

Chapter 1 - Introduction

1.1 Background of Information Handbook

This Information Handbook has been prepared in pursuance of Section 4 of the Right to Information Act, 2005 (RTI Act, 2005) to provide information in respect of powers, duties and functions of the Office of the Commissioner for Persons with Disabilities, Govt. of NCT of Delhi set up under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 2016 (PwDs Act 2016).

1.2 Objectives

- To provide access to information under the control of Office of the Commissioner for Persons with Disabilities, GNCTD and to promote transparency and accountability in the working.
- To provide maximum information suo moto or sources thereof so that people have minimum resort to use of the RTI Act.

1.3 Intended Users

This handbook is useful for the persons with disabilities, their guardians, Voluntary Organizations and individuals working in the field of disability and Central/State Government Organizations.

1.4 Contact persons for getting more information

Please contact Shri M.M Vidyarthi, Deputy Commissioner and Shri. S.H Hussain, Superintendent in the Office of the Commissioner for Persons with Disabilities for getting more information by post, e-mail, telephone or fax at the following address:

Office of the Commissioner for Persons with Disabilities,
Government of National Capital Territory of Delhi,
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi - 110 002
Tele # 011-23216002, 23216003, 23216004; Fax # 011-23216005,
E-mail: comdis.delhi@nic.in,
Website: www.discomm.delhi.gov.in

1.5 Definitions/Abbreviations used

- "RTI Act" means Right to Information Act, 2005.
- "PwD Act" means Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- "PwD Rules" means Delhi Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 2001;
- "Office of the CPD" means Office of the Commissioner for Persons with Disabilities, Government of National Capital Territory of Delhi set up under the PwD Act;
- "PwD Act" means Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 2016;
- "PwD Act" means Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 2017;
- "Commissioner for Persons with Disabilities" means an officer appointed under Section 60(1) of the PwD Act;
- "PIO" means Public Information Officer designated under Section 5(1) of the RTI Act;
- "APIO" means Assistant Public Information Officer designated under Section 5(2) of the RTI Act;
- "Appellate Authority" means the authority to whom an appeal can be submitted under Section 7(8)(iii) of the RTI Act.

1.5 Procedure and fee structure for getting information not available in the handbook

Any person who wishes to seek information under the Right to Information Act, 2005 can file an application in Form-A, attached with this Handbook, to the Public Information Officer or Assistant Public Information Officer of Office of the CPD. Forms are available at free of cost in the Office of the CPD, GNCTD. It can also be downloaded from the website of the Office of the CPD, GNCTD.

A nominal application fee of Rs.10/- per application will be charged by way of cash against proper receipt or postal order payable to "Drawing & Disbursing Officer, Office of the Commissioner for Persons with Disabilities, Govt. of NCT of Delhi" for supply of information other than the information relating to Tender Documents/Bids/Quotations/Business Documents in addition to the cost of document or the photocopies of document/information, if any. For Tender Documents, an application fee of Rs. 500/- per application will be charged. A sum of Rs. 2/- per page will be

charged for supply of photocopy of document(s) under the control of Office of the CPD, GNCTD.

No fee shall be charged from the persons who are below poverty line on submission of photocopy of the BPL card issued by the Competent Authority

Chapter 2 - Particulars of Organization, Functions and Duties

2.1 Particulars of the organization

The meeting to launch the Asian and Pacific Decade of Disabled Persons 1993-2002 was convened by the Economic and Social Commission for Asia and Pacific (ESCAP) at Beijing in December, 1992, which adopted the Proclamation on the Full Participation and Equality of People with Disabilities in Asian and Pacific Region. India is a signatory to the said proclamation. Therefore, in order to implement the Proclamation, Government of India enacted The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (hereinafter referred to as the Persons with Disabilities Act), which came into effect from 7th February 1996.

