



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

MONDAY, THE 22ND DAY OF JUNE 2026 / 1ST ASHADHA, 1948

WP (PIL) NO.122 OF 2026

PETITIONER:

MUHAMMED FIRDOUZ
AGED 40 YEARS
SON OF VEERANKUTTY
FLAT 1D, BCG GOLDEN ORCHID, RUBI LINE,
THAMMANAM P.O, COCHIN, PIN - 682032

BY ADVS.
SRI.M.P.SHAMEEM AHAMED
SRI.AHAMED IQBAL
SMT.SHABNAM KODALIL

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

- 2 THE KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS CHAIRMAN AND MANAGING
DIRECTOR, TRANSPORT BHAVAN, PATTOM,
THIRUVANANTHAPURAM, PIN - 695004

BY ADVS.
SRI.K.JAJU BABU, SR., ADVOCATE GENERAL
SRI.B.S.SWATHI KUMAR, SC, R2

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION)
HAVING COME UP FOR ADMISSION ON 18.06.2026, THE COURT ON
22.06.2026 DELIVERED THE FOLLOWING:



C.R.

JUDGMENT

Dated this the 22nd day of June, 2026

Syam Kumar V.M., J.

Petitioner, who claims to be a public-spirited citizen and a taxpayer has filed this Public Interest Litigation *inter alia* seeking to quash Exhibit P1 Government Order and to declare that the free bus travel in the ordinary KSRTC buses to all women and transgender persons implemented across the State under the “Priyadarshini Scheme” vide the said G.O. be discontinued.

2. Exhibit P1 G.O. dated 11.06.2026, has already been implemented by the 1st respondent from 15.06.2026 onwards. The petitioner contends that the said scheme for free travel in ordinary KSRTC buses for women and transgender persons has been put into effect by the Government without conducting any study and without any material to show that any disadvantage was being suffered by the class of people to whom the said scheme is intended to



confer benefit. It is alleged that no policy study had been conducted, no assessment undertaken, and no empirical data had been gathered identifying the specific disadvantage sought to be remedied by extending such privilege exclusively to women and transgender people. The relevant scheme, it is submitted, had been born in an election manifesto, had been announced immediately after the swearing-in ceremony, and had been formalised by Exhibit P1 G.O., all of which are without sufficient policy reasoning and hence cannot claim the protection of any constitutional provision. The W.P.(PIL) thus *inter alia* seeks to quash Exhibit P1 G.O. and to direct that the free bus travel, now extended to a select few of the citizens, shall be put on hold.

3. We have heard Sri.M.P.Shameem Ahamed, Advocate for the petitioner and Sri.Jaju Babu, the learned Advocate General for the 1st respondent. Sri.B.S.Swathi Kumar, Advocate, appears for the 2nd respondent, KSRTC.

4. It is submitted by the learned counsel for the petitioner that the impugned G.O. is arbitrary and violative of Article 14 to the extent it envisages free bus travel to all



women regardless of income, residence or any other criteria. The classification created under the impugned order, it is submitted, is over-inclusive in so far as it extends benefits to all women irrespective of their economic, social or educational status. According to the learned counsel, there is a total absence of rational nexus between the beneficiary class and the purported objective of promoting the economic and social advancement of women within the State.

5. The learned counsel proceeds to illustrate the impact of the above-said non-conformity through the example of a woman tourist visiting Kerala and submits that such a female tourist from another State, who has no connection to Kerala's economic or social welfare objectives, would stand to benefit from the subsidising of her travel vide Exhibit P1 G.O. This, according to the learned counsel, is despite the fact that the privilege availed by her does nothing to advance State's women empowerment, while the financial burden would fall entirely on State's taxpayers. The benefit, according to the learned counsel, would thus accrue to a non-resident with no nexus to the stated objective. He submits that this



overbreadth conclusively demonstrates that the scheme is not directed at any specific welfare objective. The learned counsel also put forth the analogy of a wealthy woman utilising free travel to buttress the contention that the scheme lacks direction and purpose.

6. As regards other privileges exclusively conferred upon women and enjoyed by them, the learned counsel for the petitioner attempts to draw a distinction between such benefits and those conferred under Exhibit P1 G.O. It is submitted that other privileges that could be extended to women, like reservation of seats in buses, free travel to female students, concessional travel to women below the poverty line, travel for pregnant and nursing mothers, safe transport for women in night shift employment etc., stand on a different footing as the specific disadvantage is identified, the targeted class defined, and the provision for extending such benefits has been well calibrated. However, as regards en masse free travel facility extended to all women and transgender people under Exhibit P1 G.O., it is submitted that none of these considerations or preconditions had been secured, making it



legally unsustainable.

