

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
DELHI URBAN SHELTER IMPROVEMENT BOARD
PUNERVAS BHAWAN, I.P. ESTATE, NEW DELHI-110002
(Administration Branch)


No.GA/1076/7/Admn./2018/D-695

Date: 05.11.2020

Subject: Policy Guidelines for the implementation of Section 37 of RPwD Act. 2016.

Kindly find enclosed herewith a copy of letter vide No. F.No.82/1048/Misc/ADIII/DSW/2015/Pt. I/9681-9706 dated 26.10.2020 received from Department of Social Welfare, Govt. of NCT of Delhi, alongwith a copy of letter vide No. F.No.82/1222/AD-III/DSW-18-19/986-923 dated 9th April 2019 on the subject cited above for information and further necessary action.

Encl: As above.


Dy. Director (Admn.)

Distribution:

1. Shri R.K. Gosain, Dy. Director/Nodel Officer, RPwD.
2. S.E (Coordn.)
3. Dy. Director (Land/Housing/Allotment/Rehab/IAL)
4. Dy. Director (IT) to upload in Notice Board.

Copy for information to:

1. PS to CEO (DUSIB)
2. PS to Member (Admn.).

Diary No. 377 00 (IT)
Date: 5/11/2020
Computer Division (DUSIB)
Govt. of NCT of Delhi

R-3508/DD(A)/2020^{6P}
28/X/2020

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G-1466
27/10/2020

R 7014/Cx
27/10/20
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DEPARTMENT OF SOCIAL WELFARE
GOVERNEMENT OF NCT OF DELHI
GLNS COMPLEX, DELHI GATE, NEW DELHI
(Persons with Disabilities Welfare Branch)

F.No: 82/1048/Misc/ADIII/DSW/2015/ Pt.I/ 9681-9706 Date: 26 OCT 2020

Sub: Policy Guidelines for the implementation of Section 37 of RPwD Act 2016

Attention is drawn to provisions of Section 37 of RPwD Act 2016 which specifies that "The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,— (a) five per cent. reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities; (b) five per cent. reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities; (c) five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres".

The Department of Social Welfare has framed policy guidelines for implementation of Section 37 of RPwD Act 2016 the same were circulated to all stakeholders vide letter No. F.No.82/1222/AD-III/DSW-18-19/896-923 dated 9th April 2019 (Copy Enclosed).

The Guidelines are once again being enclosed with this letter for amending their existing schemes and while formulating new schemes that can be considered as Developmental Schemes/Programmes for poverty alleviation, allotment of land, concessional allotment of land, housing etc wherein reservation for Persons with Benchmark Disabilities as per the provisions of Section 37 of the Rights of Persons with Disabilities Act, 2016, so that the Rights of PwDs are protected in the matter of land allotment, allotment of kiosks etc.

Encl. As Above

Ira Singhal IAS
Joint Director, (SW)
20/10/2020

F.No. 82/1048/Misc/ADIII/DSW/2015/ Pt.I/ 9681-9706 Date: 26 OCT 2020

Copy to:

1. The Pr. Secretary, Department of Public Works, 5th Level, B-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
2. The Pr. Secretary, Department of Urban Development, 9th Level, C-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
3. Principal Secretary (Education), Directorate of Education, Old Secretariat, Delhi-110054.
4. The Pr. Secretary, Department of Health & Family Welfare, 9th Level, A-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
5. The Pr. Secretary, Department of Development, 5/9 Under Hill Road, Delhi-110054
6. The Pr. Secretary, Department of Tourism, 176-183, Old Secretariat, Delhi-110054.
7. The Pr. Secretary, Department of Land & Building, B-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002.
8. The Pr. Secretary, Department of Higher Education, B-Wing, 2nd Floor, 5, Sham Nath Marg, Delhi-110054.
9. The Secretary, Department for the Welfare of SC/ST/OBC/Minorities, B-Block, IInd Floor, Vikas Bhawan, I.P. Estate, New Delhi-110002.

