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In the Court of State Commissioner for Persons with Disabilities  
National Capital Territory of Delhi  
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2  
Phone-011-23216002-04, Telefax: 011-23216005, Email: [comdis.delhi@nic.in](mailto:comdis.delhi@nic.in)  
[Vested with powers of Civil Court under the Rights of Persons with Disabilities Act,  
2016]

Case No. 4/1233/2016-Wel./CDI/1212-1272

Dated: 27.7.2017

In the matter of:

As per the list enclosed

..... Complainants

Versus

The Pr. Secretary,  
Urban Development Deptt.  
9<sup>th</sup> Level, C-Wing,  
Delhi Secretariat, I.P. Estate,  
New Delhi-110002.....Respondent No.1

The Commissioner,  
North Delhi Municipal Corporation,  
4<sup>th</sup> Floor, Dr. S.P.M. Civic Centre,  
J.L.N. Marg, New Delhi-110002  
.....Respondent No.2

The Commissioner,  
South Delhi Municipal Corpn.,  
9<sup>th</sup> Floor, Dr. SPM Civic Centre,  
J.L.N. Marg,  
New Delhi-110002.....Respondent No.03

The Commissioner,  
East Delhi Municipal Corporation,  
419, Udyog Sadan, Patparganj  
Industrial Area,  
Delhi-110096 ....Respondent No.4

The Chairman,  
New Delhi Municipal Council,  
Palika Kendra, Sansad Marg,  
New Delhi-110001 .... Respondent No.5

ORDER

A large number of persons with disabilities individually as well as through their associations / societies who had been either doing street vending or had applied to do street vending, filed their representations before the Commissioner of Persons with Disabilities in connection with the harassment by the enforcement officials or denial of

Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 11  
25-D, Mata Sundari Road, New Delhi-02

permission to earn their livelihoods through street vending. Their complaints (55 complaints as per enclosed list) were taken up with the concerned municipal authorities from time to time. Some of the complainants filed multiple representations on the same or different issues at different points of time. The then Commissioner for Persons with Disabilities held a number of hearings in the said cases. While the grievances of some of the complainants got redressed partially, those who had applied for allotment of kiosks, street vending etc. are yet to get any relief. Most of them often visit the office of State Commissioner for Persons with Disabilities alleging harassment and inaction on their applications for allotment of kiosks etc. seriously affecting their livelihoods for a variety of reasons including delay in constitution of Town Vending Committees (TVCs) / and their operationalization.

2. Keeping in view the hardships being faced by persons with disabilities due to forced eviction / destruction of their material / imposition of heavy fines on seized material etc by enforcement agencies and inordinate delay in allotment of kiosks, tahbazari etc. a meeting with Urban Development Department, the three Municipal Corporations of Delhi and New Delhi Municipal Council was convened on 26.06.2017 to review the status of constitution of TVCs by the concerned authorities and to explore the possibility of saving the livelihoods of the affected persons with disabilities. The representatives of the Principal Secretary, U.D. Department, Commissioner South DMC, Commissioner North DMC and Chairman NDMC attended the meeting. However, neither the Commissioner EDMC / his representative attended the meeting nor did anyone intimate the inability to attend the meeting despite the fact that the notice of meeting clearly mentioned that a final view would be taken in the matter and it would not be possible to have further interactions. The heads of the organisations were requested either to attend the meeting personally or depute an officer of

Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mala Sundari Road, New Delhi-02

appropriate level who could make a decisive statement on behalf of the organisation. I am therefore constrained to observe that the concerned officers of EDMC have adopted a recalcitrant approach in finding a possible solution to the cases and demonstrated indifference to the sufferings of a most marginalized section of the society such as persons with disabilities **and hope that Commissioner EDMC will look into the matter personally and impress upon the concerned officers to be more sensitive towards the issues concerning persons with disabilities.**

3. The complainants can broadly be grouped in the following three categories:

- I. Street vendors who were doing street vending on or before 13.09.2013 and are aggrieved by improper treatment and indignified handling by the enforcement officials of the concerned corporation/ council and the police, imposition of heavy amount of fine, delay in release of confiscated goods, etc;
- II. Persons with disabilities who were not allotted kiosks / licence etc. and not able to do street vending due to various reasons including the apathy of the concerned officials even though they had applied for licence much before 13.09.2013 and were also eligible for it;
- III. Persons with disabilities who have applied after 13.09.2013 or there about and need to be considered by the respective Town Vending Committees.

