the train, proper First Aid is provided to an ailing passenger. Further Augmented First Aid Boxes are provided in selected long distance trains. Total 162 trains have been identified and are provided with such boxes. These augmented First Aid Boxes contain 58 different types of medicines/first aid materials and are to be prescribed by the Registered Allopathic doctors.

7.2 It is Railways' experience that in long distance train there are often medical practitioners traveling as passengers, whose services can be utilized to help the passengers. A true copy of the circular dated 4.9.2000 and list of medicines/first aid is annexed hereto and marked as ANNEXURE A-3.

7.3 Railway has launched all purpose emergency number (138) which can be availed of by a needy railway passenger in distress. They can also seek help from railway authorities through twitter message facility which are attended promptly and necessary assistance is rendered by the staff on duty.

7.4 The Railway has been giving due publicity about the existing arrangements to help ailing passengers in running trains.

7.5 That instructions were given to Zonal Railways to provide chemist stalls/chemist facilities in station premises, keeping in mind the need of passenger traffic. There are 31 exclusive chemist stalls, 19 chemist's corners in Books Stalls, 275 chemist corners in miscellaneous stalls available at 175 stations of Indian Railways. A pilot project for providing a chemist stall with an attendant doctor at 9 nominated stations were examined. However, the project was found to be unsuccessful and only one chemist stall at Chennai Railway Station is provided with the facility of a doctor. A true copy of circular dated 3-11-2000, 4.12.2001 and 02.12.2008 are annexed hereto and marked as ANNEXURE A-4.

7.6 The Ministry of Railways have been granting 10% concession to doctors in Railway fare in all classes in reserved coaches, if they are ready to provide medical services en-route. The name of the doctor is shown in the

reservation chart with proper indication so that in the event of any passenger falling ill, assistance of the doctor, directly or through the Travelling Tickets Examiner/Train Superintendent can be sought. A true copy of the circular issued on 21-04-03 is annexed herewith and marked as ANNEXURE A-5.

The Train Superintendent/Travelling Ticket Examiners are also required to advise the next Station Master through express message or through Control to arrange for a doctor on arrival of the train at a Station, if a doctor is not traveling in the train as mentioned in Para above.

7.7.

7.8 That for the purpose of pilot project, two lower berths in 2AC coach were earmarked for doctor and their team. During the pilot project, it was noted that serious patients could not be treated on board and had to be de-trained for medical treatment at a hospital only because the medical equipments, such as ECG machines etc. do not function properly on the trains due to noise/vibration etc. Further, huge financial implications were involved in the said project. True copies of the letters received from several General Managers on the Pilot Project are annexed as ANNEXURE A-7.

7.9 600(Six Hundred) Railway Hospital/Health Units are located at very short distance of around 80-120 kms along with the Railway line for meeting the medical care needs of railway employees, their spouse and eligible family members. However, these health units/hospitals also provide medical care facility to the passengers. Doctors from these health units/hospitals can be and are called to attend passengers falling ill during a journey. In case of emergencies, Station Masters/Station Managers are empowered to summon the Railway Medical Officer "On Call" to attend passengers falling ill during the journey, or the earliest/nearest available Non-Railway doctor to attend to a passenger requiring emergency medical aid. Ambulance services of State Governments are called to attend a needy passenger in emergencies at all locations."

In addition to the aforesaid, we add few other directions:

- (i) The Railways shall keep oxygen cylinder in the train so that anyone suffering from any respiratory problem can be given aid in that regard.

(ii) If any passenger or his/her companion complains to the Ticket Collector or the Attendant that he has some medical problem and immediate attention is required, it shall be the duty of the said officials to intimate the next railway station so that he/she can be given necessary medical assistance at the next railway station where the hospital is situated.

(iii) The Railways shall also take further inputs from an expert body comprising of such doctors of All India Institute of Medical Sciences, New Delhi. What further steps can be taken and suggestions are given, the same shall be implemented in quite promptitude.

(iv) The views given by the expert of All India Institute of Medical Sciences, New Delhi and the implementation thereof by the Railways shall be filed before the Registry of this Court.

The appeal is disposed of the in terms of the aforesaid directions. There shall be no order as to costs.

.....CJI.
(DIPAK MISRA)

.....J.
(A.M.KHANWILKAR)

.....J.
(Dr.D.Y.CHANDRACHUD)

NEW DELHI;
OCTOBER 5, 2017.

ITEM NO.106

COURT NO.1

SECTION XV

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

Civil Appeal No(s).3224/2006

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

RAM DUTT SHARMA

Respondent(s)

Date : 05-10-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s) Mr.Ajit Sinha, Sr.Adv.
 Ms.Kiran Bhardwaj, Adv.
 Ms.Arunima Dwivedi, Adv.
 Mr.Raj Bahadur, Adv.
 Mrs.Anil Katiyar, Adv.

For Respondent(s) Mr.Yunus Malik, Adv.
 Mr.Anish Maheshwari, Adv.
 Mr.Zain A.Khan, Adv.
 Mr.Rajeev Raj, Adv.
 Mr.Prashant Chaudhary, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the directions
contained in the signed order. There shall be no order as to costs.

(SATISH KUMAR YADAV)
AR-CUM-PS

(H.S. PARASHER)
ASSISTANT REGISTRAR

(Signed order is placed on the file)