

HARI CHAND

ADVOCATE

ਹਰੀ ਚੰਦ

ਵਕੀਲ

PUNJAB & HARYANA HIGH COURT

ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ

H. NO. 2299,

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ਸੈਕਟਰ 44- ਸੀ

ਚੰਡੀਗੜ੍ਹ 160045

DATED: 26.5.2019

TO,

1. Principal Secretary, Social Justice and Empowerment Department Haryana, New Secretariat, Room-621,6th Floor, Sector-17-A, Chandigarh.
2. Secretary, Department of Social Security and Development of Women and Children, Room No. 623, Punjab Civil Secretariat-2, Sector-9, Chandigarh.

Subject:- Demand for grant of care-giver allowance to persons with disabilities (with high support needs).

By E-mail/Speed Post

Dear Sirs,

I hereby serve the following notice on you:-

1. That under Section 24 (3) (i) of “The Rights of Persons with Disabilities Act, 2016”, under the caption “Social Security”, a provision has been made that the appropriate Government, while devising the schemes and programmes for social security, shall give due consideration to the diversity of disability, gender, age and socio economic status, and while doing so, the Government shall provide for, “care-giver allowance” to persons with disabilities with high support needs .

2. That from a perusal of the provision contained in Section 24 (3) (i) of “The Rights of Persons with Disabilities Act, 2016”, it is clear that it is binding on the Government to make a scheme for social security, inter-alia, for grant of care-giver allowance to persons with disabilities with high support needs.

3. That the expression “high support” has been defined in Section 2 (l) of “The Rights of Persons with Disabilities Act, 2016”, as under:-

“2 (l) “high support” means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;”

4. That it is a matter of great regret that there are several disabled persons in the two States, with high support needs, but despite the lapse of around 3 years from the date of enactment of the aforesaid legislation by the Central Government, the States of Punjab and Haryana have not so far made or notified any provisions for grant of care-giver allowance to the disabled persons with high support needs. As regards the expression “care-giver”, the same has been defined in Section 2 (d) of “The Rights of Persons with Disabilities Act, 2016”, to mean as under:-

“2 (d) “care-giver” means any person including parents and other family Members who with or without payment provides care, support or assistance to a person with disability;”

5. That I am enclosing herewith two news reports namely (i) the news report dated 5.2.2018 under the caption “Living in penury, family seeks nod for euthanasia”; and (ii) a news report dated 27.2.2018 under the caption “No Aadhaar, Sonapat man without disability pension for months”, as **Annexure A-1 and A-2** respectively. In my considered opinion, both these young men, whose plight has been described in the two news reports mentioned above, are disabled to such an extent that they require high support from the Government, inter-alia, by sanction of care-giver allowance in favour of their parents, or other family members, who are providing care to the aforesaid two young persons.

I would therefore call upon you to immediately frame and notify appropriate scheme, inter-alia, for grant of care-giver allowance to persons with high support needs as envisaged under Section 24 (3) (i) of “The Rights of Persons with Disabilities Act, 2016”.

In case the needful is not done within a period of one month from the date of receipt of this notice, in that event, I shall be left with no

other option except to approach the Hon'ble High Court of Punjab and Haryana at Chandigarh, for seeking the redressal of my aforesaid legitimate grievance in the public interest, viz. the interest of disabled persons with high support needs.

Meanwhile, please acknowledge receipt of this notice.

Thanking you.

Yours sincerely,

(HARI CHAND)
ADVOCATE