

**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
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. 311/1092/2018/05 /12583-12584

Dated:27/11/2018

In the matter of:

Ms. Shruti,
54, Silver Park, Gali No. 3,
Chander Nagar, Krishna Nagar,
Delhi-110051.

..... Complainant

Versus

The Director,
Department of Social Welfare,
GLNS Complex, Delhi Gate,
New Delhi-110002.

.....Respondent

Date of Hearing: 27.11.2018

Present: Ms. Shruti Aggarwal, Complainant.
Sh. Chander Gupta, Welfare Officer on behalf of the
respondent.

ORDER

The above named complaint, mother of Master Ishu Aggarwal, a person with 75% intellectual disability vide her complaint received on 29.05.2018 submitted that her son is getting the disability pension at the pre-revised rate of Rs. 1500/- per month. He is not getting the revised rate of Rs. 2500/- per month on the ground that his account is not linked with Aadhaar. She further submitted that her son becomes violent when

he is taken in front of bio-metric machine. Therefore his Aadhaar Card could not be made. Since this situation is unique, his case should be covered under Circular No. 23011/Gen./2014/Legal-UIDAI dated 24.10.2017 of the Unique Identification Authority of India (UIDAI). The said circular provides for exceptional handling mechanism and back-up identity authentication mechanisms provided in the regulations and notifications issued under Section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 which provides that:

“The Central Government or, as the case may be, the State Government may, for the purpose of establishing identity of an individual as a condition for receipt of a subsidy, benefit of service for which the expenditure is incurred from, or the receipt therefrom forms part of, the Consolidated Fund of India require that such individual undergo authentication, or furnish proof of possession of Aadhaar number or in the case of an individual to whom no Aadhaar number has been assigned, such individual makes an application for enrolment:

Provided if an Aadhaar number is not assigned to an individual, the individual should be offered alternate and viable means of identification for delivery of the subsidy, benefit or service.”

2. The complaint was taken up with the respondent vide Notice dated 11.06.2018 under the Rights of Persons with Disabilities Act, 2016 hereinafter referred to as the Act. As there was no response, a hearing was scheduled on 27.11.2018. In the meantime, the respondent vide letter dated 26.11.2018 has submitted that as per the pension record,

Aadhaar Card of Master Ishu Aggarwal has now been linked on 11.10.2018 and enhanced pension will be released with arrears w.e.f. April, 2018 as per Cabinet Decision No. 2605 dated 31.07.2018.

3. During the hearing on 27.11.2018, the representative of the respondent informed that the enhanced pension alongwith the arrears has now been credited to the account of the complainant, which the complainant confirmed.

4. The complainant also informed that as advised by this Court, she visited Aadhaar Card Centre at Pragati Maidan, where Aadhaar Card of her son was made and the same has been linked to the bank account.

5. In light of the above, the complaint is disposed of.

6. Given under my hand and the seal of the Court this 27th day of November, 2018.

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