

IN THE COURT OF STATE COMMISSIONER
FOR PERSONS WITH DISABILITIES

(UNDER THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016)

LADY WILLINGDON COLLEGE CAMPUS, KAMARAJAR SALAI,

CHENNAI – 600 005.

PRESENT: THIRU. JOHNY TOM VARGHESE, I.A.S.,

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

Dated: 08.04.2020.

NOTICE

- REF:**
1. COVID – 19 Prevention, Control and Relief Measures – 24 x 7 helpline assistance for persons with disabilities by Government of Tamil Nadu.
 2. The Rights of Persons with Disabilities Act, 2016.

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 during this lockdown period. For effective prevention, control and relief measures during this critical pandemic situation and to ensure the safety of persons with disabilities, the Commissionerate for the Welfare of Differently Abled, Government of Tamil Nadu has set up 24x7 helpline services (Toll free: 1 800 425 0111 & Video Calling for Speech / Hearing Impaired: 97007 99993) exclusively for Persons with Disabilities and Senior Citizens. The District Differently abled Welfare Officers, District Social Welfare Officers, District Sub-Collectors, Corporation and District Administration Officials are being engaged in carrying out the relief activities and providing essential services for the persons with disabilities and senior citizens in their respective districts during the lockdown.

It is pertinent to mention that it has only been ten days since the launch of the helpline, wherein we received more than 10000 plus calls from the PwDs / senior Citizens throughout Tamil Nadu. The relief team has been providing the needy with Groceries, Rice, Vegetables and other essential necessities during this lockdown upon requests received via helpline. In this context, it has come to the notice of the State Commissioner for Persons with Disabilities that, the officials / staff who are engaged in relief activities / supplying these essentials are not treating the persons with

disabilities with dignity. Several complaints have been received from the PwDs that, they are being discriminated by officials / staff for seeking the above assistance from Government during this lockdown, which results in deprivation of their benefits and legitimate rights granted under the Rights of Persons with Disabilities Act, 2016.

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 and deprivation of rights takes place against the Persons with Disabilities.

The following provisions would be relevant to be noted in this context:-

a) Section 3 of Rights of Persons with Disabilities Act, 2016 mandates that **“(1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others. (2) The appropriate Government shall take steps to utilize the capacity of persons with disabilities by providing appropriate environment. (3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim. (4) No person shall be deprived of his or her personal liberty only on the ground of disability. (5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities”**.

b) Section 8 (1) of Rights of Persons with Disabilities Act, 2016 mandates that, **“The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters”**.

c) Section 8 (4) of Rights of Persons with Disabilities Act, 2016 mandates that, **“The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities”**.

Therefore, I herewith request all the District Collectors to issue necessary circulars in this regard and necessary instructions to be given to the district

administration staff / employees who are engaged in relief, supply and distribution activities by strictly adhering to the above provisions of the RPWD Act, 2016. Also, ensure that no discrimination or deprivation of rights takes place against persons with disabilities or no other violations of the above said Act takes place during the present lockdown.

Given under my hand and seal of this office on the 8th day of April, 2020.

**(SD/ JOHNY TOM VARGHESE)
STATE COMMISSIONER
FOR PERSONS WITH DISABILITIES.**

To:-

All District Collectors,
Tamil Nadu.