BEFORE THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES
ADD: SANJAY CENTRE FOR SPECIAL EDUCATION
GROUND FLOOR, PUNDALIKNAGAR
PORVORIM GOA.

No: Comm/PwD/Grievance/2023-24/51
Dated: 17/04/2023

Domingoes Goes,
D/O late Agnelo Goes,
H.no. 181 Chall Dando,
Velsao, Mormugao Goa 403712 ... **Applicant**

V/s

1. Agnelo Rodrigues,
Velsao Dando Pale,
Goa 403712. ... **Respondent - 1**

2. Piedate Rodrigues,
W/F Agnelo Rodrigues,
Velsao Dando Pale,
Goa 403712. ... **Respondent – 2**

3. The Mamlatdar of Mormugao,
Vasco-da-Gama,
Mormugao Goa. ... **Respondent - 3**

4. The Dy. Collector & SDO / SDM,
Mormugao Goa. ... **Respondent – 4**

5. The Secretary
Goa Coastal Zone Management
Authority
4th floor, Dempo Towers,
Patto, Panaji Goa ... **Respondent - 5**

O/C

This office of the State Commissioner for Persons with Disabilities received a petition from Domingoes Goes, D/O late Agnelo Goes, H.no. 181 Chall Dando, Velsao, Mormugao Goa 403712 in regards to improper and inappropriate access to the main road from the residential house in Velsao Village Panchayat Jurisdiction.

Upon receipt of the complaint the State Commissioner for persons with Disabilities visited the area on 10/04/2023 and noticed that there is no proper access to the house of the complainant.

As observed during the site inspection there being no proper access to the ouse of the complainant and in view of the above law concerning rights to person with disabilities, we pass following interim order:

1. Respondent No. 4 is hereby recommended to direct Respondent No 3 to immediately restore the Applicant/Complainant motorable access to the main road from the house of the Applicant/Complainant within 15 days of receipt of this order.
2. The Respondent No 4 is also recommended to direct Respondent No 3 to furnish compliance report to this office within 15 days from the date of compliance.

NOW THEREFORE, you are hereby required to take note of above interim order and appear before this Commission either in person or by a pleader dully instructed if any on **17/05/2023** at **11:00 am** to file your reply and arguments on the above complaint in support of your defense.

TAKE FURTHER NOTICE that in default of your appearance on the date and time mentioned above the complainant will be heard and determined in your absence and the Commission may proceed to take ex-parte action as it deems proper as per Section 81 of Rights to Persons with Disability (RPwD) Act 2016.

Given under my hands and the seal of this Commission on this 17th day of April, 2023.

(Guruprasad R. Pawaskar)
State Commissioner for Persons with Disabilities

The Rights of Persons with Disabilities Act (RPwD) 2016 is landmark legislation in India that recognizes and protects the rights of persons with Disabilities. The Act recognizes that persons with disabilities face unique challenges and require special provisions to ensure their equal participation in society. One of the key challenges faced by Persons with disabilities is the lack of motorable access in public places, which restricts their mobility and access to essential services. The RPwD Act 2016 of recognizes that Persons with disabilities face multiple discrimination and marginalization, and mandates that they be provided with equal opportunities to participate in all aspects of life. Section 3 of the Act defines "discrimination" as "any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." This definition includes discrimination on the basis of lack of motorable access.

The Act provides for a range of measures to promote the rights of Persons with disabilities, including the creation of an enabling environment that facilitates their full and effective participation in society. Section 21 of the Act mandates that all public buildings and spaces, including roads, transportation systems, and public buildings, be made accessible to PWDs, including those with mobility impairments. The Act further mandates that all new buildings and public spaces be constructed in a manner that is accessible to PWDs, and that existing buildings and spaces are retrofitted to ensure accessibility.

The RPwD Act also recognizes the importance of promoting the rights of Persons with disabilities in the workplace. Section 22 mandates that employers must provide reasonable accommodations to PWDs to enable them to perform their jobs effectively. This included providing accessible transportation to and from workplace as well as making the place accessible.

This is in violation and disobedience of our earlier order dated 18th November 2020 on a complaint filed by Shri. Domingoes Goes on identical facts.

That the Coastal Regulation Zones (CRZ) authority had issued a demolition order wherein No. GCZMA/S/ILLE-COMPL/20-21/06/ dated: 09/12/2020 to Mr. Agnelo Rodrigues and Mrs. Piedade Rodrigues. However it is seen that the said demolition order has not been complied with as directed by the CRZ authority in the aforementioned demolition order.