

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.4/1723/2017-Wel/CD/ 5065- 67

Dated 13/02/18

In the matter of:

Mr. Manoj kumar Jaiswal
S/o Shivrundati Lal
H.no B-251, T-huts
Pocket 4, Bindapur
New Delhi- 110059

.....Complainant

Versus

The Commissioner
South Delhi Municipal Corporation,
Dr. S.P.M Civic Centre
J.L.N. Marg,
New Delhi-110002

.....Respondent no1

Deputy Commissioner of Police,
(West District)
Police Station Rajouri Garden,
New Delhi-110 028

.....Respondent no 2

Date of hearing: 09.01.2018

ORDER

The above named complainant, a person with 50% locomotor disability vide complaint dated 03/08/2017 submitted that he is working as street food vendor from his Rehdi for last 33 years at A-2 Block, Near Mata Chanan Devi Hospital, Janakpuri New Delhi-58. This is the only source of income and he is sole bread earner for his family. There is no obstruction to public and any neighbourhood. He had applied for allotment of a kiosk under the quota for persons with disabilities to MCD on 04.06.2001. He has also moved application before the Zonal Vending Committee for preferential allotment of Tehbazari. The Honorable Presiding Officer, Zonal Vending Committee vide order dated 06.09.2011 found him eligible for preferential allotment of vending site and directed to consider his claim within

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

reasonable time Unfortunately his application for allotment is still pending. MCD officials seize his articles and recently threatened him to vacate the premises and regularly harass him. The complainant prayed to Direct SDMC to consider allotment of kiosk on preferential basis within reasonable time under the quota of persons with disabilities and restrain SDMC staff not to interfere and cause harassment and maintain status quo.

2. The complaint was taken up the respondent vide notice dated 30.10.2017. Respondent no. 2 vide letter dated 17.10.2017 inter-alia submitted that enquiry into the matter was conducted. All powers related to allotment, eviction etc. are vested with SDMC. The complainant has not moved any complaint related to harassment by the SDMC officials. If any complaint is received necessary action will be taken as per law.

3. As there was no response for respondent no. 1, a hearing was scheduled on 09.01.2018 during the hearing, the complainant reiterated the written submissions and stated that as his counsel is busy in another case, if necessary a short adjournment may be given.

4. On perusal of the record, it is revealed that the complainant had indeed applied on 04.06.2011 for which he has submitted the acknowledgement receipt no. 7143 dated 04.06.2011. As also found him entitled to preferential allotment of vending site under the quota for persons with disabilities.

5. This court had received a large number of complaints from persons with disabilities pertaining to harassment by the enforcement officials and denial of permission to earn their livelihood by street vending. The complaints pertained to the following 3 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;

6. In the said case, the following recommendations were made vide order dated 27.07.2017 in Case No. 4/1233/2016-Wel/CD:

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

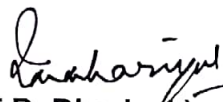
- "i. The persons with disabilities who were vending as on 13.09.2013, should not be disturbed and be allowed to earn their livelihood by selling various articles.
- ii. Persons with disabilities who fulfilled eligibility conditions and had applied for vending licence, allotment of kiosks etc. before 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.
- 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."

7. As the complainant is concerned in the group of persons with disabilities at para 5 (ii) above, this complaint is also disposed off in terms of the recommendations in the order dated 27.07.2017. Respondent no. 1 is advised to ensure that the complainant is not harassed and be allowed to earn his livelihood peacefully.

2018.



Given under my hand and the seal of the Court this 13th day of Feb, 2018.


(T.D. Dhariyal) 13.2.18
State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
Room No. - 1
25-D, Mata Sundari Road, New Delhi-02