

In the Court of 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
[Vested with powers of Civil Court under the Persons with Disabilities
(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995]

Case No. 4/1209/2016-Wel./CDI/72

Dated: 21/04/17

In the matter of:

Sh. Sonu Bholu,
Vice President,
Federation of Disabled Rights,
G-332, Mangol Puri,
New Delhi-110083

.....Complainant

Versus

The Divisional Commissioner-Cum-Secretary (Revenue),
Department of Revenue, GNCT of Delhi,
Sham Nath Marg,
New Delhi-110054

.....Respondent No.1

The Secretary,
Deptt. Of Health & Family Welfare,
GNCT of Delhi,
Delhi Secretariat, s
New Delhi-110002

.....Respondent No. 2

The Chairman,
Delhi Transport Corporation,
I.P. Estate, New Delhi-110002

.....Respondent No.3

The Director,
Department of Social Welfare,
Govt. Of NCT of Delhi,
GLNS Complex, Delhi Gate,
Delhi-110002

.....Respondent No.4

The Director,
Directorate of Employment,
C-Block, 5, Sham Nath Marg,
New Delhi-110054

.... Respondent No. 5

Present:

None appeared on behalf of the Complainant.

Sh. Virender Singh, SDM (Revenue) on behalf of Respondent
No. 1

Sh. Sunil Kumar, A.O. alongwith dealing assistant Sh. H.K.
Dhulpuria on behalf of Respondent No. 2.

Case No. 4/1385/2016-Wel./CD/

In the matter of:

Sh. Mannu Kumar,
125, Chanchal Park, Nangloi,
New Delhi-110041.

.....Complainant

Versus

The Divisional Commissioner-Cum-Secretary(Revenue),
Department of Revenue, GNCT of Delhi,
Sham Nath Marg,
New Delhi-110054

.....Respondent

Present: None.

Date of hearing: 06.04.2017

ORDER

Case No. 4/1209/2016-Wel./CD:

The complainant, vide his complaint dated 29.03.2016 addressed to Hon'ble Chief Minister of Delhi raised the following issues:-

- (i) That only 21.5 per cent of the persons with disabilities in Delhi have been issued disability certificates as per the report of the Department of Disability Affairs. Thus, the majority of persons with disabilities are not getting their entitlements. He also alleged that there are instances of corruption in issuance of such certificates.

He suggested that regular camps with adequate publicity should be conducted.

- (ii) There is large number of job seekers in the Special Employment Exchange, Directorate of Employment, Govt. of NCT of Delhi to fill 3% reservation. He alleged that Govt. does not have the data about the persons with disabilities employed.

He inter alia suggested that compliance of 3% reservation in government service may be ensured.

- (iii) There are hardly any Govt. buildings / public places like roads/footpaths

He suggested that the government buildings and public places should follow guidelines for accessibility like proper ramps, signages, slip resistant floors, wide roads, unisex accessible public toilets etc.

- (iv) The bus stands are not accessible, the DTC passes for persons with disabilities are not valid for all the DTC buses in Delhi. Delhi Metro is not providing concession to the persons with disabilities.

He suggested that audio announcement facility should be provided in the DTC buses and there should be common pass for DTC buses and Delhi Metro.

- (v&vi) Most of the persons with disabilities are unemployed and struggling to manage their families.

He suggested that persons with disabilities should be considered for inclusion in the EWS category for availing govt. facilities. All the persons with disabilities who are unable to get gainful employment should be provided maintenance allowance till the time he or she gets employment.

2. The complaint was taken up with the respondents for taking appropriate action and submitting the reply by 29.04.16 followed by reminders dated 06.05.2016 & 20.05.2016.

3. Department of Social Welfare, respondent no. 4, vide letter dated 19.04.2016 informed the complainant as under:-

"Point No.3: The procedure for issuing disability certificate has already been simplified. Now disability certificates are issued by single /specialist doctor of the concerned specialty for single disability.

Point No. 4.: Department of Social Welfare being the Nodal Deptt., has sent letters to 68 Deptts. In Govt. Of Delhi for identification of 3% post for PwDs, DO letter has been sent by Secretary(SW) to Secretary (Services)for identification and reservation of 3% posts. Office of Commissioner, Disability is monitoring the implementation of 3% reservation as per PwD Act across all departments in GNCT of Delhi.

Point No.5: Department is taking up the matter with all concerned regarding barrier free environment for persons with disabilities. The Office of the Commissioner Disabilities, GNCTD is also conducting access audit and implementation of audit report with individual department. Under Accessible India Campaign 26 building of Delhi State are selected for access audit which is to be completed by July, 2016.

They further informed vide letter dated 25.04.2016 that Disability Camps are being held regularly by the department in collaboration with NGOs, Hospitals and other agencies for issuance of disability certificates and other benefits. In the year 2015-16, 14 such camps were held benefitting approximately 5000 persons with disabilities".

4. The Health and Family Welfare Department, respondent no. 2 vide letter dated 27.07.2016 informed that Govt. is considering the problems of common people for getting Disability Certificate and hence the notifications dated 12.02.2014 and 10.09.2014 vide which some Govt. Hospitals had been nominated for issuing the certificates of disability, is being amended and the Govt. Hospitals are now being nominated as assembly constituency-wise.