Matter does not relate to Admin Branch.
It may be circulated in SWSB pl.
Dr. Sr. (Admin.) Please circulate

AD Admin

29/10/2020

M Admin

D Admin

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20/10/20
F. No. 82/1048/Misc/ADIII/DSW/2015/ Pt.I/ 9681-9706

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10. The Commissioner, South Delhi Municipal Corporation, Dr. SPN Civic Centre, Minto Road, New Delhi.
11. The Commissioner, North Delhi Municipal Corporation, Dr. SPN Civic Centre, Minto Road, New Delhi.
12. The Commissioner, East Delhi Municipal Corporation, 419, Udyog Sadan, Patparganj Industrial Area, New Delhi-110096.
13. The Chairman, New Delhi Municipal Council, Palika Kendra, Sansad Marg, New Delhi.
14. The Commissioner, Department of Food Supplies & Consumer Affairs (General Branch), Vikas Bhawan, 207, K-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002.

15. The Divisional Commissioner, Department of Revenue, Office of Divisional Commissioner, 5, Sham Nath Marg, Delhi-110054.
16. The Commissioner, Department of Transport, 5/9 Under Hill Road, Delhi-110054.

17. The Secretary cum Commissioner, Department of Labour 5, Sham Nath Marg, Delhi-110054.
18. The Pr. Secretary, Department of Training & Technical Education, Muni Maya Ram Marg, Pitampura, Delhi-110034
19. The Commissioner, Department of Industries, 419, F.I.E. Udyog Sadan, Patparganj, Industrial Area, New Delhi -110092.
20. The Chief Executive Officer, Delhi Jal Board, Varunalaya, Phase-II, Karol Bagh, New Delhi.
21. The Director, Department of Women & Child Development, 1, Canning Lane, K.G. Marg, New Delhi-110001.
22. The Chairman, Delhi State Industrial & Infrastructure Development Corporation Ltd. The Chairman, Delhi State Industrial & Infrastructure Development Corporation Ltd. (Plot No. F.I.E.-419, Patparganj Industrial Area, Udyog Sadan, Delhi.
23. The Director (Employment), Directorate of Employment, C - Block, 5 Sham Nath Marg, Delhi-110054.
24. The Chief Executive Officer, Delhi Urban Shelter Improvement Board, GNCTD, Punarwas Bhawan, I.P. Estate, New Delhi - 110002.
25. Chairman, Delhi Metro Rail Corporation, Metro Bhawan Fire Brigade Lane, Barakhamba Road, New Delhi - 110001.
26. Chairman, Delhi Development Authority, A-Block, 1st Floor, Vikas Sadan, Near INA Market, New Delhi-23.


20/10/2020
Ira Singh IAS
Joint Director, (SW)

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF SOCIAL WELFARE
GLNS Complex, Firoz Shah Kolla,
Delhi Gate, New Delhi
(Persons with Disability Welfare Branch)

23724493 (tel.)

F. No. 82/1222/AD-III/DSW/2018-19/896 - 923

Dated:

15 APR 2019

Sub : Policy Guidelines to amend existing schemes/formation of new schemes as per the provisions of Section 37 of the Rights of Persons with Disabilities Act, 2016

The Hon'ble High Court of Delhi in its order dated 17-01-2018 in the matter of Inderjeet Kaur Vs GNCTD & Ors, in case No. WP(C) 7561/2016 had directed that a policy be framed for implementation of Section 37 of the Rights of Persons with Disabilities Act, 2016 and while framing the policy, the framers should give weightage to the following parameters :

- Degree of disability.
- Eco System in which the disabled persons is placed.
- The period for which the incumbent has been in occupation of a given kiosk/structure.
- The financial capacity of the Person with Disability (PwD).
- All Source of income available with PwD.

The said directions were in the context of a scheme being operated by the Department of Health and Family Welfare, GNCTD for allotment of Kiosks.

As per Section 37 of the RPwD Act 2016- the appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,—

- a. **five per cent. reservation** in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;
- b. **five per cent. reservation** in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;
- c. **five per cent. reservation** in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centers.