It has been provided in the PwD Act that there shall be a Commissioner for Persons with Disabilities in every State. Accordingly, Office of the Commissioner for Persons with Disabilities, GNCT was established and started functioning in Delhi since August, 2009 with independent charge till then the Department of Social Welfare was looking after the functions of Office of the Commissioner for Persons with Disabilities. At present the office is located at 25-D, Mata Sundri Road, Near Guru Nanak Eye Centre, New Delhi-110 002 w.e.f. 25.05.2013. Earlier the office was working from a temporary location at Department of Women & Child Development Complex, 1, Canning Lane, K.G Marg, New Delhi-110001.

2.2 Powers of the Commissioner for Persons with Disabilities

As per Section 63 of the PwD Act, the Commissioner has powers as are vested in a court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely -

- summoning and enforcing the attendance of witnesses;
- requiring the discovery and production of any document;
- requisitioning any public record or copy thereof from any court or office;
- receiving evidence on affidavits; and
- issuing commissions for the examination of witnesses or documents.

Every proceeding before the Commissioner for Persons with Disabilities shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code and the Commissioner the Competent Authority shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

Being the Head of the Department, all administrative and financial powers are vested in the Commissioner for Persons with Disabilities or in his/her absence, the Secretary

(Social Welfare), GNCTD is the competent authority or duly authorized by the Government.

The Commissioner is assisted by Dy. Commissioner, Superintendent, Welfare Officers and other staff members for discharging his/her duties.

2.3 Functions of the Commissioner for Persons with Disabilities

The functions of the Commissioner, as defined in Section 61 and 62 of the Act are as under –

The Commissioner within the State shall-

- co-ordinate with department of the State Government for the programmes and schemes for the benefit of persons with disabilities;
- monitor the utilization of funds disbursed by the State Government;
- take step to safeguard the rights and facilities made available to persons with disabilities;
- submit reports to the State Government on the implementation of the Act at such intervals as that Government may prescribe and forward a copy thereof to the Chief Commissioner;
- Look into the complaints, on his/her own motion or on the application of any aggrieved person or otherwise, with respect to the following matters:
 - deprivation of rights of persons with disabilities; non-implementation
 - of laws, rules, bye-laws, regulations, executive orders, guidelines or instructions made or issued by the appropriate Governments and the local authorities for the welfare and protection of rights of persons with disabilities and take up the matter with the appropriate authorities.

2.4 Mission/Vision Statement

Vision

Delhi, which place its citizens with disabilities on the same platform as the non-disabled citizens.

Mission

- To protect the rights of persons with disabilities
- To create Equal opportunities for Full Participation of Persons with Disabilities so that they can lead a life of Equality and Dignity.
- To promote an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities.

2.5 Mechanism available for monitoring the service delivery and procedure for redressal of public grievance

For monitoring and reviewing the status of implementation of the PwD Act, reports are called from various concerned departments/organizations/PSUs under Govt. of NCT of Delhi. Besides this, Office of the Commissioner for Persons with Disabilities also conducts inspection of Aided NGOs for monitoring of funds disbursed by the Govt. of NCT of Delhi and Access Audits for ensuring barrier free environment of public buildings etc. from time to time.

Office of the Commissioner for Persons with Disabilities, on its own motion or on the application of any aggrieved person takes up the matter related to non-implementation of Act, Rules, Laws, Instructions issued by the Government organizations, etc. with the concerned organizations.

The procedure for submission of a complaint before the Commissioner for Persons with Disabilities has been prescribed in Rule 49 of the Delhi Persons with Disabilities (Equal Opportunities, Protection of Rights and full Participation) Rules, 2001, which is as under-

1. A written complaint containing the following particulars shall be presented by the complainant in person or by his agent to the Commissioner for Persons with Disabilities or shall be sent by registered post addressed to the Commissioner:-
 - a) The name, description and the address of the complainant;
 - b) The name, description and the address of the opposite party or parties as the case may be, so far as they can be ascertained;
 - c) The facts relating to complaint and when and where it arose;
 - d) Documents in support of the allegations contained in the complaint;
 - e) The relief which the complaint claims;
2. The Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party/parties mentioned in the complaint directing him/her/them to give his/her/their version of the case within a period of 30 days or such extended reasonable period as may be granted by the Commissioner.
3. On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the Commissioner;
4. Where the complainant or his agent fails to appear before the Commissioner on such days, the Commissioner may in his/her discretion either dismiss the complaint on default or decide on merits;
5. Where the opposite party or his agent fails to appear on the date of hearing the Commissioner may take such necessary action under Section 63 of the Act as