5. The Delhi Transport Corporation, respondent no. 3 vide reply dated 23.04.2016 informed as under:-

1. "Provision of audio announcement in the buses:

Audio announcement in the buses requires GPS System fitted in all the buses with Data Centre/Server duly configured. The matter of installation of GPS in DTC buses is under consideration by a Committee in the Transport Department, GNCTD and Delhi Dialogue Commission. In the absence of any direction to install GPS devices in buses from the Transport Deptt., DTC cannot take any action in the matter.

2. Common Pass for DTC and Delhi Metro:

The work on the project with the name of "Automated Fare Collection System" has already started in DTC. Pilot in two depots is undergoing and is in the final stage. After completion of pilot, the project would be rolled out in all the depots and buses. Use of Smart Card of Delhi Metro as common mobility card in the buses is a part of this project. The work of integration of smart card of Delhi Metro with this project is also in progress. As per the Schedule given in the contract, the Card of Delhi Metro is to be integrated with the system of DTC by October, 2016. The efforts to integrate the card are as fast as possible".

6. The Dy. Regional Employment Officer, Data Centre, Employment Deptt., respondent no. 5 informed that they have not received the copy of the complaint.

7. Respondent no. 1, respondent no.2 and respondent no. 5 were called for hearing on 06.04.2017.

8. Sh. Virender Singh, SDM-VII, HQ, representative of the Office of Divisional Commissioner-Cum-Secretary(Revenue), Govt. of NCT of Delhi stated that his department is responsible for issuing disability cards to persons with disabilities who

4/1209/2016-Wel./CD but also in other districts such as District West. It is, therefore, all the more important that all the concerned officers and staff deployed in various Districts should be appropriately advised and sensitised towards the of persons with disabilities and if needed strict action against the responsible officers/staff should be taken for being insensitive to persons with disabilities.

10. The respondent is directed to ensure that complainant (Sh. Mannu Kumar) is issued the SDM/Disability Card by 15.05.2017 under intimation to this Court if he is eligible for the same. If not, then the reason therefore be intimated to him under intimation to this Court by 15.05.2017.

11. It is observed that there are genuine issues concerning the issuance of disability certificates and disability cards. There is a need for systemic improvement in the process of issuing the disability certificates and the disability cards so as to eliminate multiple visits by persons with disabilities to various authorities.

12. In light of the position brought out above, Respondent No.1 &2 in case No. 4/1209/2016/Wel./CD are advised to take the following measures in addition to the ones suggested by the representative of respondent no.1:

(i) Resolve the doubts about the jurisdiction of the hospitals for issuance of disability certificates and disability cards by administrative authorities through emails, telephone etc. on the spot so that the applicant are not made to undertake multiple visits to various authorities.

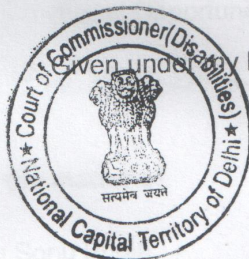
(ii) Give wide publicity through print and electronic media about the jurisdiction and procedure for getting the disability certificates and disability cards. Such information should be displayed in large font in the offices of every District Social Welfare Officer/ Sub-Divisional Magistrate/ District Magistrate/Hospital/Dispensary at prominent places.

(iii) Monitor and maintain the data about the issuance of disability certificates and disability cards through Nodal Officers nominated for the purpose. The information about the number of disability certificates/cards issued every month and the consolidated data as on the last day of the month should also be posted on the websites of Health and Family Welfare Department & the concerned Hospitals and the Divisional Commissioner-Cum-Secretary (Revenue)respectively.

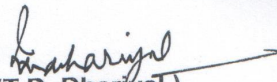
(v) Submit to this Court the copies of the Instructions / directions issued to District Magistrates, Hospitals, etc. with regard to issuance of disability cards by respondent no. 1 and to the concerned Hospitals with regard to the issuance of disability certificates by respondent no. 2 by 15.05.2017

Disabilities Act, 1995 to the notice of this Court so that the same can be taken up with the concerned appropriate authority.

The matter is disposed of accordingly.



Given under my hand and the seal of the Court this 21st day of April, 2017.


(T.D. Dhariyal)

Commissioner for Persons with Disabilities

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

Versus

The Divisional Commissioner-Cum Secretary (Revenue)
Department of Revenue, GNCT of Delhi,
Shakti Nani Marg,
New Delhi-110054

Respondent No. 1

The State
Ministry of Social Welfare,
GNCT of Delhi,
Shakti Nani Marg,
New Delhi-110054

Respondent No. 2

Delhi Transport Corporation,
11, Connaught Place, New Delhi-110052

Respondent No. 3

The Director
Department of Social Welfare,
GNCT of Delhi,
Shakti Nani Marg,
New Delhi-110054

Respondent No. 4

The Director
Directorate of Employment,
C-Block, 5, Shakti Nani Marg,
New Delhi-110054

Respondent No. 5

Present:

Now appeared on behalf of the Complainant:

Sh. Virinder Singh, S.O.M (Revenue) on behalf of Respondent No. 1

Sh. Sunil Kumar A.O. alongwith courtlog assistant Sh. H.K. Dhillon on behalf of Respondent No. 2