



न्यायालय मुख्य आयुक्त निःशक्तजन
Court of Chief Commissioner for Persons with Disabilities
सामाजिक न्याय एवं अधिकारिता मंत्रालय
Ministry of Social Justice & Empowerment
निःशक्तता कार्य विभाग / Department of Disability Affairs

Case No.109/1015/12-13

Dated:- 10.06. 2014

Shri Alok Kumar
(Blind Workers Union)
C/o Shri Sujit Kumar,
Type-III/300, Ayurvigyan Nagar,
Near Ansal Plaza, New Delhi-110049.

.... Complainant

Versus

National Federation of the Blind,
(Through Shri S.K. Rungta,
General Secretary)
Plot No. P-21, Sector-VI,
M.B. Road, Pushp Vihar,
New Delhi – 110017.

... Respondent

Date of hearing :- 27.01.2014, 25.04.2014, 28.05.2014

Present :

27.01.2014

1. Shri Alok Kumar, complainant alongwith Shri Ramnath Singh, Blind Workers Union.
2. Shri Inder Singh, Vice President, NFB, on behalf of the respondent.

25.04.2014

1. Shri Alok Kumar, complainant alongwith Shri Ramnath Singh, Blind Workers Union.
2. Shri Inder Singh, Vice President, NFB, on behalf of the respondent.

28.05.2014

1. Shri Alok Kumar, complainant alongwith Shri Ramnath Singh, Blind Workers Union.
2. Shri Inder Singh, Vice President, NFB and Shri S.C. Dhyan, on behalf of the respondent.

ORDER

The above named complainant of Blind Worker Union filed a complaint dated 30.11.2011 which was received through Ministry of Social Justice and Empowerment vide letter No.34-2/2012-DD III dated June, 2012 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the Act regarding exploitation of Blind workers in National Federation of the Blind, Mundka, Faridabad.

2. The complainant inter-alia submitted that blind workers are being exploited by National Federation of the Blind, who employees them in its various production units. Workers are being denied basic rights like minimum wages, overtime, compensation, bonus, provident fund, casual leave etc.

.....2/-

3. The matter was taken up under section 59 of the Act with the National Federation of the Blind, New Delhi vide letter dated 23.04.2013 followed by reminder dated 21.06.2013.

4. In response, Shri S.K. Rungta, General Secretary, NFA vide letter dated 03.07.2013 inter-alia submitted that the complainant organization being an unregistered organization cannot maintain the present complainant as it is not a legal entity and the present complaint does not bring out any discrimination on the ground of disability or deprivation of rights on the ground of disability. As such, this Court may not take cognizance and not exercise powers u/s59 of the PwD Act. He further submitted that they have undertaken a project calling Training cum Production Centres in which largely illiterate or less educated blind who also are either overage for getting the Govt. job or are at the verge of becoming overage, are being trained first in the manufacturing of consumable items. During the period of training they have been paid stipend @ 85/-. Initially one such centre was opened at Tikri Border, Delhi in April, 2005 which was later shifted to Mundka in April, 2007 and about 50 persons were trained. After their training at the request of the tr and keeping in view lesser possibility of their getting employment elsewhere Federation agreed to allow them to manufacture the said products using infrastructure created by NFA. In the beginning, they were being paid on the basis of the production but since their output was very low therefore, the Federation took the honorarium decision to provide them with atleast 3300/- p.m. However, their production did not increase and Federation continue to sustain losses which were increased year by year.

5. He further submitted that in this background Federation issued circular dated 09.11.2011 and also circulated an agreement which the Federation wanted to be executed with every willing worker to work. It is at this juncture that complainant Shri Alok Kumar who is an activist of CITU started interfering in the work of the federation and even threatening to him with dire consequences in case the production units are not run as per his dictates.

6. A copy of the reply dated 03.07.2013 received from the respondent was forwarded to the complainant vide this Court's letter dated 17.07.2013 for his comments/rejoinder.

7. The complainant vide rejoinder dated 31.10.2013 submitted that the complainant of the Blind Workers' Union is a duly elected representative of the members of the Blind Workers' Union alongwith other complainant Shri Ramnath Singh. They submitted the following prayers to this Court:-

- To reject all frivolous misleading objections submitted by the respondent;
- To issue an order to NFB to grant minimum wages of all the workers from the date of their joining at the production unit;
- To issue order directing the MSJE to make provisions for alternative employment for retrenched blind workers;
- In case of continuance of exploitation of blind workers by NFB in its different productions units, the Hon'ble Court may consider directing the MSJE to take over the production units so that justice can prevail;

- Issue an order for inquiry into all the fraudulent practices of NFB.
- MJSE may be directed to bring in executive and legislative measures to regulate the labour rights of the persons with disability employed by NGOs and private enterprises etc.

8. Upon considering the reply dated 03.07.2013 of the respondent and the complainant's rejoinder dated 31.10.2013, a hearing was scheduled on 27.01.2014.

9. During the hearing on 27.01.2014, the complainant submitted that his complaint is very much within the scope of the Persons with Disabilities Act, 1995 and National Policy for Persons with Disabilities, 2006 as the economic rights of persons with blindness have been infringed. He mentioned that the issue of minimum wages is also before the Labour Court. He further submitted that the respondent be directed to produce all the relevant registers containing the names of the blind employees and other relevant records including the Notice of dated 09.11.2011 containing Wage Agreements of the employees on the next date of hearing.

10. The respondent vide application dated 27.01.2014 sought a very short adjournment on the ground that he has to argue a matter before the Hon'ble High Court of Delhi.

11. The matter is adjourned to 14.03.2014 at 03.00 P.M. The parties are directed to be present with all the relevant documents and information on the date of hearing.

12. During the hearing on 25.04.2014, the representatives of the respondent informed this Court that they have not received the copy of Record of Proceedings dated 29.0-1.2014. Therefore, they were provided a copy of the said Record of Proceedings.

13. The respondents are advised to submit the information asked in the Record of Proceedings within 15 days of receipt of this Record of Proceedings and a copy of the same should be marked to the complainant who will furnish their rejoinder within 7 days of receipt of the information/documents from the respondent.

14. The matter will be next heard on 28.05.2014 at 4.00 P.M. the parties are directed to be present with all the relevant documents and information on the date of hearing.

15. During the hearing 28.05.2014, the complainant and respondent reiterated their written submissions.

16. Going by the written and oral submissions of the parties, it is quite in context for this Court to observe that the main issues of the complaint are related to labour laws i.e. Minimum Wages Act, overtime allowance, working hours, working conditions and industrial disputes etc. Thus it would be appropriate for the complainant to approach the Labour Court for redressal of his grievances. Further, the Balance Sheet of the National Federation of the Blind seems to be not in order. Most of the non-

production related expenditures such as Deepawali Expenses, Counsel Fee, Demonstration and Rally Expenditures have been shown in the Balance Sheet.

17. The matter is disposed off with the above observations.

Sd/-

(P. K. Pincha)
Chief Commissioner for
Persons with Disabilities