4. During the meeting, the participating representatives pointed out that some of the vendors with disability were not genuine and also indulge in gross violation of the laws, rules, etc. After an extensive discussion, the participating representatives proposed that the list of the complainants may be provided to them which they would

Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

examine and then submit the status of each complainant by a fixed date where after the decision may be taken.

5. Upon perusal of the record, it is seen that the complaints under consideration had been taken up with the concerned Municipalities already and the issues are as described above. The concerned Municipalities have given their respective versions in some cases from time to time which revolve around constitution of the Town Vending Committees and the matter being subjudice before the Hon'ble High Court of Delhi. In view of the fact that the representations concern the livelihoods of a large number of persons with disabilities who face adverse situations on day-to-day basis and that the issue of constitution of the Town Vending Committees is before the Hon'ble High Court of Delhi who are seized of the issues connected therewith, it will be expedient to dispose of the complaints rather than wait for another round of status reports by the concerned authorities, which are not likely to be different from the ones so far submitted. Accordingly, the following is recommended:

- i. The persons with disabilities who were vending as on 13.09.2013, should not be disturbed and be allowed to earn their livelihood by selling various articles.
- ii. Persons with disabilities who fulfilled eligibility conditions and had applied for vending licence, allotment of kiosks etc. before 13.09.2013 but were not issued the licence while those who applied after them, were given the licence, should not be denied vending right on the ground that their names do not exist in the list of registered vendors as they would have been covered under the 'existing vendors' as on 13.09.2013 had their applications been processed in time by the concerned Municipal authorities. Such vendors should however produce the proof of having applied for the vending licence, allotment of kiosks, etc.

Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02

iii. The concerned functionaries of the Municipalities/ Cantonment Board should be properly and adequately sensitised to deal with persons with disabilities with dignity, particularly while seizing and releasing their goods (perishable/ non-perishable) which should be released within the prescribed time limit and be considerate in levying fines.

6. It is also relevant to point out that some clauses of Delhi Street Vendors (Protection of Livelihood & Regularisation of Street Vending) Rules 2016, may need a relook in light of the coming in to force of the Rights of Persons with Disabilities Act, 2016 (RPwD Act) w.e.f. 19.04.2017 and appreciation of certain issues specific to persons with disabilities.

7. Recommendations in respect of a few of such Clauses/ issues are as under:-

- i. **Clause 1.1.9** should provide for some additional method for acknowledgement of the vendor requiring them to sign and put th umb impression as some persons with disabilities may not have thumb or Arms.
- ii. **Where ever the** Persons with Disabilities Act, 1995 occurs in the Rules / scheme, it should be replaced by the Rights of Persons with Disabilities Act,2016.
- iii. **Section 37** of the RPwD Act provides for reservation of 5% in all poverty alleviation and various development schemes with priority to women with bench mark disabilities. Clauses 3.3.4 should mention 5% instead of 3% for persons with disabilities. New Delhi Municipal Council in their letter no. 983/DIR(Enf)/2015 dated 29.06.2015 had informed Urban Development that the quota for persons with disabilities was to be

**Court of Commissioner (Disabilities)  
National Capital Territory of Delhi  
Room No. - 1  
25-D, Mata Sundari Road, New Delhi-02**

raised from 5% to 10% in compliance of Hon'ble Supreme Court's Judgement dated 08.10.2010 in the matter of Gainda Ram Vs MCD in Writ Petition (C) 1699/1987. This may be examined and the necessary provision may suitably be incorporated, where required.

