

Before the Honourable Central Information Commission
Baba Gang Nath Marg, Munirka, New Delhi – 110067.

File Number: - [REDACTED]

[REDACTED]

Appellant

vs

CPIO, Commercial Department,
Northern Railways

Respondent

Written Arguments on behalf of Appellant: -

1. That the Appellant filed a Second Appeal before Honourable Central Information Commission.
2. Regarding which notice has been issued to both the parties.
3. Appellant filed an RTI to sought the below mentioned information about Mahanagari Express (22178): -
 - a) In the Month of May 2022, how many seats were allotted or number of passengers travelled under VIP/ Emergency Quota in all the classes of Mahanagari Express.
 - b) Provide the Designation of each traveller travelled under VIP Quota/ Emergency Quota in Mahanagari Express in the Month of May 2022 in each class.
4. After filing the RTI on 24-06-2022 on North Eastern Railway, Lucknow Division vide Registration Number NERLD/R/E/22/00140, the concerned officials play the game of transferring the Appellant's RTI to one division to another as mentioned below and waste 4 precious days: -
 - a) First North Eastern Railway, Lucknow Division transferred the said RTI to North Eastern Railway, Varanasi Division vide Registration Number: - NERVD/R/T/22/00172.

- b) On 27-06-2022, North Eastern Railway, Varanasi Division transferred the said RTI to Northern Railway, Lucknow Division vide Registration Number: -NRLO/R/T/22/534.
 - c) On 28-06-2022, Northern Railway, Lucknow Division transferred the said RTI to North Eastern Railway, Varanasi Division vide Registration Number: -NERVD/R/T/22/00176.
 - d) On 28-06-2022, Again North Eastern Railway, Lucknow Division transferred the said RTI to Northern Railway, Lucknow Division vide Registration Number NRLKO/R/T/22/00548.
5. Here the RTI of Appellant circulated like football among Division to Division for 4 times.
 6. On 14-07-2022, CPIO Northern Railway, Lucknow Division gave the below mentioned reply to Appellant: -
उपरोक्त संदर्भित पत्र के सम्बन्ध में अवगत करवाना है की आप द्वारा मांगी गयी सूचना संवेदनशील जानकारी है तथा वीआईपी मूवमेंट से सम्बंधित है, अतः आपका कोई व्यापक लोक हित प्रतीत नहीं होता है इसीलिए केंद्रीय लोक सूचना आयोग द्वारा केस नंबर CIC/NRALI/A/2019/14966 दिनांक 22.01.2022 के अनुसार सूचना का अधिकार अधिनियम - 2005 के नियम 8-1 के उपनियम "J" के अंतर्गत जानकारी उपलब्ध कराना नियम संगत नहीं है।
 7. Respected CPIO completely failed to understand the information sought in point number 1 and 2 of the RTI.
 8. Information sought in point number 1 is just a number of travellers travelled under VIP/ Emergency Quota in Mahanagari Express in the month of May 2022.
 9. Disclosing the number of travellers who travelled in VIP/ Emergency Quota does not violate the privacy of any individual as mentioned in Section 8(1)(j) of RTI Act 2005.
 10. Same as information sought in point number 2 is just a Designation of those travellers who travelled under VIP Quota/ Emergency Quota in the month of May 2022 in Mahanagari Express.
 11. But the Respected CPIO misinterpret the Section 8(1)(j) of RTI Act 2005, which itself says that if CPIO/SPIO or Appellate Authority is satisfied that the larger public interest is involved then the requested information shall be provided as the case may be.

12. CPIO made the requested information sensitive in nature and relate it to the movement of VIP and failed to understand the larger public interest.
13. Railway is a public property, and as a taxpayer of a country Appellant has full right to know whether those seats are being used by those people for whom the quota has been fixed or is there any foul play going on.
14. CPIO also referred an Honourable Central Information Commission Case having number **CIC/NRALI/A/2019/14966** dated 22.01.2022 in his reply which is wrong and Appellant couldn't find it in official website of CIC even after lot of searches.
15. Aggrieved by the decision of CPIO, Appellant filed a First Appeal on 16-07-2022.
16. But First Appellate Authority also failed to understand and provide the reply as mentioned below: -

“मैने अपीलकर्ता के RTI आवेदन दिनांक 28.06.2022 तथा CPIO के उत्तर पत्र C/130/RTI/Case-2022-00548 दिनांक 12.07.2022 को ध्यान से देखा। मामले की जाँच के पश्चात यह पाया गया की CPIO द्वारा सूचना का अधिकार के तहत जानकारी प्रदान की गयी है जो नियमसंगत है।”
17. In First Appeal, Appellant also requested to argue before the First Appellate Authority in person or through video conferencing but FAA doesn't read the Arguments Made by Appellant in First Appeal and gave its decision mere reading the RTI Application of 28-06-2022 and Reply of CPIO as mentioned by FAA in its reply by himself.
18. In support of arguments, Appellant is presenting some documents related to foul plays happened and happening in VIP Quota/ Emergency Quota seat allotment: -
 - a) A story in Time of India dated July 28, 2018 states that Railway Official is accused of corruption. Railway Official was Charging Rs. 500 per Ticket from Agents and confirm their tickets under VIP Quota. An Agent claimed that Railway Official has Letter Pads of MP which he used to confirm the tickets under VIP Quota. (**Annexure 1**)

