GOVERNMENT OF GOA

BEFORE THE COURT OF THE STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

ADD: 1st FLOOR, BUILDING 'B', GOA HOUSING BOARD,
NEW MARKET COMPLEX, PORVORIM GOA.it
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Leenat Paul
H.no 803, Colvale
Chicalim Colvale.

Posting

Complainant

V/s

The Commandant (3rd IRBn),
Goa Reserve Police Camp,
Electricity Colony,
Althinho Panjim Goa.

18/07/25.

-Respondent

CASE FILED: 18/07/2024
DECIDED ON :17/07/2025

This Commission is in receipt of petition from Ms. Leenat Paul, Person with Disability, R/o H. no 803, Colvale working as Sweeper, 3rd IRBn, Central Jail Colvale, Bardez Goa with regards to granting "reasonable accommodation" mandated under Section 3 and 20 of the Rights of Persons with Disabilities Act, 2016.

Upon receipt of the aforesaid complaint, Notice was issued to the Respondent to submit report in the matter.

O/C

Reply was received from the Respondent, stating that the considering her Physical capacity and in order to provide her comfortable working environment and hassle free/long distance travelling she has been posted at Central Jail Colvale as an additional sweeper under the supervision of PL IRBn. Central jail. The present place of posting is very close to her residence which is less than 8kms.

Subsequently hearing notice was issued to all the parties and the hearing was attended by the Complainant and the Respondent.

The Rights for Persons with Disabilities (RPwD) Act 2016 contains provisions mandating reasonable accommodation. The expression "reasonable accommodation is defined in Section 2(h) & 2(y) which reads as under:2(h) discrimination" in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is 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 and includes all forms of discrimination and denial of reasonable accommodation;

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"

The cornerstone of the reasonable accommodation principle is making adjustments that enable a disabled person to effectively counter the barriers posed by their disability.

I. Reasonable Accommodation as a principle states and accepts that disability in a social construct must be set right.
II. Development of Persons with Disabilities needs to be closely looked into and favorable conditions need to be created to support this.
III. The Principle of reasonable accommodation postulates full and effective participation of the Persons with Disabilities as equal members of society.
IV. Conditions that exclude the Persons with Disabilities from the above need to change and give way to an accommodative and inclusive society.
V. Society needs to accept differences and respect the needs of Persons with Disabilities.
VI. It should help create an environment in which the societal barriers to disability are progressively answered.

Section 2(c) says that "barrier" means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hamper the full and effective participation of persons with disabilities in society.

We have duly considered the complaint filed by the complainant viz a viz the reply of the respondent and after carefully examining the same we pass the following order.

ORDER

1. The Respondent is hereby recommended to grant permission to the complainant to participate in the Sports activities.
2. The Complainant is recommended to take permission as and when
3. required to take part in the sports activities.
4. The respondent shall hereby adhere to mandatorily attend to the grievances of the complainant and all other Persons with Disabilities employed in the organization on priority.
5. The Complainant is also instructed to perform her duties diligently and ensure that no inconvenience is caused to her superiors and support staff.
6. The present petition is accordingly disposed off with a recommendation to the respondent to follow provisions of Rights of Persons with Disabilities Act, 2016 and follow reasonable accommodation as defined in section 2(h) & 2(y) in letter and in spirit.
7. The compliance report to be submitted within a period of 3 months in accordance with Section 81 of RPwD Act 2016.

Given under my hand and seal of this Commission 17th day of July 2025.

O/o the State Commissioner
for Persons with Disabilities
Porvorim - Goa

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