7. The learned counsel for the petitioner also proceeded to highlight the unsustainability of Exhibit P1 G.O. based on constitutional mandates. It is submitted that no specific constitutional objective has been stated as the reason for the promulgation of the scheme, and discriminating between women and men passengers solely on the ground of sex without any intelligible differentia or rational nexus with a specific constitutional object violates the mandates of Article 15(1) of the Constitution. It is also contended that Article 15(3) does not empower the State to make a provision for women without specifically identifying a disadvantaged and targeted class of beneficiaries and without a rational nexus to a legitimate constitutional objective. Article 15(3), according to the learned counsel, permits only purposive, targeted and proportionate special provisions, which are to be read harmoniously with Article 14.

8. It is submitted that the purported objectives mentioned in Exhibit P1 order, namely “unrestricted mobility for women”, “inclusive society” and “employment



opportunities” do not constitute a discernible constitutional objective satisfying the rational nexus test, and they fail to justify the sex-based classification. Exhibit P1 G.O., it is submitted, is capable of leading to an expenditure of Rs.2 Crore per day from the Consolidated Fund for implementing an allegedly constitutionally impermissible scheme, thus violating the State's fiduciary duty to all citizens as well as contradicting constitutional provisions governing appropriation of public funds.

9. To substantiate the contentions the learned counsel placed reliance on the dictum laid down by the Honourable Supreme Court in **State of West Bengal v. Anwar Ali Sarkar** (AIR 1952 SC 75) and **Budhan Choudhry v. State of Bihar** (AIR 1955 SC 191). It is contended that the twin test envisaged in the said judgments whereby any classification ought be founded on an *intelligible differentia* distinguishing persons grouped together and the mandate that the differentia must have a rational nexus to the object sought to be achieved are not met nor satisfied as regards Exhibit P1 G.O. Relying on the dictum in **Anuj Garg and**



others v. Hotel Association of India and others[(2008) 3 SCC 1], it is contended that beneficial legislation for women cannot be given a constitutional pass merely because it is nominally in their favour and that the court must examine whether it is genuinely protective or it is paternalistic and grounded in stereotypes. The learned counsel thus submits that the G.O., to the extent it discriminates against all male passengers solely on the ground of their sex, is fit to be quashed. An alternative prayer seeking direction to the State to undertake a comprehensive policy, financial, and social impact assessment to reconsider the scheme is also sought.

10. *Per contra*, the learned Advocate General submits that the prayers sought in the Writ Petition is legally unsustainable and that the challenges put forth as against Exhibit P1 G.O. are chimerical, devoid of any legal basis and fit to be dismissed at the threshold. It is submitted that Exhibit P1 G.O. have been issued with the clear and specific objective of creating an opportunity for all women to travel without restrictions, thereby building a fully participatory and vibrant society. The purpose is to increase employment



opportunities for women, especially working-class women, and thus to materialise their economic and social empowerment. The G.O., it is submitted by the learned Advocate General, implements the 'Priyadarshini Scheme' as part of the 'Indira Guarantee', pursuant to a proposal submitted by the Managing Director of KSRTC for the implementation of a free travel scheme for women in KSRTC services. The entire financial expenditure of the scheme shall be borne by the State Government, thereby ensuring that KSRTC's financial and contractual obligations, as well as its day-to-day operational expenses, are duly secured through a smooth cash transfer financial management arrangement.

11. The learned Advocate General strenuously opposes the contention that Exhibit P1 G.O. violates any of the constitutional mandates. On the contrary, it acts towards realisation of the avowed goal reflected in the Directive Principles of State Policy by promoting socio-economic development and access to a safe, cheap and reliable model of travel for women and transgender people. The contention that Exhibit P1 G.O. is bad, as it fails to discriminate among the



women based on their income status, and the objection raised by the petitioner to the fact that the scheme benefits all women, including the affluent, without any income ceiling and employment status criteria, reflects the social development objectives that are underlying Exhibit P1 G.O.

