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W.P.No.923 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

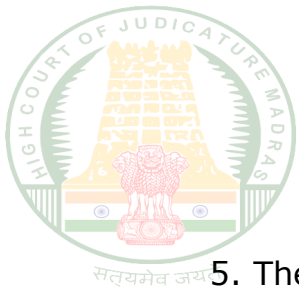
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M.Gnanasambandam

.. Petitioner

Vs.

1. The Government of India
rep. by the Secretary
Ministry of Law, Justice and Company Affairs
New Delhi.
2. The Chief Commissioner for Persons
with Disabilities
New Delhi.
3. The State of Tamil Nadu
rep. by the Chief Secretary
Fort St. George
Chennai 9.
4. The State of Tamil Nadu
rep. by the Secretary
Public Works Department
Fort St. George
Chennai 9.



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5. The State of Tamil Nadu
rep. by the Secretary
Social Welfare and Nutritious Meal Programme Department
Fort St. George, Chennai 9.
 6. The State of Tamil Nadu
rep. by the Secretary
Law Department
Fort St. George, Chennai 9.
 7. The State of Tamil Nadu
rep. by the Secretary
Education Department
Chennai 9.
 8. The Special Commissioner for the Disabled
Directorate for Rahabilitation of the Disabled
15/1, Model School Road
Thousand Lights, Chennai 6.
 9. The Special Commissioner for Persons
with Disabilities
No.15/1, Model School Road
Thousand Lights
Chennai 6.
 - 10.The Director
Directorate of Rahabilitation of the Disabled
Chennai.
 - 11.The Secretary
Transport Department
Government of Tamil Nadu
Secretariat
Chennai 600 009.
- .. Respondents

[R11 impleaded vide order dated 11.11.2016]



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to take the following measures to facilitate the effective implementation of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995:

I. To frame and notify comprehensive Rules immediately for according recognition to various types of Schemes (Educational Institutions for the Disabled) as provided under Chapter V Education under the PWD Act.

II. To distribute scholarships to all school going children with disabilities in time.

III. To direct the Central and State Governments to issue notifications to make schemes to provide Aids and Appliances to persons with Disabilities.

IV. To direct the respondents to enquire into in detail from the year 2002 onwards about the alleged violations in the distributions of Aids and Appliances under ADIP Scheme as well as Inclusive Education Programme under Sarva Shiksha Abiyan and submit a Report before this Hon'ble Court.

V. To direct the respondents to initiate necessary punitive action against those responsible for such kinds of nefarious acts and take suitable measures to prevent such malpractices in future.

VI. To direct the respondents to make schemes providing for medical benefits, expenses and treatment for persons with Disabilities.



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VII. To direct the respondents to make provisions for terminally ill and chronically sick children with disabilities as well as adult and aged persons with disabilities for providing life long care, protection and medical treatment free of cost, irrespective of the type of disability.

VIII. To direct the respondents to provide with appropriate social security to the destitute and abandoned children as well as adult and aged persons with disabilities, till their death, irrespective of the type of disability.

IX. To direct the respondents to streamline the admission of persons afflicted with mental illness in appropriate Pshychiatric Rehabilitation Centres.

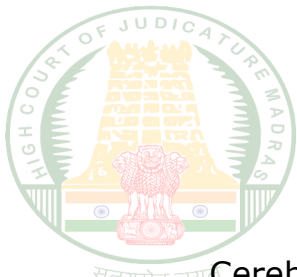
X. To direct the respondents to form a Monitoring Authority or Enforcement Mechanism at the State as well as District levels which can be empowered to supervise and report to the Chief Commissioner for Persons with Disabilities and the State Commissioner for the Disabled about the proper implementation of the provisions of the Act in the respective States.

XI. To direct the respondents to entrust the State and District Legal Services Authority with the task of protecting the rights of persons with Disabilities.

XII. To direct the respondents to bring all the social legislations viz.,

i. The Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995.

ii. The National Trust for Welfare of Persons with Autism,



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सत्यमेव जयते
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Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999;
and

iii. The Juvenile Justice (Care and Protection of Children) Act 2000 under one umbrella; and

XIII. To direct the respondents to empower the State and District Legal Service Authorities to supervise the smooth functioning of the above Acts at all levels.

For the Petitioner : Mr.T.Mohan
Amicus Curiae

For the Respondents : Mr.R.Shumugasundaram
Advocate General
Assisted by
Mr.P.Muthukumar
State Government Pleader
for Respondents 3 to 11

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition was registered as Public Interest Litigation, pursuant to the letter written by the petitioner.

2. Taking note of the issues raised in the petition, directions



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were issued by this Court while taking cognizance of the matter and sought for compliance. The compliance report has been submitted from time to time.

3. After the registration of the petition, there are changes not only in terms of the position of law, but even in reference to the administrative instructions, such as Guidelines for the Government/Public transport. Rules of 2017 was introduced and Rule 15 of the Rules 2017 was applicable. The Harmonised Guidelines was also issued and thereby, there is a sea change subsequent to the registration of the case on all the issues.

4. In view of the above, it would be appropriate to close the writ petition with liberty to the writ petitioner to come up with a fresh writ petition if any issue remains unaddressed. There will be no order as to costs.

(M.N.B., CJ.) (N.M., J.)
05.07.2022

Index : Yes/No

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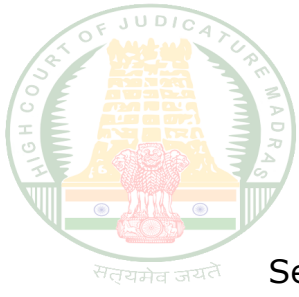
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1. The Secretary
Ministry of Law, Justice and Company Affairs, New Delhi.
2. The Chief Commissioner for Persons with Disabilities, New Delhi.
3. The Chief Secretary
Fort St. George, Chennai 9.
4. The Secretary
Public Works Department
Fort St. George, Chennai 9.
5. The Secretary
Social Welfare and Nutritious Meal Programme Department
Fort St. George, Chennai 9.
6. The Secretary
Law Department, Fort St. George, Chennai 9.
7. The Secretary
Education Department, Chennai 9.
8. The Special Commissioner for the Disabled
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Secretariat, Chennai 600 009.

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M.N.BHANDARI, CJ
AND
N.MALA, J.

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