

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

**Dated:18.09.2019**

**Dr. Alok Kumar Bhuwan,**  
Managing Secretary,  
Manovikas Institute for Higher Education,  
60-A, Radhey Puri Extention-I,  
Swami Dayanand Marg,  
Near Jagatpuri Crossing, Delhi-110051. ....Complainant

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

.....**Respondent**

The above named complainant filed a complaint dated 27.06.2019 under the Rights of Persons with Disabilities, Act 2016, hereinafter referred to as the Act and submitted that he applied twice for renewal of registration certificate of the society on 07.11.2017 and 12.03.2019 respectively and even after regular follow-ups with the Department of Social Welfare, his application for renewal of registration certificate is still pending. Due to unavailability of registration certificate, Manovikas Charitable Society has been unable to apply for any further grants and the significant number of persons with disabilities are deprived to avail the opportunities of services due to such delay.

2. The complaint was taken up with the respondent vide Show Cause Notice dated 11.07.2019 followed by reminder dated 23.08.2019.
3. The respondent vide their letter dated 05.09.2019 submitted as under:-

*“1.The complainant Dr. Alok Kumar Bhuwan, Managing Secretary, Manovikas Institute for Higher Education had applied for the first time for renewal of registration certificate under the Rights of Persons with Disabilities Act, 2016 on 07.11.2017. At that time the Delhi Rules was not notified under the new Rights of Persons with Disabilities Act, 2016. Hence process of renewal of certificate of the said NGO was not initiated by this branch.*

*2. The Delhi Rights of Persons with Disabilities Rules, 2018 was notified on 27<sup>th</sup> December, 2018 and wide publicity was given through flashing advertisement in leading newspapers and on department website drawing attention to NGOs/Voluntary Organisations to apply for registration under the new Rights of Persons with Disabilities Act, 2016.*

*3. The said NGO applied for seeking registration under the new Rights of Persons with Disabilities Act, 2016 on 12.03.2019 and the file of the NGO was sent to the concerned District Officer, East on 29.03.2019 for inspection and verification of the NGO for issuing registration certificate under the RPwD Act, 2016.*

4. *The file of the said NGO was received from the District Officer, East on 05.04.2019, however, the file was returned back to the concerned District Officer, East on 09.04.2019 to carry out inspection of the said NGO with at least one Gazetted Officer in the team as per guidelines.*
5. *The file of the said NGO was received in this branch on 12.07.2019 from the concerned District Officer, East recommending the case fit for issuing registration Certificate under the RPwD Act, 2016.*
6. *In the meantime file was sent o the Law Department, GNCTD for seeking their advice/clarification on the matter of issuance of certificate of registration under Rule 21 of the Delhi RPwD Rules, 2018 since post of Joint Director, Technical and Spl. Director in the Department of Social Welfare is lying vacant, as to who will be the competent authority who is next in the hierarchy. The Law Department clarified that word hierarchy denotes ascending chain of power or authority and hence the Director (SW) shall be the competent authority. The file was received from the Law Department, GNCTD back on 30.07.2019 to this Department.*
7. *The case of the said NGO was accordingly put up for the approval of Director, Social Welfare, who is the competent authority next in the hierarchy on 06.06.2019.*
8. *After the approval of the competent authority, the NGO, Manovikas Charitable Society, 60-A, Radhey Puri Extension-I, Swami Dayanand Marg, Near Jagatpuri*

*Crossing, Delhi-51 has been issued Registration Certificate under Rule 22(8)(a) of the Delhi Rights of Persons with Disabilities Rules, 2018 on 27.08.2019 for a period of 5 years w.e.f. 26.08.2019 to 25.08.2024.”*

4. The respondent also submitted copy of the registration certificate issued to the complainant alongwith their reply dated 05.09.2019 with a copy to the complainant.

5. The complainant vide his letter dated 12.09.2019 has submitted as under:-

- “1. The process and time line of the notification of the Delhi Rules on RPD Act, 2016 was not informed by the Department to Manovikas Charitable Society therefore we were not aware of the action taken on the first application submitted for registration on 07.11.2017. The set of application was pending in the Department for 595 days as on we proceed the application in this Court.*
- 2. The organisation was waiting for the reply and status of action taken on the first application even after the notification of Delhi Rules and advertisement to save environmental avoid multiple wastage of papers and manpower.*
- 3. In the reply of Para 4 to 8, the process of the second application, dated 12.03.2019 is described and due to lack of inter-departmental coordination our application took more than 104 days as on date of Complaint to this Court and 164 days to issue the Registration Certificate. Under The Rights of Persons with Disabilities Act, 2016, clause of Chapter IX of 51(2) grant of certificate of registration to the applicant within a period of ninety days was not fulfilled.*

4. *The Registration Certificate issued on dated 27 August, 2019 having secretarial errors like the Department's Name is not mentioned on the top and the rubber stamp of the Competent Authority is inappropriately placed. While applying to any other Department Agency including international Organisations, this Registration Certificate may criticize.*

5. *Trust, after intervention of this Court and with provided Registration Certificate the Manovikas Charitable Society shall be able to apply for any further grants and significant number of persons with disabilities shall be able to avail the opportunities of services."*

6. As the registration certificate has been issued, the complaint is disposed of with the recommendation that the respondent department may re-issue the registration certificate with appropriate corrections as pointed out by the complainant.

7. Given under my hand and the seal of the Court this 18<sup>th</sup> day of September, 2019.

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