

By a demy official letter (No.C3 5747/TC/2010) of the Transport Commissioner, issued with reference to the letter from the Government dated 07-12-2011, the Fare Revision Committee had been requested to consider the justifiability of the request received by the Government for examining the issue of restrictions that are prevailing in the travel concession admissible to physically handicapped persons. Though the issue had been subject matter of discussions by the Committee, and a draft report arrived at early this year, for a variety of reasons, the final report could be submitted to the Government only now.

2. The demands raised by the Associations representing the physically disabled persons were three fold.

(a) Central Government had recommended that concessional travel facilities are to be extended to physically disabled persons, if they were certified as having 40% disability. But the kerala Government had in its discretion increased the level of minimum disability to 50% as certified by competent authority. This should be relaxed and eligibility criteria should be fixed as 40% disability.

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(b) As of now, there is a restriction prevailing, whereunder distance for concessional travel is enforced. This is uncalled for, and the restriction should be done away with permitting travel to the disabled category of personnel, as they may require.

(c) A fresh disablement certificate after a stipulated period is insisted by Government Orders when requests are made for renewal of the concession passes. This is an unnecessary restriction and is unwarranted. Orders are to be issued making it clear that a certificate issued should be considered as valid for the rest of the life of the incumbent. In other words, requirement for periodic renewal is not to be insisted.

3. We had ascertained the views of the KSRTC in the matter, and had obtained the stand point of private bus operators. Private sector opposes any changes, as according to them, the loss sustained by them is severe, and the Government ought to have shouldered the burden, as a social responsibility. The stand of KSRTC is not so rigid.

4. Concessional travel facilities are being enjoyed by physically challenged persons decades back, and we had occasion to see the following orders on the subject:

G.O.(P) No.1/87 PW & T dated 05-01-1987

G.O.(P) No.34/98/Trans.dated 22-07-1998

G.O.(MS) No.24/2003/Trams.dated 07-05-2003

G.O.(MS) No.18/2008/Trans.dated 07-04-2008

G.O.(MS) No.37/2011/Trans.dated 20-07-2011

5. Order dated 05-01-1987 would reveal that initially concession was being given to specified classes of persons. It had been restricted to travel in the stage carriages operated by the KSRTC. After due formalities of notification of draft proposals in 1985 and inviting views of the interested persons, the STA had been directed to follow up Government orders to fix the concession rates in stage carriages, other than the KSRTC. Government had spoken about certain restrictions viz., that the applicant should be a permanent resident of the Kerala State, the distance permissible to be travelled at concessional rates should not exceed 40 kms. for a single journey and concession is to be at 70% of the prescribed fare. The Regional Transport Officers were authorized to issue the passes, which were valid for three years, subject to right for renewal by the candidate on the strength of a fresh certificate. Certificate was to be issued by a Medical Officer not below the rank of an Assistant Surgeon of a Government Hospital, or a hospital recognized by the Government.

6. The Government Order reveals that the benefit was confined to persons having physical disability of orthopedic character alone. Minimum 50% disability was the eligibility criterion.

7. However, especially when a representation had been made by the All Kerala Parents Associations of hearing impaired persons requesting for travel concessions of their wards; by notification dated 20-07-1998, the benefit of travel concession at 50% of prescribed fare was directed to be extended to persons with such disabilities, and STA was to take follow up action. Restriction of 40 Km. for a single journey was prescribed. The eligibility was that the person should have disability assessed at minimum 50%, as certified by an E.N.T Specialist. The concession cards were to be issued by the DTO/ATO of KSRTC, and were renewable after 5 years period.

8. The benefit substantially on the very same lines is seen to have been extended to mentally retarded persons by G.O. dated 07-04-2008. This order was to cover the KSRTC as well as private stage carriers. In addition to the disabled persons, concession was to be made available to one accompanying person.

9. Before the Government came up with these orders, on 07-05-2003, the Government had directed that lifetime free passes were to be issued to totally blind persons. The Managing Director, KSRTC and Transport Commissioner were authorized to take further necessary action, based on the order.

10. It could however be noted that although orders had been issued from time to time, a holistic approach to

the issue were not attempted. Elsewhere we have incorporated a recommendation that the orders may be consolidated and updated as requirement for separate orders are not there. Our recommendations on the specific issues address to us if acceptable to Government also could be incorporated and an updated, single order would be appropriate.


