

F. No. 15-23/2020-NFSA  
Government of India  
Ministry of Consumer Affairs, Food and Public Distribution  
Department of Food and Public Distribution  
(NFSA Division)

Room No. 459, Krishi Bhawan, New Delhi-110001

Dated:07.09.2020

To,

Principal Secretary/ Secretary,  
Department of Food & Civil Supplies,  
All States/UTs

**Subject: Directions to State Governments under Section 38 of the National Food Security Act for inclusion of disabled persons under the National Food Security Act, 2013- regarding.**

**Ref. : Writ Petition (Civil) No. 3976 of 2020 filed by National Federation of the Blind before the Hon'ble High Court of Delhi**

Madam/ Sir,

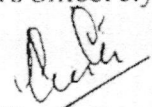
Attention is invited to Section 38 of the National Food Security Act, 2013 which mandates that the Central Government may from time to time give directions to the State Governments as it may consider necessary for effective implementation of the provisions of the Act and the State Governments shall comply with such directions.

2. In this regard, I am directed to refer to this Department's letter of even no. dated 24.07.2020, 22.08.2020 & 24.08.2020 on the subject cited above and to say that the issue of inclusion of disabled persons under NFSA has been raised vide Writ Petition (Civil) No. 3976 of 2020 filed by National Federation of the Blind before the Hon'ble High Court of Delhi and States/UTs are also a party in the case. The case was heard on 07.09.2020 and as per observation of the Hon'ble High Court of Delhi in the aforesaid case and as per powers given to Central Government under Section 38 of the Act, the following is directed for further compliance by the State Governments for effective implementation of the provisions of the Act:

Contd..../

- i. Disability as separate criteria within the eligibility criteria may be identified by all States/UTs for inclusion of persons with disability, subject to exclusion criteria, for coverage under National Food Security Act, 2013.
  - ii. It may be ensured that all the disabled persons, who are eligible as per identification criteria of beneficiaries under NFSA, are covered under the National Food Security Act, 2013. Those who are not already covered should be covered with fresh ration cards to be issued as per the existing/revised eligibility criteria that include disability as separate criteria.
  - iii. If a disabled candidate is at par with another general candidate, preference should be given to disabled person.
  - iv. It may be ensured that a data base of disabled persons covered under both categories viz. AAY & PHH under NFSA shall be created/maintained separately even for PwDs being covered as a part of a family. A suitable mechanism of monitoring and reporting may accordingly be put in place for compliance.
  - v. No disabled person otherwise eligible shall be denied on the ground that the State has exhausted its upper limit under NFSA. In case such a situation arises, inclusion of disabled person shall take precedence. He may be given precedence over those persons who may be either at par or above in terms of consumption expenditure criteria.
  - vi. All the States/UTs shall ensure and direct the concerned District Administration to put in place an appropriate mechanism and whole machinery may be mobilized in a mission mode for compliance of directions made above.
3. This issues with the approval of Secretary, DFPD.

Yours Sincerely,



(Alice R Tete)

Deputy Secretary to Government of India

Tele: 011 23073235

Copy to : Secretary, Department of Empowerment of Persons with Disabilities for information.