12. The learned Advocate General relies on the dictum laid down in **Vijay Lakshmi v. Punjab University and others** [(2003) 8 SCC 440], and it is submitted that a policy decision of the State is beyond judicial review. It is contended that discrimination is the essence of classification, and it does violence to the constitutional guarantee of equality only if it rests on an unreasonable basis. The petitioner, it is submitted, has failed to establish that the classification made in Exhibit P1 G.O. was unreasonable and bore no rational nexus with its purported object. Article 14, according to the learned Advocate General, forbids hostile discrimination, but not reasonable classification. Thus, where persons belonging to a particular class, in view of their special attributes, qualities etc., are differently treated in the public interest to advance and boost the members belonging



to such a class, any classification to the said effect would not amount to discrimination as it possesses a close nexus with the objects sought to be achieved. In such cases, it is submitted that Article 14 will be completely out of the way. Reliance is also placed on the dictum in **Ramesh Kamal v. State of H.P. and another** (2022 SCC OnLine HP 5790) wherein a similar question albeit with respect to 50% concession in Himachal Pradesh area fare to women passengers travelling in Himachal Road Transport Corporation ordinary buses was considered by the High Court and it was concluded that the objectives of the scheme which envisaged socio economic development and access to safe, cheap and reliable modes of travel for women, so as to actively engage in economic activity cannot be termed as violative of Article 14. Based on the said judgment, the learned Advocate General contends that the scheme for free bus ride and concessional fares for women and children are not new in the country and has been launched earlier by various Governments, including the Government of Delhi, the Government of Punjab, and the State of Tamil Nadu and are



being continued. Placing reliance on the judgment of the Delhi High Court in **STA operators Ekta Manch and others v. Government NCT of Delhi and others** (2020 SCC OnLine Del 3197), the learned Advocate General submits that Exhibit P1 G.O. cannot be held unconstitutional merely on the ground that the same would cause or lead to a financial burden upon the State or on the 2nd respondent. The State Authorities grant a variety of concessions based on policies they float, and such schemes are evolved in the discharge of the State's duty to ensure that facilities at concessional rates are extended to those in need thereof. The learned Advocate General also places reliance on the dictum in **Dattatraya Motiram More v. State of Bombay and another** (1952 SCC OnLine Bom 120), wherein it was concluded that by making special provision for women, the State has not violated nor offended Article 15(1) of the Constitution. Reliance is also placed on the dictum laid down in **Government of Andhra Pradesh v. P.B.Vijayakumar and others** [(1995) 4 SCC 520] and it is contended that insertion of clause 3 of Article 15 in relation to women is a recognition of the fact that for



centuries, women of this country have been socially and economically handicapped and as a result, they are unable to participate in socio economic activities of the nation on a footing of equality.

13. The learned Advocate General thus proceeds to deduce and contend, based on the above precedents, that Exhibit P1 G.O., which is a policy decision taken by the Government in furtherance of a welfare objective to further the cause of empowerment of women and transgender people, does not in any manner call for any interference and that the Writ Petition is only to be dismissed.

14. The learned counsel appearing for the KSRTC adopted the contentions put forth by the learned Advocate General and submitted that Exhibit P1 G.O. specifically provides that the financial expenditure of the scheme shall be borne by the State Government and it also ensures that due action to indemnify non fair revenue to meet the additional financial burden arising from the implementation of the scheme will be taken by the Chairman and the Managing Director of the KSRTC as stipulated in Exhibit P1 G.O.



15. We have heard both sides and have considered the contentions put forth. Whether Exhibit P1 G.O, to the extent it confers exclusive privileges upon women and transgender persons, in the form of free travel in Ordinary KSTRC buses, militates against the mandates of equality, fairness and non-discrimination, and whether it is fit to be struck down as discriminatory and violative of the constitutional mandate of equality and fairness, is the principal question that comes up for consideration in this W.P. (PIL).

16. Before proceeding to answer the said question, we deem it relevant to remind ourselves of the law regarding the scope of interference by judicial review in matters concerning the policy of the State.

17. The law on the scope of judicial review on policy matters has been pithily laid down by the Hon'ble Supreme Court in **S.Subramaniam Balaji v. State of Tamil Nadu and others** [(2013) 9 SCC 659]. It has been held therein that, while considering the scope of judicial review in cases concerning the distribution of State largesse, the question of



whether the State should frame a scheme that directly or indirectly improves living standards or means of livelihood, is for the State to decide. As long as the schemes come within the realm of ‘public purpose’ and the monies for the schemes are withdrawn with the passing of a relevant appropriation bill, the court has limited power to interfere with such schemes. That courts cannot interfere with the soundness and wisdom of a policy has been reiterated by the Hon’ble Supreme Court in **State of Tamil Nadu and another v. National South Indian River Interlinking Agriculturist Association** [(2021) 15 SCC 534]. It has been held therein that a policy could be subjected to judicial review on the limited grounds of compliance with the fundamental rights and other provisions of the Constitution. It is also settled that the courts would show a higher degree of deference to matters concerning economic policy than to other matters of civil and political rights [See **R.K.Garg v. Union of India and others** (1981) 4 SCC 675].