- b) A story in Times of India dated January 2, 2014 states that CBI busted a scam in which higher rates are being charged for EQ Tickets and Senior Officials as well as Member of Railway Unions are making illegal money in connivance with travel agents and private businessmen. And CBI also learnt that Emergency Quota tickets are being used by Non-Entitled Person. **(Annexure 2)**
 - c) South Central Railway in its press release date 12 July, 2021 states that RPF busts the Gang manipulating with Fake letterheads of MP/ MLA to confirm Railway Berths for waitlisted passengers. **(Annexure 3)**
 - d) A story in ETV Bharat dated April 11, 2023 states that Pan India Railway ticketing racket on VIP quota busted in Bihar's Muzaffarpur, 200 Fake letter pads of MP Seized. **(Annexure 4)**
19. In lieu of above-mentioned annexures, may be this is reason why railway officials are not providing the designation of travellers.
20. All the stories pointed in a same direction that VIP/ Emergency Quota is misused by officials and not being used by those who are entitled to but the seats are allotted to those who are not entitled to.
21. Apart from that, Railway Official has a Brahmastra regarding VIP Quota/ Emergency Quota which provide security to them so that once that timeframe completed, they are free from their responsibilities.
22. The Brahmastra is, A Ministry of Railways Procedure for Allotment of Emergency Quota Dated 23-04-1998 in which it is clearly stated that "All the record pertaining to release of Emergency Quota should be preserved for a period of at least 3 months from the date of journey". **(Annexure 5)**
23. It is beyond understanding why Railways follow the age old 1998 practice of preserving emergency quota data despite technological advancements when we can store the data for as long as possible.

24. So, Appellant concludes his arguments by saying that, Information sought in point number 1 is just a number and does not violate anyone's privacy if disclosed and information sought in point number 2 is designations of those who travelled in VIP/ Emergency Quota, it is in broad public interest to disclose this information for transparency and to maintain the trust of public on railways.

Date: - 18-07-2023

[REDACTED]

Annexures

1. Times of India story Dated 28 July 2018.
2. Times of India story Dated 2 January 2014.
3. South Central Railway Press Release Dated 12 July 2021.
4. ETV Bharat story Dated 11 April 2023.
5. Indian Railways Procedure Dated 23-04-1998.
6. Letter of Authority by [REDACTED]

Date: - 18-07-2023

[REDACTED]

VIP quota: Railway officials accused of corruption

AA

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Citing an example, he said that a ticket for [Ashram Express](https://timesofindia.indiatimes.com/topic/ashram-express) (https://timesofindia.indiatimes.com/topic/ashram-express) for May 21 was booked at 2.18 pm and in three minutes VIP quota is allotted. Similarly, for one agent a ticket is booked on May 25 at 12.49 pm for Navjeevan Express and all the six tickets are confirmed by the officials.

Agarwal said that even quota was released on Sunday when the offices are closed. Agarwal alleged that the officials have letter pads of MP and they allot the VIP quota after just writing the PNR numbers on these letter pads.

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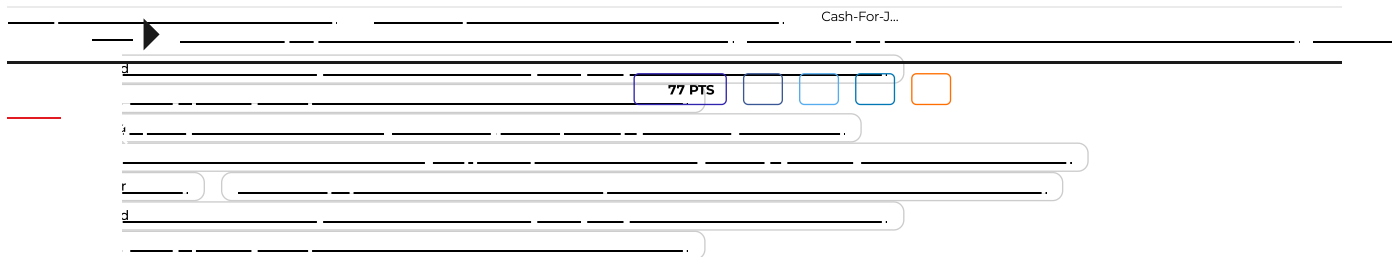
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NEW DELHI: The [central bureau of investigation](https://timesofindia.indiatimes.com/topic/cbi) (<https://timesofindia.indiatimes.com/topic/cbi>) believes a major scam is brewing in allocation of "emergency quota" tickets released by the railway ministry, usually on the recommendation of VIPs.

