

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

Case No. 838/1092/2019/04/2261-2262

Dated: 13.05.2019

In the matter of:

Sh. Pravesh Kumar,
H-36, Gali No. 4, Brahampuri,
Delhi-110053.

....Complainant

Versus

Secretary (Revenue)/Divisional Commissioner,
Revenue Department, GNCTD
5, Sham Nath Marg,
Delhi-110054.

.....Respondent

Date of hearing: 13.05.2019

Present: Sh. Sh. Pravesh Kumar, Complainant in person.
Sh. Ajay Arora, SDM II HQ alongwith Sh. Santosh Kr. Behra,
JD (IT) for respondent.

ORDER

The above named complainant, a person with 47% locomotor disability vide his complaint dated 03.04.2019 submitted that he applied for digital disability ID card in the office of SDM, Seelampur on 13.04.2017 vide Registration No. 90800000006258 which was rejected. His second application was also rejected. The reason for rejection was that the disability is less than 50%. He further submitted that it is required for renewal of his DTC pass.

2. The complaint was taken up with the respondent vide show cum hearing notice dated 24.03.2019 under the provisions of Rights of Persons with Disabilities Act, 2016, hereinafter referred to as Act.

3. SDM-V(HQ) vide letter dated 30.04.2019 directed SDM Seelampur to submit comments and a hearing was scheduled on 13.05.2019. Sh. Santosh Kumar Behra, JD (IT) vide letter dated 11.05.2019 has submitted as under:

“With respect to the above cited subject, the under signed like to convey that Mr. Pravesh Kumar, residence of H-36, Gali no. 4, Brahampuri, Delhi-110053 has filed a complaint dated 03.04.2019 under RPWD Act 2016 to State Commissioner of Person with Disabilities. The following are Para wise/point wise comments to the Commission as follows:

1. In his complaint he has mentioned that he has applied twice at the O/o of SDM (Seelampur) for issuance of Disability Certificate. He applied on 13-4-2017 and 24-12-2018. Both the times his application was rejected. Rejection reasons were "as per e-district portal for disability below 50% the disability certificate cannot be issued".

2. In the month of April 2019, the master data in e-District portal for Types of Disabilities and the minimum percentage for each disability has been updated as per the "THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016" wherein the number of disabilities is 21 and minimum percentage is defined as 40%.

3. The master data for Types of Disabilities and the minimum percentage for each disability from e-District portal prior to April 2019 have been called from NIC; e-District team and placed at Annexure 'A'. The data is showing 50% minimum percentage under the category "Orthopedically Handicapped".

4. As per the PWD Act 1995 and PWD Act 2016, there is no disability under the category "Orthopedically Handicapped" instead "Locomotor Disability" is there.

5. Now, the applicant can apply under "Locomotor Disability" having not less than 40% Disability. The e-District software can allow generating the Disability ID including for other 20 identified type of disabilities as per the PWD Act 2016.”

4. During the hearing on 13.05.2019, Sh. Ajay Arora, SDM-II, HQ and Sh. Santosh Kumar Behra, Jt. Director (ID) stated that if the complainant accompanied them to their office, they would facilitate him to apply for digital disability ID card and he can download the card online within 15-20 days. The complainant agrees to accompany them.

5. In view of the above, the complaint is disposed of. The complainant is advised to intimate this Court by telephone/email/letter immediately on receipt of the digital disability ID card or by 31.05.2019, whichever is earlier.

6. Given under my hand and the seal of the Court this 13th day of May, 2019.

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