In compliance of the aforementioned directions of the Hon'ble High Court of Delhi, the following Policy Guidelines have been framed by the Department of Social Welfare, GNCT of Delhi to implement the provisions of Section 37 of the RPwD Act 2016:-

- 1) The 5 per cent reservation applicable for persons with bench mark disabilities as defined in section 2(r) of the Rights of Persons with Disabilities Act, 2016 shall be implemented on the basis of roster of 100 points and each cycle of 100 points shall be divided into five blocks, comprising the following points:

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- 1st Block - point No. 01 to point No. 20
 2nd Block - point No. 21 to point No. 40
 3rd Block - point No. 41 to point No. 60
 4th Block - point No. 61 to point No. 80
 5th Block - point No. 81 to point No. 100

- 2) Point no. 1, 21, 41, 61 & 81 of the roster shall be earmarked for PwBDs. After Completion of the 1st Cycle of 100 points, any vacancy created due to an allottee/allottees giving up the allotment for any reason, shall be allocated to a PwBD against the points reserved for PwBDs in the second cycle of 100 points roster.
- 3) The parameters and weightage to be accorded to each parameter in implementing any scheme wherein reservation of 5% is provided to persons with bench mark disability (PwBDs) shall be as under:-

Sl. No	Parameters	Weightage	In the Scale of 10 points
1.	Degree of disability	<ul style="list-style-type: none"> • 40% to 59% = 02 points • 60% to 79% = 04 points • 80% and above = 06 points 	06
2.	Gender	<ul style="list-style-type: none"> • Male = 01 point • Female = 02 points 	02
3.	Having more than one or more than one dependent family member with benchmark disability other than applicant.	<ul style="list-style-type: none"> • One dependant family member with benchmark disability = 01 point • More than one dependant family member with bench mark disability = 02 points 	02
	Total		10

- 4) In case of tie between Persons with benchmark disability in terms of weightage points, the allotment should be decided by draw of lots.
- 5) Income criteria for availing the benefit of 5 % reservation under the Schemes of the GNCT of Delhi shall be fixed by the Individual department as per its assessment and requirement.
- 6) There shall be provision for transferring the kiosk to the dependant parent/spouse/child/sibling with benchmark disability in the event of the death of the allottee.
- 7) The applicant shall give a declaration at the time of applying under the Scheme that he/she has not availed the benefit of 5% reservation for PwBD under any other Government Scheme of similar nature.

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- 8) 5% reservation shall be given separately for PwBDs in each category of allotment, such as allotment of plot, flat, shop or any commercial unit etc.
 - 9) Person with benchmark disability having intellectual disability/neurological disorder/multiple disabilities should be allowed to run the kiosk with the support or assistance of one of their family members.
 - 10) In case of requirement of bidding under a scheme, it shall be ensured that bidding is held amongst Person with benchmark disability only.
 - 11) All Departments/Autonomous Institutions/Local Bodies and Corporations **shall strictly follow the aforesaid Policy guidelines** for amending their existing schemes and while formulating new schemes that can be considered as Developmental Schemes/Programmes for poverty alleviation, allotment of land, concessional allotment of land, housing etc wherein reservation for Persons with Benchmark Disabilities as per the provisions of Section 37 of the Rights of Persons with Disabilities Act, 2016 is to be implemented.

This issues with the prior approval of Secretary, Social Welfare.

9c
A. Madhavi
09/4/19
(Dr. A. Madhavi)
Dy. Director(Disability)

F. No. 82/1222/AD-III/DSW/2018-19/

Dated:

11 APR 2019

1. The Pr. Secretary, Department of Public Works, 5th Level, B-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
2. The Pr. Secretary, Department of Urban Development, 9th Level, C-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
3. Principal Secretary (Education), Directorate of Education, Old Secretariat, Delhi-110054.
4. The Pr. Secretary, Department of Health & Family Welfare, 9th Level, A-Wing, Delhi Secretariat, I.P. Estate, New Delhi-110002.
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25. Chairman, Delhi Metro Rail Corporation, Metro Bhawan Fire Brigade Lane, Barakhamba Road, New Delhi – 110001.
26. Chairman, Delhi Development Authority, A-Block, 1st Floor, Vikas Sadan, Near INA Market, New Delhi-23.

Copy for information forwarded to:

1. State Commissioner for Persons With Disabilities, Office of the Commissioner for Persons with Disabilities, GNCTD, 25-D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-110002.
2. P.A to Secretary, Department of Social Welfare, GNCTD, GLNS Complex, Delhi Gate, New Delhi-02.

A. Madhavi
(Dr. A. Madhavi) 9/4/19
Dy. Director(Disability)