11. The 1987 order in fact indicated that the benefits which were being given by the KSRTC in the matter of concession were proposed to be extended to the private sector also. But, when order dated 22-07-1998 had been passed in respect of another category of disabled persons, the demand was in fact that the benefits which were available in the private sector is to be extended to the KSRTC. Thereby, the deaf and dumb persons were allowed concession in fares in stage carriages owned by the KSRTC. That means concession was available in private sector. When the order was extended to cover persons, who were mentally retarded, the reason pointed out was that the deaf and dumb were enjoying benefits of concession. But, unequivocally it had been indicated that the concessions will be available in both the public and private sector. The position now available is that concessions at various rates are admissible to physically disabled persons, deaf and dumb individuals as also those persons who are certified as mentally retarded. These are available in all stage

carriages, whether in public sector or private sector. As referred to earlier, totally blind individuals are getting hundred percent concessions in both the sectors.

12. The Kerala State Road Transport Corporation had, by their letter dated 16-01-2012, informed the Transport Commissioner that they had adopted a practice whereby persons who had disablement assessed at 50% or above will be entitled to free passes in the KSRTC buses. There was no stipulation of any restriction of distance. The only condition was that the annual income of the individual should be below Rs.15,000/-. KSRTC has supplied figures indicating that up to 2010-2011 33,199 passes had been issued. It is not known whether they are free or partly paid, and the split up details of the nature of passes have not been supplied.

13. The private stage carriages have not given any details so far. Of course, it is the Regional Transport Officer who is authorized to issue passes for travel facility in private buses. Nevertheless, it has to be assumed that a good number of disabled persons are utilizing concessional pass facility.

14. Presently the issue is whether a restriction in distance always should be there when such passes are

 issued. The representation of the disabled group

highlights the need for passes without restriction in distance. We feel that when the facility for travel is given to physically challenged persons, it is not expected that they should get down after travelling such permitted distance and thereafter are to continue the journey as if they are not disabled, in case it is a travel for longer distance. We cannot also assume that travel carried out by them will be for pleasure alone. Generally, persons, who are physically challenged, will be reluctant to travel unless there is adequate reason and necessity for them to move about.

15. We are herein referring to all cases of disablement, not only the persons who are orthopedically disabled. In this view, our opinion is that stipulation about distance restriction, when passes are issued, should be discontinued. The helping hands are intended to persons who are substantially disabled. There is no case made out for a plea that percentage of disability should be brought down to 40% for eligibility to get a pass.

Mr This request need not be entertained, we feel.


16. Next we may deal with the request as to whether passes with unlimited duration require to be given to the disabled. It has not been highlighted that the procedure for claiming concession passes are arduous. We cannot be unmindful of the situations, where disablements once suffered by a person do respond to proper attention and treatment. If the mobility and faculties are restored, there is no justification that the concessions should continue indefinitely. May be the restoration will be slow, but at least in a sizable number of cases the degree of disability will improve for the better. Taking into account the totality of circumstances, we are of opinion that the concession passes are to be issued with validity for ten years, and when request for renewal comes, it should be supported by medical certificate of competent authority.

17. There is of course necessity to notify the proposals, if the Government is inclined to accept the proposals and changes are brought about.

19. Our attention had also been invited to SRO

Nw 77/2012 dated 02-02-2012, whereby the Kerala Motor

vehicles Rules have been amended. In all stage carriages 5% of the seats require to be set apart for physically disabled persons., This indicate that the concession have come to stay and has support of statutory rules. Recently, the Government has been adopting a stand that the loss suffered by the KSRTC because of concessional fares, in certain sectors, will be reimbursed. We feel, this principle is only fair. A methodology should be introduced so as to compensate the loss of earnings of operators, by the impact of concession. We have to note that in certain cases not only the disabled, but concession is enjoyed also by an attendant.

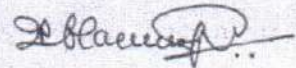
19. As the committee has not been requested by the Government to recommend about the methodology for compensating the KSRTC/private operators in respect of the loss of earnings they suffer because of such type of concessions and also concession to students, no proposals are being incorporated in the present report. We have materials to indicate that some other State Governments  have made provisions for compensation. If this is

required, committee will arrange to get the views of all concerned, and submit recommendations after a full study.

20. Before we conclude, we also recommend that various orders dealing with concessions require to be consolidated. A single order is to be issued, dealing with the subject of concessions comprehensively.



JUSTICE M. RAMACHANDRAN (Retd.)
(Chairman)



T. ELANGO
(Member)



BALASUBRAMANIAN, IPS
(Member Secretary)