

**In the Court of State Commissioner for Persons with disabilities
(under the Rights of Persons with Disabilities Act, 2016)**

Lady Willington College Campus, Kamarajar Salai,
CHENNAI – 600 005.

Present: Thiru. Johnny Tom Varghese, I.A.S.,

File No.229 /L.O.2/2020

Dated:16.04.2020

Notice for Compliance

The Government of Tamil Nadu in its Notification No. 118, dated. 14.3.2020 (G.O.(Ms). No.95, Health and Family Welfare Department, Dated. 13.3.2020) has declared that COVID-19 Novel Corona Virus as a notified disease in the State of Tamil Nadu. The Government of Tamil Nadu has strengthened its safety, surveillance and control measures for containment of the spread of COVID – 19 on a war footing manner in this lockdown period throughout the State.

The Government of Tamil Nadu is promoting various sensitisation and awareness advisories amongst public on personal hygiene, self quarantine and other innovative measures for containment of the spread of the disease. In this context, Government has issued G.O. (Ms). No. 152, Health and Family Welfare (P1) Department, dated. 23.3.2020, wherein strict instructions have been issued in the interest of public safety and in preventing the spread of disease by following strict home quarantine, come out only for accessing essential services and strictly adhere to social distancing by maintaining a distance of 1 meter and 3 feet norms.

In this context, it has come to the notice of the State Commissioner for Persons with Disabilities that the persons with disabilities are facing enormous difficulties in availing the free distribution of benefits like Rice, Dhal, Oil and other items from Government Fair Price Shops, due to heavy crowd and long queues to avail the

benefits provided by the Government during the lockdown, which also violates the social distancing orders issued by the Government.

Section.42 of the Rights of Persons with Disabilities Act, 2016 mandates that, ***“The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.”*** Section.3 (5) of the above Act mandates that, ***“The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities”***. (Section. 2 (y) “reasonable accommodation” means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others). Section 25 (1) of the above Act mandates that, ***“The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide, (c) priority in attendance and treatment”***.

The State Commissioner for Persons with Disabilities, who has the power for trying a suit filed under the Rights of Persons with Disabilities Act, 2016 as a Civil Court and he is empowered to adjudicate into such issues and order directions to ensure that no discrimination or deprivation of rights takes place against the Persons with Disabilities.

As per the powers conferred upon the State Commissioner for Persons with Disabilities in Sec.80 of the Rights of Persons with Disabilities Act, 2016 and abiding by the above provisions granted for persons with disabilities under the said Act, it is pertinent to make immediate arrangements by prioritizing the persons with disabilities to avail the distribution of benefits like Rice, Dhal, Oil and other items from Government Fair Price Shops by making special arrangements for having separate queues, and

also by initiating suitable measures to provide home delivery of supplies to the persons with disabilities wherever it is required, therefore enabling them to overcome the pandemic panic and avail the benefits provided by Government during the lockdown without any hassle.

Therefore, Notice is hereby sent to the Civil Supplies and Consumer Protection Department to take suitable action for prioritizing the distribution of benefits by making special arrangement of separate queues and also to initiate suitable measures for home delivery of ration supplies made available for persons with disabilities wherever it is required, therefore ensuring that no person with disability is deprived of his / her legitimate rights as per the provisions granted in the above said Act.

The action taken / status of compliance in the above regard may be intimated to this Court at the earliest.

**Sd/-
Johny Tom Varghese
State Commissioner for
Persons with Disabilities**

To:

The Commissioner,
Civil Supplies and Consumer Protection Department,
Ezhilagam, 4th Floor, Chepauk, Chennai – 600 005.

Copy to:

1. The Commissioner,
Commissionerate of Municipal Administration,
11th Floor, Urban Administrative Building (Opp. CIBA Building),
75, Santhome High road, M.R.C. Nagar,
Raja Annamalai Puram, Chennai – 600 028.

2. The District Collectors,
All Districts of Tamil Nadu.

3. The Commissioners,
All Corporations of Tamil Nadu.

4. Secretary to Government,
Welfare of Differently Abled Persons Department,
Secretariat, Chennai – 600 009.