- he/she deems fit for summoning and enforcing the attendance of the opposite party;
6. The Commissioner may, however, decide to dispose of the complaint *ex parte* also.
 7. The Commissioner may on such terms as he/she deems fit and at any stage of the proceedings, adjourn the hearing of the complaint;
 8. But the complaint shall be decided, as far as, possible, within a period of three months from the date of notice received by the opposite party.

In accordance with the above procedure, the complaints received by post, facsimile or e-mail are put up to the Commissioner/Deputy Commissioner by Welfare Officers or other designated officer.

Use of e-mail/fax is encouraged even for filing complaints which prioritized according to the nature of the issue. For example,

Cases relating to admissions in reserved quota under Section 39 of the Act, recruitment, entrance examinations, etc. are taken up immediately with the concerned organisations by adopting the fastest mode of communication such as telephone, email, fax, speed post in an effort to ensure that the complainant gets relief in the same academic year/examination process. In case any request for information or clarification is received by fax/e-mail, it is disposed of with approval of the Commissioner immediately by return fax/e-mail. Other cases of complaints received by post/fax/email which require detailed examination are marked by the Commissioner/Dy. Commissioner to the Superintendent who do the filing and liaising work.

Cases of *prima facie* violation of provisions of the PwD Act, Rules & Regulations or deprivation of rights of persons with disabilities, are examined and registered under Section 62 of the PwD Act and notices of complaint to show cause are issued to the respondents.

The show cause notices are quite detailed pointing out the violation of the relevant provision of the Section of the Act, Rules, Regulations etc. and the possible remedial action that the respondent should take. If the remedial action is taken, the case is disposed of at that stage itself and appropriate order is passed. In other cases, on receipt of the replies of the opposite parties, the complainant is given the opportunity to file rejoinder. Thereafter, parties are given personal hearings by issuing summons under Section 63 of the PwD Act. On compliance of interim direction/advice, the cases are disposed of by passing final orders.

Office of the Commissioner also *suo motu* takes up on the basis of advertisements released by the establishments. Most of these cases pertain to violation of Section 33 and 39 of the Persons with Disabilities Act which relate to reservation of vacancies in

appointments and reservation of seats in admission to various courses of studies conducted by Government or Government aided educational institutions.

A number of persons with disabilities or their representatives are also given personal hearings even without any written complaint or prior appointment. Often, Complainants are assisted by the Officers and Staff Members in preparing representations/complaints and are also counseled.

Chapter 3 - Rules, Regulations, Instructions, Manual and Records for Discharging Functions

3.1 The list of Rules, Regulations, Instructions, Manual and records, held by the Office of Commissioner for Persons with Disabilities under its control or used by its employees for discharging functions is as under -

- a) The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- b) The Delhi Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 2001.
- c) Notifications, Instructions issued by various Ministries/Departments of Govt. of India for persons with disabilities.
- d) Service/Administrative/Financial Rules.

The documents mentioned at (a) & (b) above are under the control of Office of Commissioner for Persons with Disabilities, GNCTD copies of which can be obtained at prescribed cost (Rs. 2 per page) by making written request to the PIO. However some of the relevant Notifications, Rules, Instructions, etc. have been posted in the website of Office of the CCPD and Printouts can be taken from it.

Chapter 4 - Particulars of Public Information

Officers 4.1 Name of Public Authority –

Office of the Commissioner for Persons with Disabilities, GNCTD.