- iv. Clause 6.2.1 (ii), provides for preference to widows. Widows with disabilities should be given higher priority amongst the widows. This may suitably be incorporated.
  - v. Persons with bench mark disabilities who need high support like those with autism, intellectual disability, cerebral palsy, multiple disabilities etc. may require assistance to carry out the vending activities. In such cases support/assistance by family members/legal guardian may also be considered with adequate safeguards.
  - vi. Urban Development should consult Social Welfare Department, GNCT of Delhi being the nodal Department for persons with disabilities before finalising the Rules and the Scheme.
8. The cases as indicated in the list are disposed of with the above observations on the limited issues.

Given under my hand and the seal of the Court this 25<sup>th</sup> day of July, 2017.

Encl: As above.



*(Signature)*  
Court of Commissioner (Disabilities)  
(T.D. Dhariyal)  
National Capital Territory of Delhi  
State Commissioner for Persons with Disabilities  
25-D, Mata Sunderi Road, New Delhi-02

Copy for information to the Secretary, Social Welfare Department, GLNS Complex, Delhi Gate, New Delhi w.r.t. para 6 of the Order.

**CATEGORY WISE LIST OF CASES**

S.NO.	FILE NO.	NAME OF THE COMPLAINANT	CATEGORY
1	4/1305/2016-WEL/CD	SH. NAMDEV PANDIT V/S POLICE	I
2	4/1327/2016-WEL/CD	MS. SABHANA V/S NDMC	I
3	4/1367/2016-WEL/CD	SH. KALICHARAN V/S NDMC	I
4	4/1382/2016-WEL/CD	MS. SABHANA V/S NDMC,POLICE	I
5	4/1393/2016-WEL/CD	SH. VIJAY KR. V/S NDMC	I
6	4/1602/2017-WEL/CD	SH. RAM SHABA V/S POLICE	I
7	4/1601/2017-WEL/CD	SH. NISATH JAN SEVA TRUST V/S NDMC	I
8	4/1396/2016-WEL/CD	SH. VIJAY KUMAR V/S NDMC	I
9	4/592/2014-WEL/CD	SH. VIJAY KUMAR V/S NDMC	I
10	4/782/2014-WEL/CD	SH. KISHAN SINGH V/S NDMC	I
11	4/1142/2015-WEL/CD	SH. RUBY KUMARI MISHRA V/S NDMC	I
12	4/1421/2016-WEL/CD	SH. VIJAY KUMAR V/S NDMC	I
13	4/1442/2016-WEL/CD	SH. VIJAY KUMAR V/S NDMC	I
14	4/1437/2016-WEL/CD	MS. MATHURA BAI & ANR.V/S NDMC	I
15	4/988/2015-WEL/CD	MS. MATHURA BAI V/S NDMC	I
16	4/871/2015-WEL/CD	SH. PRITAM SINGH V/S NDMC	I
17	4/1390/2016-WEL/CD	SH. DHARMENDRA KUMAR PANDEY V/S NDMC	I
18	4/1257/2016-WEL/CD	SH.NARESH PAHARIA V/S SDMC	I
19	4/1082/2015-WEL/CD	MOHD MUNNA KHAN V/S SDMC	I
20	4/786/2014-WEL/CD	SH. RAMKISHAN SAHU VS SDMC & DELHI POLICE	I
21	1(427)/Grv./13-14/CD	SH. RAMKISHAN SAHU VS DDA & POLICE	I