CBI suspects that higher rates are being charged for "EQ" tickets and senior officials as well as members of railway unions are making illegal money in connivance with travel agents and private businessmen.

"We have learnt that emergency quota tickets are being used by non-entitled persons due to which railway officials are making illegal money. The requests are being forged to get the emergency quota seats. We are probing the whole emergency quota system," said a top CBI official.

EQ is meant for allocation on grounds such as ill health or personal emergencies but CBI feels the tickets are being misused after scanning the functioning of railways as part of its probe into the alleged bribery case involving the nephew of former [railway minister](https://timesofindia.indiatimes.com/topic/suresh-prabhu) (<https://timesofindia.indiatimes.com/topic/suresh-prabhu>) Pawan Bansal.

The agency on Wednesday registered a preliminary enquiry (PE) to probe the alleged scam and sources claimed that the investigation will cast a wide net all over India that will even cover the [Railway Protection Force](https://timesofindia.indiatimes.com/topic/railway-protection-force) (<https://timesofindia.indiatimes.com/topic/railway-protection-force>). CBI is estimating that "misuse of emergency quota" runs into several crores of rupees.

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PRESS RELEASE

PUBLIC RELATIONS OFFICE, SECUNDERABAD - 500 071

No.274/2020-21

12-07-2021
Secunderabad

RPF busts the Gang Manipulating with Fake Letterheads of MP/MLAs to confirm Railway Berths for Waitlisted Passengers



A gang of two men, who have been using fake letterheads of MPs & MLAs of various states and sending requests to for confirmation of berths under VIP/Emergency Quota were arrested by RPF, Malkajgiri.

The scam came to light on a suspicion raised by the railway officials in the EQ cell when they were receiving repeated requests from 09 letterheads MPs/MLAs belonging to various states i.e., Goa, Maharashtra, UP, Orissa, Kerala etc.

Based on the information gathered by RPF Cyber Cell, joint teams of Crime Investigation Branch, Hyderabad and RPF Malkajgiri swung in to action and nabbed one person by name Dilip Nayak, age-33 yrs at IDA Bollaram, Hyderabad. During questioning, the arrested Dilip Nayak informed to the RPF team that he got acquainted with one person by name Mukesh Chouhan, who uses fake letter heads of MPs/MLAs for confirming the waitlisted tickets. For this, Mukesh Chouhan was charging money. Since then, the RPF team was on hunt for the absconded Mukesh Chouhan,

On 04th July,2021 with a planned decoy check, the RPF team of Malkajgiri post nabbed Mukesh Chouhan, who is running a shop of Booking Railway Tickets un-authorizedly at Malkajgiri. During raids, the RPF team has also seized 84 No.s of used tickets valued Rs.1,66,476/- from the accused duo and registered a case under Railways Act. They were said to have been downloading the letterheads of the MPs/MLAs from internet, forging the contents and using the same for confirming the berths under VIP Quota of Railways.

Passengers are requested not to fall prey in the hands of such gangs, which may cause inconvenience to their planned journey, as the tickets will be confiscated by the Railway Authorities apart from registering cases for using forged document for their travel.

Shri Gajanan Mallya, General Manager, South Central Railways complemented the RPF Crime team of Malkajgiri for unearthing the scam and detention of criminals. He advised the team to continue maintain strict vigil in this regard, to ensure that passengers have a hassle-free journey.

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HOME / PAN INDIA RAILWAY TICKETING RACKET ON VIP QUOTA BUSTED IN BIHARS MUZAFFARPUR FAKE LETTER PADS OF MPS SEIZED

Pan India railway ticketing racket on VIP quota busted in Bihar's Muzaffarpur, 200 fake letter pads of MPs seized

Published: Apr 11, 2023, 5:22 PM

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Before the raiding team of the police could lay their hand on the tout, he fled from his house. Later, police confiscated a huge haul of letterhead pads of LS and RS MPs.

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Muzaffarpur district of Bihar on Tuesday. The cartel of touts involved in the scam provided confirmed railway reservation tickets on VIP, particularly MP quotas, by presenting fake letterheads of at least 200 Lok Sabha (LS) and Rajya Sabha (RS) MPs. The tout's modus operandi was to get confirmed reservation tickets on the VIP quota by presenting the fake letterheads while seeking confirmation for the railway reservation ticket.