18. It is thus trite that when the purpose of the scheme is to enforce the Directive Principles of State Policy,



enshrined in the Constitution, it is not for the court to interfere or sit in judgment over the question as to whether and in what way the State has to choose the Directive Principles of State Policy and how schemes for implementing the same are to be worded or executed. Such aspects unequivocally fall within the realm and policy decisions of the State, and the courts have to stay at arm's length from interfering in such policy decisions. Judicial review of a Government policy can be undertaken only when the action is unconstitutional or contrary to statutory provisions. It follows that whether any unconstitutionality or violation of statutory norms has been put forth by the petitioner in Exhibit P1 G.O. so as to seek quashing of the same.

19. Exhibit P1 G.O. orders and permits free travel, irrespective of age, for all women along with transgender persons, on all ordinary services of KSRTC, with effect from 15.06.2026. It provides that further activities in that regard will be devised after evaluating the scheme's implementation efficiency and operational methods. Petitioner contends that Exhibit P1 G.O. in singling out women and transgender



persons creates a classification between passengers solely on the basis of sex without any intelligible differentia or a rational nexus to an identifiable constitutional objective. Violation of the mandates of Article 15 (1) of the Constitution is alleged on the purported premise that it discriminates against male passengers solely on the ground of sex by denying them a benefit which is made available to all women irrespective of need. It is also contended that a universal and untargeted subsidy to all women, irrespective of circumstance, cannot be justified under Article 15 (3) as it permits only genuine and purposive special provisions intended to address a specific disadvantage, vulnerability or welfare objective concerning women. We are afraid that the said contentions cannot be countenanced for more reasons than one. We will proceed to explain the reasons as below.

20. Firstly, if there is discrimination in favour of a particular sex, that discrimination would be permissible, provided it is not only on the ground of sex. In other words, a classification on the ground of sex is permissible, provided such classification is a result of other considerations besides



the fact that the person belonging to that class is of a particular sex. The legal position on the point has been explicitly and succinctly laid down by Chief Justice Chagla in

Dattatraya Motiram More (supra), in the following words:

“It is said that discrimination on the ground of sex is not permissible under Article 15(1), and the object of enacting Article 15(3) could not possibly be to make that discrimination possible by permitting special provision for women. It is therefore argued that Article 15(3) must be read to mean that only those special provisions for women are permissible which do not result in discrimination against men. It is said that there can be certain facilities which can be given to women without those facilities resulting in discrimination against men. It is said that there are certain facilities which only women can enjoy and to the extent that those facilities can only be enjoyed by women, provision can be made for those facilities, and with regard to this provision, it could not possibly be said that this provision discriminated against men. An illustration is given with regard to maternity homes. It is said that this is a facility given to women, special provision can be made for that right or privilege and it could never be urged that if the State did so, the State was discriminating against men. In our opinion, if that was the object of enacting Article 15(3), then Article 15(3) need not have been enacted at all because if the special provision for women contemplated by Article 15 (3) were only those provisions which did not discriminate against men, then no proviso to Article 15(1) was necessary. Article 15(3), is obviously a proviso to Article 15(1) and proper effect must be given to the proviso. It is true that in construing a proviso, one must not nullify the section itself. A proviso merely carves out something from the section itself. But it does not and cannot destroy the whole section. The proper way to construe Article 15(3) in our opinion, is that, whereas under Article 15(1), discrimination in favour of men only on



the ground of sex is not permissible, by reason of Article 15(3), discrimination in favour of women is permissible and when the State does discriminate in favour of women, it does not offend against Article 15(1). Therefore, as a result of the joint operation of Article 15(1) and Article 15(3), the State may discriminate in favour of women against men, but it may not discriminate in favour of men against women. (Emphasis supplied)

It follows from the above that it is open to the State to discriminate in favour of a particular sex for reasons and considerations that would not just be confined merely to the fact that the members or individuals belong to that particular sex, but may also be based on other relevant considerations. If the Government has discriminated in favour of women and transgender persons by extending free travel in Ordinary KSRTC buses, it is not only on the grounds that they are women or transgender, but on various other considerations and factors. As is specifically pointed out in Exhibit P1 G.O., the avowed objective is to “*create an opportunity for all women in the society to travel without any restrictions, thereby building a fully participatory and energetic society and through this making possible an increase in employment opportunities for women along with their economic and social*



empowerment.” As rightly submitted by the learned Advocate General in a welfare State it is incumbent upon the State to formulate a welfare scheme and take affirmative action towards empowerment of women and it is the need of the hour to provide them with all such facilities that would help them towards such empowerment.