22	4/1293/2016-WEL/CD	SH. VIJAY KUMAR V/S NDMC	II
23	4/1448/2016-WEL/CD	MISS INDERJEET KAUR V/S LNJP HOSPITAL	II
24	4/1568/2017-WEL/CD	SH. AVINASH SINGH V/S SDMC	II
25	4/1452/2016-WEL/CD	SH. RAJ KUMAR V/S EDMC	II
26	4/1141/2015-WEL/CD	SH. DHARMENDRA KUMAR PANDEY V/S NDMC	II
27	4/1404/2016-WEL/CD	SH. ARUN KUMAR THAKUR V/S NDMC	II
28	4/1397/2016-WEL/CD	MS. LAXMI V/S NDMC	II
29	4/1414/2016-WEL/CD	SH. DULARE LAL & SONS V/S NDMC	II
30	4/900/2015-WEL/CD	SH. AMIT KUMAR V/S NDMC	II
31	4/962/2015-WEL/CD	SH. BANKEY LAL V/S SDMC	II
32	4/1370/2016-WEL/CD	MOHD. NAWAB ALI V/S SDMC	II
33	4/1156/2015-WEL/CD	SH. DASRATH THAKUR V/S SDMC	II
34	4/1465/2016-WEL/CD	MS. DHAPA DEVI V/S SDMC	II
35	4/1212/2016-WEL/CD	SH. DEEPAK KUMAR V/S SDMC	II
36	4/1381/2016-WEL/CD	SH.SUNIT KUMAR V/S SDMC	II
37	4/804/2014-WEL/CD	SH. DHAPA DEVI V/S NDMC	II

**Court of Commissioner (Disabilities)**  
**National Capital Territory of Delhi**  
 Court No. - 1  
 25-D, Mata Sundari Road, New Delhi-02

38	4/1027/2015-WEL/CD	SH. VIJENDER KUMAR V/S NDMC	II
39	4/690/2014-WEL/CD	SH.DEVENDER SINGH ANAND V/S SDMC	II
40	F.1/270/GRV/11-12/CD	SH. DEVENDER SINGH V/S SDMC	II

41	4/1309/2016-WEL/CD	SH. BANKEY LAL PRASAD V/S NDMC	III
42	4/1315/2016-WEL/CD	SH. SHYAM SARAN V/S NDMC	III
43	4/1317/2016-WEL/CD	MS. MADHU DEVI V/S NDMC	III
44	4/1134/2015-WEL/CD	SH. RAKESH S/O SH.HARI LAL V/S NDMC	III
45	4/1109/2015-WEL/CD	SH. BIRENDER V/S SDMC	III
46	4/1144/2015-WEL/CD	MÖHD. GULFAM ALI V/S SDMC	III
47	4/1146/2015-WEL/CD	MS. RINKI KUMARI V/S SDMC	III
48	4/1468/2016-WEL/CD	SH. RAM BABU YADAV V/S SDMC	III
49	4/1343/2016-WEL/CD	SH. RAM KR. KUSHWAHA V/S NDMC	III
50	4/1508/2017-WEL/CD	SH. AJAY SINGH V/S SDMC	III
51	4/1545/2017-WEL/CD	SH. VINOK KUMAR V/S EDMC,POLICE	III
52	4/1573/2017-WEL/CD	SH. RAJESH KUMAR V/S EDMC	III
53	4/1543/2017-WEL/CD	SH. RAVI KUMAR V/S SDMC	III
54	4/1482/2016-WEL/CD	SH. SHANKER V/S NDMC	III
55	4/1417/2016-WEL/CD	SH. JITENDER KUMAR V/S NORTH MCD	III

**REFERENCE:**

- I. Street vendors who were doing street vending on or before 13.09.2013 and are aggrieved by improper treatment and indignified handling by the enforcement officials of the concerned corporation/ council and the police, imposition of heavy amount of fine, delay in release of confiscated goods, etc;
- II. Persons with disabilities who were not allotted kiosks / licence etc. and not able to do street vending due to various reasons including the apathy of the concerned officials even though they had applied for licence much before 13.09.2013 and were also eligible for it;
- III. Persons with disabilities who have applied after 13.09.2013 or there about and need to be considered by the respective Town Vending Committees.

2  
 Commissioner (Disabilities)  
 National Capital Territory of Delhi  
 Room No. - 1  
 25-B, Mata Sundari Road, New Delhi-02