

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

Case No.161/1083/2018/03/8842-46

Dated:11.07.2018

In the matter of:

Ms. Sunita Kumari
D/o Sh. Chhote Lal,
H.No. A-134, Vikas Kunj, Vikas Nagar,
Uttam Nagar, Delhi-110059.

...Complainant

Versus

The Commissioner,
South Delhi Municipal Corporation
Dr. SPM Civic Centre,
JLN Marg, New Delhi-110002.

.....Respondent

Date of hearing: 09.07.2018

Present: Ms.Sunita Kumari alongwith Sh. Chhote Lal, Complainant

ORDER

Ms. Sunita Kumari, a person with 75% mental retardation vide her representation dated 12.03.2018 submitted that she is a resident of A-134, Vikas Kunj, Vikas Nagar, Uttam Nagar, Delhi. Her father, Sh. Chhote Lal Gupta is very old and her mother had expired. There is no source of their livelihood. She requested that she may be allotted a kiosk to enable her to earn their livelihood.

2. The representation was taken up with the respondent vide communication dated 07.05.2018.

3. Addl. Dy. Commissioner, Central Licensing and Enforcement Cell, SDMC vide letter dated 31.05.2018 informed that presently there is no policy for allotment of kiosk. However, Section 7 of the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 provides, *“the Criteria to be followed by the Town Vending Committee for issuing certificate of vending to a street vendor shall be as specified in the scheme, which may, apart from other things, provide for preference to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, women, persons with disabilities, minorities or such other categories as may be specified in the scheme”*. He suggested that the applicant should submit the related documents at her Zonal Office so that her case can be put before Town Vending Committee after its constitution.

4. Upon considering the response of the respondent, a hearing was scheduled on 09.07.2018. While no one was present on behalf of the respondent, the complainant and her father appeared during the hearing and produced a copy of her application dated 31.05.2018 that she submitted to the Office of Asstt. Commissioner, SDMC for her registration as Street Vendor. Sh. Chhote Lal submitted that after his death, there will be no one to look after her mentally retarded daughter and he also does not have any assets for her maintenance. He therefore, wants to make some arrangement for the livelihood of his daughter and therefore a kiosk should be allotted to her in Vikas Nagar area. He was not aware about the provision for legal guardianship under the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. He was informed that allotment of kiosk or certificate of vending can be allotted only by the Town Vending Committee which, according to the

respondent, is yet to be constituted. He has been advised to be in contact with the Office of Dy. Commissioner, SDMC, Shivaji Place, Sahib Singh Verma Nigam, Mahabhawan, near West Gate Mall Rajouri Garden, New Delhi-110027 for certificate of vending. He was also advised to contact the Office of District Magistrate, (South West), Old Terminal Tax Building Kapashera, New Delhi-37 for appointment of legal guardian in respect of Ms. Sunita Kumari under the National Trust Act.

5. District Magistrate (South West) and Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities are advised to make necessary arrangement for appointment of legal guardian in respect of Ms. Sunita Kumari subject to eligibility and submit an action taken report 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.

6. The matter is disposed of.

7. Given under my hand and the seal of the Court this 10th day of July, 2018.

(T.D. Dhariyal)
State Commissioner for Persons with Disabilities

Copy to:

1. The Chairperson, National Trust, Ministry of Social Justice and Empowerment, 16B, Bada Bazar Road, Old Rajinder Nagar New Delhi – 110060.
2. The District Magistrate, (South West) Old Terminal Tax Building Kapashera, New Delhi-37.
3. Dy. Commissioner, SDMC, Shivaji Place, Sahib Singh Verma Nigam, Mahabhawan, near West Gate Mall Rajouri Garden New Delhi-110027.