4.2 Public Information Officer -

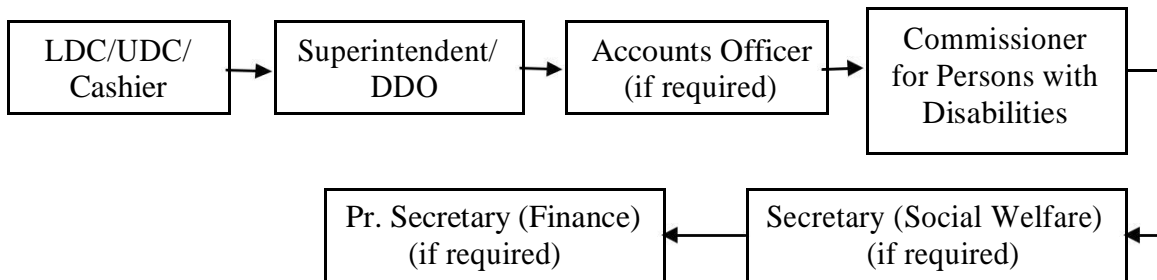
Shri S.H Hussain,
Superintendent,
Office of Commissioner for Persons with Disabilities
Govt. of NCT of Delhi,
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi - 110 002
Tele # 011-23216004; Fax # 011-23216005,
E-mail: comdis.delhi@nic.in,
Website: www.discomm.delhi.gov.in

4.3 First Appellate Authority -

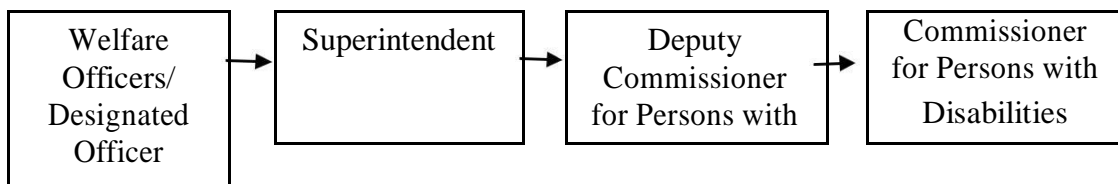
Shri T.D Dhariyal, Commissioner for Persons with Disabilities,
Office of Commissioner for Persons with Disabilities
Government of National Capital Territory of Delhi,
25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi - 110 002
Tele # 011-23216002; Fax # 011-23216005,
E-mail: comdis.delhi@nic.in,
Website: www.discomm.delhi.gov.in

Chapter 5 - Procedure followed in Decision Making Process

For Administrative & Accounts matters,



For Legal matters & Grievances,



5.1 Procedure of Handling Receipt and Decision Making Process

All receipts/papers are first seen by the Commissioner for Persons with Disabilities and then marked to the Superintendent/concerned Officers-in-charge of Administration/Accounts sections, who further deal with the receipts handed over.

The officials put up the receipts in the concerned file and submit to the Superintendent and then to Commissioner for Persons with Disabilities. Depending upon the nature of the matter, the Superintendent dispose these of at his/her level or submit these to the Commissioner with his/her comments for further direction/decision. After the direction/decision, the file is returned to the concerned officer in charge and reply is communicated to the concerned person.

Form 'A'
Form of application

PIO from which information is required

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- Contact Details
 - Name of the Applicant
 - (a) Mailing Address
 - (b) Tel No.....
 - (c) E-mail
 - Whether a citizen of India: Yes /No
- Details of information sought (Please tick)
 - Nature of Information sought:
 - Life & liberty of the person*
 - Other than (a)
 - Type of information required:
 - Copy of documents : Yes/No
 - Inspection of records : Yes/No
 - Sample of material: Yes/No
 - Other information: Yes/No
 - (a) Whether information sought relates to third party: Yes/No
 - (b) If yes his/her name & address
 -
 -
-
-
-
-
-
- Time period for which information is required
- Whether applicant belongs to BPL Category: Yes/No
If yes, proof of BPL attached: Yes/No
- Details of fee paid: Rs.

Signature of the applicant

* Application may preferably be submitted directly to the Public Information Officer concerned to avoid delay.