

**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. 1061/1141/2019/08/5395-5396

Dated: 11.09.2019

In the matter of:

Sh. Kapil Kumar Aggarwal,
National President,
Federation of Disabled Rights,
G-332, Mangolpuri,
New Delhi-110083.

..... Complainant

Versus

The General Manager
DSFDC,
Ambedkar Bhawan, Sector-16,
Rohini,
Delhi-110085.

.....Respondent

Date of Hearing: 09.09.2019

Present: Sh. Kapil Kumar Aggarwal, complainant in person.
Sh. A.K. Bhatnagar, Manager Financial and Planning and
Sh. Amarjit Singh, Assistant Manager for respondent.

ORDER

The above named complainant, a person with 65% locomotor disability and National President, Federation for Disabled Rights vide his letter dated 05.03.2018 submitted that there is no representative of persons with disabilities as Member of the Board of Directors of SC/ ST/ OBC/ Minorities/ Handicapped Financial & Development Corporation of Delhi. He requested that necessary directions may be issued to Delhi

Govt. to nominate a representative of persons with disabilities as Member of the said Board.

2. The matter was taken up with the General Manager, DSFDC vide letter dated 21.05.2019 followed by letters dated 04.07.2019 and 06.08.2019 that a person with disabilities should be included in the Board of the said Corporation.

3. A hearing was scheduled on 09.09.2019. In the meantime, vide letter dated 13.08.2019 the respondent submitted as under:

"Sir,

This is with reference to your letter No. 07/1772/2018-Wel/CD/3214 dated 04/07/2010 on the subject cited above. In this regard I am directed to inform you that as per Clause 53(1) of Article of Association of DSFDC (copy enclosed), it is provided that "the number of Directors of the Company shall not be more than thirteen(13) and less than three(3) provided that not less than three(3) Directors shall belong to Scheduled Caste, One(1) Director shall belong to Other Backward Classes, One (1) Director shall belong to Scheduled Tribes, One (1) Director shall belong to Minorities and Secretary (SC/ST/OBC/Minorities) shall also be a director out of the thirteen(13) Directors appointed by the Lt. Governor."

Further as on date there are 13 directors on the Board of DSFDC as per notification placed opposite in the file. As per the notification, the then Chairman Sh. Sandeep Kumar has been replaced with the Present Chairman Sh. Rajender Pal Gautam and Sh. Sanjeev Tanwar, Director and representative of OBC has been replaced by Sh. Chand Panchal. Not only this, the Chairman cum Managing Director of National Handicapped Financial & Development Corporation is also one of the directors to look after the interest of persons with disability. Hence as on date the Board of DSFDC has the full strength and has is no scope for addition.

This is for your information please.

Thanking you

Yours faithfully,

(A.P. Singh)
Dy. Manager

4. On the date of hearing, the representative of respondent, Sh. A.K. Bhatnagar, Manager (Planning) F&A submitted that the matter was examined in detail and put up to Hon'ble LG through Department of Welfare of SC/ST/OBC/Minorities, GNCT of Delhi, the Administrative Department. It was decided that CMD, National Handicapped Finance Development Corporation (NHFDC) may be included as one of the Directors of the Corporation who will take care of the interest of persons with disabilities. They also informed this Court vide letter dated 25.09.2018. However, the said letter is not available in the case file. Since the complainant was also not provided a copy of the said replies, the matter was further pursued and a hearing in the matter had to be scheduled.

5. The complainant submitted that the issues concerning persons with disabilities can better be put forth by persons with disabilities themselves and therefore a member with disability should represent their interests.

6. While CMD, NHFDC will watch and safeguard the interests of persons with disabilities as does the respondent organization, it is a fact that a person who has the lived experience of disability would better be in a position to effectively put forth the interests of persons with disabilities.

7. In view of the above, it is recommended genuine efforts should be made to appoint a person with disability who has good knowledge and experience about the issues concerning the rights of persons with

disabilities in Delhi whenever the next vacancy of any Director is filled up.

8. The matter is disposed of.

9. Given under my hand and the seal of the Court this 11th day of September, 2019.

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