

(141)

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. 4/868/2015-Wel/CD/ 5037-40

Dated: 08/02/18

In the matter of:

Ms. Julie,
D/o Sh. Ramdev,
Khasna No. 22, Mother Home, GTK Road,
Libaspur, New Delhi-110042.

..... Complainant

Versus

The District Magistrate,
District Magistrate Office Complex,
District North, Alipur, Delhi-110036.
Email: SDM (Alipur) - sdmalipur@gmail.com

.....Respondent

ORDER

Sh. Ramdev Father of Ms. Julie, vide his complaint dated 23.12.2014 submitted that his daughter was going to Mother Home, Khasra No. 22, GTK Road, Libaspur, New Delhi-110042 for education and rehabilitation for the last 10 years. He is poor and belongs to SC community and the entire family is illiterate. As he keeps shifting from one place to another, he has given Mother Home address for communication.

2. The complaint was taken up with the respondent vide communication dated 13.01.2015 whereafter one Sh. Dilip Kumar R/o Khasra No.22, Karuna Path, GTK Road, Libaspur, Delhi-110042 vide his

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letter 13.04.2015 enquired about the status of the case. As there was no response even after exchange of a number of correspondence, it was decided to hold a hearing on 07.02.2018.

3. During the hearing on 07.02.2015, the representative who appeared on behalf of the respondent submitted a letter dated 05.02.2018 from Ms. Ira Singhal, SDM(Alipur), Delhi, as per which the documents pertaining to the case were not traceable in her office. Therefore, the field staff was directed to visit the complainant at the given address. However, it was reported that the complainant did not reside at the given address. She has therefore, requested that the complainant may be directed to provide a copy of the representation of the complainant to take necessary action.

4. Sh. Dilip Kumar, who appeared on behalf of the complainant, Sh. Ramdev, father of Ms. Julie submitted that Ms. Julie lives with her parents at Yadav Nagar. Her parents shift from one place to another. Hence have no permanent address. She regularly visits the Mother Home for various activities being conducted for persons with disabilities including those with intellectual disabilities. However, at the time the concerned officials visited the Mother Home, he was not present and the staff of the home could not give full facts.

5. It is observed that the certificate issued by NIMH, Regional Centre, Ministry of Social Justice and Empowerment, Lajpat Nagar, New Delhi is not a valid disability certificate as it has not been issued by an authorised medical authority notified by the Central Govt. or the State Govt. Sh. Dilip Kumar has therefore been advised to help the parents of Ms. Julie in obtaining the disability certificate in respect of Ms. Julie from the Institute of Human Behaviour and Allied Sciences (IHBAS). He

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has assured to arrange the visit to IHBAS alongwith required documents as per Rule 17(2) of the Rights of Persons with Disabilities Rules, 2017 within a month for assessment of disability of Ms. Julie and certification.

6. Director, IHBAS is advised to arrange assessment of disability of Ms. Julie and issue disability certificate if she is eligible, within one month from the date she visits the hospital.

7. Sh. Dilip Kumar has also been advised to get in touch with Sh. Kailash Singh, Patwari to complete the required formalities for appointment of legal guardian in respect of Ms. Julie immediately after obtaining a valid disability certificate. The representative of the respondent has also been given a set of papers available in the case file.

8. The respondent is advised to take necessary measures for appointment of legal guardian in respect of Ms. Julie under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 at the earliest. Necessary action for sanction of benefits such as disability pension, travel concession, etc. under various schemes meant for persons with disabilities be also taken through the concerned District Social Welfare Officer of Social Welfare Department. Status report on receipt of disability certificate, sanction of benefits, application for guardianship certificate and appointment of legal guardian be submitted as soon as the relevant action is taken and an action taken report be finally submitted to this Court within three months from the date of receipt of this order as required under Section 81 of the Rights of Persons with Disabilities Act, 2016. Sh. Dilip Kumar is also advised to intimate to this

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Court/concerned authority, the status and difficulty if any, faced at any stage.

9. Given under my hand and the seal of the Court this 08th day of February, 2018.



(T.D. Dhariyal)

State Commissioner for Persons with Disabilities

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Social Welfare Department, New Delhi
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Copy to:

1. The Director, Institute of Human Behaviour and Allied Sciences, Jhilmil Colony, Dilshad Garden, Delhi-110095 for information and necessary action.
2. Director(Social Welfare), GLNS Complex, Delhi Gate, New Delhi for issuing necessary direction to the concerned District Social Welfare Officer.