21. In addition to the above, it is the avowed goal and duty of the State, as reflected in the Constitutional mandate and Directive principles of State policy, to raise the position of women and to achieve their empowerment. When a policy or scheme is evolved, and measures are adopted thereunder towards implementation of the Directive Principles of State Policy, the principle of not treating unequals as equals has no applicability as State largesse is involved. The said principle applies only where the law or State action imposes a burden on the citizen, whether financial or otherwise. Economic empowerment of women and the protection of women’s rights are integral parts of the constitutional scheme and the Directive Principles of the State Policy as laid out therein. When the State evolves



scheme towards materialising such avowed constitutional goals and proceeds to implement them, such policy decisions cannot be subjected to judicial review.

22. As has been held by the Hon'ble Supreme Court in **Subramaniam Balaji** (supra), the concept of State largesse is essentially linked to the directive principles of State policy, and the manner in which the State chooses to implement them is for the State to decide in accordance with its policy. Exhibit P1 G.O. ex facie reveals that the same is part of a scheme which is intended to augment the livelihood of women. Its avowed goal is to create opportunities for all women, facilitate their travel without restrictions, and thereby build a fully participatory and vibrant society, increasing employment opportunities for women and advancing their economic and social empowerment. Welfare measures targeted at persons from lower-income groups for whom assistance or patronage would be required are part of the State's policy measures. The Hon'ble Supreme Court has, in **Samatha v. State of A.P. and others** [(1997) 8 SCC 191], unequivocally postulated that the courts have a duty to



uphold the State's endeavours to achieve the Policy objective reflected in the Directive Principles, to assimilate and empower all the sections of the society by holding as follows:

“Social justice enjoins the court to uphold the Government's endeavour to remove economic inequalities, to provide a decent standard of living to the poor, and to protect the interests of the weaker sections of the society, so as to assimilate all the sections of the society in a secular, integrated socialist Bharat with dignity of persons and equality of status to all.”

When looked at through the prism of social justice and women's empowerment, we note that Exhibit P1 G.O., by affording them free travel in Ordinary KSTRC buses, was only extending a concession in accordance with the State's policy.

23. It is the duty of the State to extend benefits and to provide concession/privileges to those who are in need thereof, and if the State, in its perception of furthering such Directive Principles of State Policy, evolves and implements beneficiary schemes/concessions, as like the one in Exhibit P1 G.O., and incurs expenditure in the said respect or discriminates within the confines of Article 15 (3), such policy or scheme cannot be termed unconstitutional. Contentions to the contrary put forth by the petitioner on the premise that



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Exhibit P1 G.O. lacks a policy study and empirical data collection, are therefore unsustainable.

24. As regards the financial repercussions and burden on the exchequer as pointed out by the petitioner, Exhibit P1 G.O. reveals that such aspects had engaged the attention of the Government at the time of issuance of the G.O. As can be seen from the G.O., the entire financial expenditure has been stipulated to be borne by the State, and KSRTC's contractual obligations and day-to-day operational expenses, it has been stated, will be fully secured. It is not for this Court to sit in judgment over the prudence of the said course of action decided by the Government in the course of implementing a policy decision. Challenge to Exhibit P1 G.O. on the said ground, hence fails.

25. Petitioner has also taken exception to the fact that Exhibit P1 G.O. was the result of a promise in the election manifesto. It is contended that such promises shall not burden the exchequer. As has been settled by the Hon'ble Supreme Court in **Subramaniam Balaji** (supra), promises in the election manifesto cannot be termed as corrupt practices



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under Section 123 of the Representation of the People Act, 1951, and if the scheme as evolved falls within the realm of fulfilling the Directive Principles of State Policy, the court has limited jurisdiction to interfere with the same.

26. Petitioner has failed to point out any inherent unconstitutionality in the issuance and implementation of Exhibit P1 G.O. There is nothing before us to term Exhibit P1 G.O. as contrary to any statutory norms or as being perverse or illegal.

The W.P. (PIL) fails, and it is dismissed.

Sd/-

**SOUMEN SEN
CHIEF JUSTICE**

Sd/-

**SYAM KUMAR V.M.
JUDGE**

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APPENDIX OF WP (PIL) NO. 122 OF 2026

PETITIONER'S EXHIBITS

Exhibit P1 COPY OF THE GOVT. ORDER G.O(K) NO. 16/2026/
TRANS DATED 11.06.2026 ALONG WITH ENGLISH
TRANSLATION

Exhibit P2 COPY OF THE CABINET DECISION DATED 10.06.2026
ALONG WITH ENGLISH TRANSLATION