

(71)

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. 4/1616/2017-Wel/CD/1759-60

Dated: 08/09/2017.

In the matter of:

✓ Sh. Mohammed Shabbir Ahmed Khan
A-39, Gali No. 1, Pahala Pusta,
New Usmanpur,
Delhi-110053

..... Complainant

Versus

The Commissioner
East Delhi Municipal Corporation,
419, Udyog Sadan,
Patparganj Instl. Area,
Delhi-110096

..... Respondent

Dates of Hearing: 06.09.2017

Present: Dr. M.L. Sharma, Asstt. Commissioner,
Shahdara, North Zone, Sh. Ritesh Kumar,
Labour Welfare Supdt. Shahdara South and
Shahdara North on behalf of Respondent.

ORDER

The above named complainant, a person with blindness vide his
complaint received on 11.04.2017 submitted that he is a R/o Khan Pan

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Masala, Pehla Pushta, Near Transformer New Usmanpur, Delhi-110053. In June 2010 he informed this court that his shop (kiosk) was removed by MCD in his absence. The officers of MCD on 15.07.2010 assured this court that he would be allotted a shop in near future. However, he has not been allotted any shop till date. He further submitted that on 07.04.2017 someone gave him a receipt which required him to be present at C-12, Main Yamuna Vihar Road, Maujpur, Delhi to pay Rs. 9000/- on account of encroachment which is to be deposited within 3 days. The complaint was taken up with the respondent vide notice dated 06.06.2017 followed by reminder dated 27.07.2017. As there was no response from the respondent, a hearing was scheduled on 06.09.2017 vide summons dated 28.08.2017.

2. Dr. M.L. Sharma, Asstt. Commissioner, Shahdara, North Zone and Sh. Ritesh Kumar, Labour Welfare Supdt. Shahdara South and Shahdara North appeared and submitted that the details of the case have not so far reached them. However allotments of kiosks, etc. is to be done as per the recommendation of the Town Vending Committees. The matter is before Hon'ble High Court of Delhi. A copy of the complaint and the related papers were handed over to Dr. M.L. Sharma.

3. As the complainant was not present, he was contacted on his given phone. He submitted that he has gone to his Home Town in Muzzafarpur, Bihar. He has no problem in running of his kiosk. However, he requested that he should be given the licence for the shop/kiosk.

4. A large number of persons with disabilities had filed complaints in connection with harassment by enforcement officials or denial of permission to earn their livelihoods through street vending. All those the

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complaints were disposed of vide order dated 27.07.2017, a copy of which is enclosed. In view of the fact that the representation in those cases concerned 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, the following recommendations have been made:

- 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

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within the prescribed time limit and be considerate in levying fines."

5. The case of the complainant may also be dealt in terms of the above mentioned recommendations of this Court vide order dated 27.07.2017. The complaint is disposed of accordingly.

6. Given under my hand and the seal of the Court this 8th day of August, 2017.




(T.D. Dhariyal)

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