However, the racket was busted when a team from Railway Protection Force (RPF) in Andhra Pradesh came to Bihar to investigate an old case. A case had been filed at the Marupulam RPF post on June 1, 2022, regarding railway ticketing brokerage. Further investigation led to the discovery of the racket in Bihar's Muzaffarpur district. A joint team of RPF Visakhapatnam and Bihar police raided the Srinagar Colony in Gobarsahi area of the district to arrest the accused. However, the tout had fled before the police could apprehend him.

The Muzaffarpur police said that letter pads carrying the names of more than 200 Lok Sabha and Rajya Sabha MPs were recovered from the tout's house. Several other people involved in the racket have been detained for questioning. The people seeking confirmed railway tickets were sending the PNR details to the kingpin of the racket, who was sitting in Bihar's Muzaffarpur. People living in any part of the country could message the PNR number to the mastermind of the racket, who would then arrange a confirmed reservation ticket for a hefty sum of

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The police believe that the racket had been operating for a while and was making significant profits. They are also investigating the possibility of a larger nexus the racket. The busting of this racket is a significant development in the efforts to curb ticketing fraud in the country.

Railway ticketing fraud has been a persistent problem in India, with touts and agents involved in scams to obtain tickets, particularly during peak seasons. In response, the Indian Railways has taken several measures to prevent ticketing fraud, including the introduction of online booking systems, biometric verification of passengers, and strict enforcement of rules and regulations. However, such measures have not been entirely successful in curbing ticketing fraud, and incidents like this continue to be reported across the country.

Inspector R Kumar Rao from Visakhapatnam along with his team had reached Muzaffarpur. The joint team of Bihar and Andhra RPF had raided the tout's house located in Srinagar colony, the police said.

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Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
(Railway Board)

New Delhi, Dated: 22.04.1998.

No. 98/TG.I/14/P.

The General Managers,
All Zonal Railways.

Sub: **Procedure for allotment of Emergency Quota.**

Railways are aware that a few berths/seats have been earmarked on different trains as Emergency quota to be operated at the discretion of the competent authorities concerned. In order to ensure that the quota earmarked is properly utilised and to prevent its misuse, the following procedure will be adopted for their utilisation:-

- (i) The Emergency Quotas on different trains will be operated by the concerned railway authorities already nominated for this purpose from time to time to the extent of the number of berths/seats laid down on different trains.
- (ii) A time limit will be laid down for each train for the finalisation of the allotments against the quota concerned and its release.
- (iii) All requisitions for allocations from the Emergency Quotas will be centralised in the office of the competent authority and final allocation decided only at the expiry of the stipulated period.
- (iv) While deciding the persons for whom the Emergency Quota is to be utilised, the competent authority controlling the quota would take into account all relevant factors like the urgency for undertaking the journey, status of the persons travelling, their inter-se seniority in the warrant of precedence, etc.
- (v) A skeleton chart should be taken out at train originating and during preparation of chart to find out details of the VIPs including MPs booked and action taken by the Incharge to seek reservation from the emergency quota controlling authorities.
- (vi) Whenever the Parliament House Booking Office/any other Booking Office sends a message for MP's onward and return journey, a copy should invariably be endorsed to CCM and ACM (Reservation) of the concerned Railway. This shall be in addition to the communication sent to the Chief

Reservation Supervisor/SI concerned. The officer concerned in the headquarters office will take necessary action to get the accommodation secured in-favour of the VIPs.

With a view to prevent the malpractices, reservation requests received from various quarters should be checked from time to time and in cases where there is doubt about the genuineness of the requests/letter, the position may be checked up by speaking to the persons concerned on phone for ensuring the genuineness of the requisition.

The method of entertaining request on telephone should not normally be allowed except in rare cases of such request being received from VIPs which should be followed up by a written request from the person concerned. Commercial Officers of adequate seniority will be nominated by CCM/DRM in the issuing office to do sample periodic check say once a week on such telephonic requests at random verifying with the concerned officer in whose name the request has been registered. A record of such test checks should be available on the register.

In case of SA Grade Officers and below, the written requests must be signed by the Officer concerned only.

In case of PHODs and other Senior Officers request should either signed by themselves or on their behalf by Gazetted Officer working under him.

In case of AGM and GM the written requests should be signed by the Secretary or Deputy Secretary or Private Secretary only.

In case of direct request from non-Railway persons, the officer releasing the Emergency Quota will personally exercise due care and caution to ensure that the requests are genuine.

All records pertaining to release of Emergency Quota should be preserved for a period of at least three months from the date of journey.

The above points may please be brought to the notice of all concerned for strict compliance.

Kindly acknowledge receipt of this letter.

(Dr. P.K. Goel)
Executive Director, Passenger Amenities.
Railway Board.

Copy to:

- 1) Chief Commercial Managers, All Zonal Railways.
- 2) OSD/TC, V(SS) C&M (With 20 spares) & TG-V Branch
of Railway Board