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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
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 4/1747/2017-Wel./CD/ 5834 - 36

Dated: 22/02/18

In the matter of:

Ms. Rajesh Kumar

S/o Ram Agya Singh

E-36, Street No. 2

Ganesh Nagar Complex

Pandav Nagar, Shakarpur

New Delhi -110092

.....Petitioner

Versus

Deputy Commissioner of Police

(East District)

Office of the DCP (East)

Shalimar Park

Near Swarn Complex

Bholanath nagar

Shahdara, Delhi -110032

.....Respondent No.1

Commissioner

East Delhi Municipal Corporation

419, Udyog Sadan, Patparganj

Industrial Area,

Delhi -110096

.....Respondent No. 2

Date of Hearing: 15.01.2018

Present: Sh. Rajesh Kumar, Complainant, None from the Respondent

ORDER

The above named complainant, a person with 100% locomotor disability vide his complaint dated 20.09.2017 submitted that he is earning his livelihood by selling cold drinks from the pepsi trolley from Akshardham Metro Station. He has no other person to work. The beat officer of Mandawali Police Station is not allowing him to run his vending trolley.

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2. The complaint was taken up with the respondent vide notice dated 27.09.2017 which was received back from postal authorities with a remark that the Reader refused to accept the notice. Copy of the notice was again sent to Sh. S. Dash, DCP (East District) vide letter dated 27.10.2017. There was no response. Therefore, a hearing was scheduled on 15.01.2018. However, none appeared on behalf of Dy. Commissioner (East).

3. During the hearing on 15.01.2018, the complainant who had come for hearing with great difficulty, submitted that when he started selling some items in December, the East DMC officials took away his trolley despite the order dated 27.07.2017 of this court vide which it was recommended among other things that persons with disabilities who were vending as on 13.09.2013 should not be disturbed and be allowed to earn their livelihood. He had to pay a fine of Rs. 2400/- to MCD to get his trolley released. He was not being allowed to start the vending by the Police because of Republic Day Celebrations.

4. The concern of this court about non-appearance and non submission of report despite circular No. 28/2017 dated 5.10.2017 of Commissioner of Delhi Police to all the Dy. Commissioners of Police to take necessary action to make all the I.Os aware of the rights of the persons with disabilities Act, 2016 was conveyed vide Record of Proceedings dated 16.01.2018. The Respondent No. 1 was once again directed to submit his/her version of the case by 31.01.2018. Commissioner (East DMC) was also im pleaded as Respondent No. 2 and the matter was listed for hearing on 20.02.2018.

5. Respondent No. 1 vide letter dated 12.01.2018 informed that the enquiry into the matter was got conducted through ACP (PG Cell). During the enquiry, it revealed that the complainant runs a Rehdi and sells paan, bidis etc. near Akshardham temple. All Rehdis, Patri vendors are removed for sometime as per orders of the senior officers on movement of VIP or other VIP programmes. The Police did not find any malafide intention on part of the beat staff for any ulterior motive.

6. On 20.02.2018, the complainant was contacted on his given telephone no. 9278436283. He informed that he was not operating the vending trolley at present due to his illness. He also stated that he was not being harassed or troubled by any authority after the hearing on 15.01.2018 and has no objection if the complaint is disposed of.

7. It is once again brought to the notice of the respondents that a large number of persons with disabilities who had been either doing street vending or have applied for it had filed complaints before the Commissioner for Persons with Disabilities in connection with the harassment by the enforcement agencies or denial of permission to earn their livelihoods through street vending. Sh. Rajesh Kumar also was one of the complainants in that case.

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After detailed examination of the complaints, a common order was passed with the following recommendations: -

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.

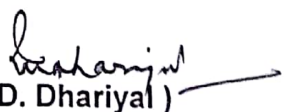
iii. The concerned functionaries of the Municipalities/ Cantonment Board should be properly and adequately sensitised to deal with persons with disabilities with dignity, particularly while seizing and releasing their goods (perishable/non-perishable) which should be released within the prescribed time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

6. In light of the above mentioned recommendations and considering the provisions of the Rights of Persons with disabilities Act, 2016 which is a socially beneficial legislation that has been enacted for empowerment of persons with disabilities through various measures for self employment and the fact that the complainant is dependent on street vending for his and his family's livelihood, the respondents are advised to not to harass the complainant and obstruct him to earn his livelihood in a peaceful manner. The concerned Police Officers are expected to support and help the complainant as provided in section 7 (iv) of the Rights of Persons with Disabilities Act, 2016 and protect the complaint from any abuse, violence or exploitation.

7. The complaint is disposed off.

8. Given under my hand and the seal of the Court this 22nd day of February, 2018.




(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

Chief of Commissioner (Disability)
National Capital Territory
Room No. -
28-D, Mata Sundari Road, Connaught Place-02