

**मुख्यालय पुलिस महानिदेशक, उत्तर प्रदेश।**

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पत्र संख्या:डीजी-माप्र-दिव्यौगजन निर्देश-2019 दिनांक: लखनऊ: अक्टूबर 05, 2020

सेवा में,

पुलिस आयुक्त, लखनऊ/गौतमबुद्ध नगर/  
समस्त पुलिस उप महानिरीक्षक/वरिष्ठ पुलिस अधीक्षक/  
पुलिस अधीक्षक/प्रभारी जनपद,  
उत्तर प्रदेश।

विषय :दिव्यौगजन अधिनियम-2016 के अध्याय-2 के नियम-6-7 व अध्याय-5 के नियम-89-92 के प्रचार हेतु सभी थानों एवं पुलिस अधिकारियों के कार्यालयों के बाहर बोर्ड लगाये जाने के संबंध में।

कृपया उपर्युक्त विषय में श्री अवनीश कुमार अवरथी, अपर मुख्य सचिव, गृह, उ0प्र0 शासन, लखनऊ से प्राप्त पत्र संख्या-1336जी/छ-पु-3-2020-97पी/20, दिनांक 07.09.2020 में निर्देशित किया गया है कि पुलिस थानों एवं पुलिस अधिकारियों के कार्यालयों के बाहर दिव्यौगजन अधिकारों के बोर्ड लगाये जाने हेतु नियमानुसार आवश्यक कार्यवाही कराते हुए कृत कार्यवाही से शासन को अवगत कराया जाये।

2- प्रश्नगत विषय में अवगत कराना है कि दिव्यौगजन अधिनियम-2016 के अध्याय-2 के नियम-6 व 7 तथा अध्याय-15 के नियम-89, 90, 91 एवं 92 के प्रचार हेतु निम्न निर्देश दिये गये हैं-

- 6- (1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.  
(2) No person with disability shall be a subject of any research without,-  
(i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and  
(ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of registered organisation as defined under clause(z) of section 2.

- 7- (1) The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall-  
(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;  
(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;  
(c) take steps to rescue, protect and rehabilitate victims of such incidents; and  
(d) create awareness and make available information among the public.

(2) Any person of registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(2)

(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including as order-

(a) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;

(b) for providing protective custody to the person with disability, if such person so desires;

(c) to provide maintenance to such person with disability.

(4) Any Police Officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of-

(a) his or her right to apply for protection under sub-section(2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(c) the right to free legal aid; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence;

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code, or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter.

89- Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

90- (1) Where an offence under this Act has been committed by company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation,- For the purposes of this section,-

