मुख्यालय पुलिस महानिदेशक, उत्तर प्रदेश मानवाधिकार प्रकोष्ठ, द्वितीय तल, टॉवर-2, सिग्नेचर बिल्डिंग, गोमती नगर विस्तार, लखनऊ-226010

फैक्स नं0ः 0522–2390476 पत्र संख्याःडीजी–माप्र–दिव्यॉगजन निर्देश–2019 e-mail: humanrightshq@nic.in दिनांकः लखनऊः अक्क्टूबर o _____,2020

सेवा में.

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

विषय :दिव्यॉगजन 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 अवस्थी, अपर मुख्य सचिव, गृह, उ०प्र० शासन, लखनऊ से प्राप्त पत्र संख्या—1336जी/छ—पु—3—2020—97पी/20, दिनॉक 07.09.2020 में निर्देशित किया गया है कि पुलिस थानों एवं पुलिस अधिकारियों के कार्यालयों के बाहर दिव्यॉगजन 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 दिव्यॉगजन 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 occure.

(3) The Executive Magistrate on receipt of such inforrmation, shall take immediate steps to stop or prevent its occurence, 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 contavention be punishable with fine with 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 of 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,-

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.
- 91- Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years of with fine which may extend to one lakh rupees or with both.
- 92- Whoever-
 - (a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;
 - (b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;
 - (c) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;
 - (d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;
 - (e) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability;
 - (f) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical prectitioner and also with consent of the gaurdian of the woman with disability,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

3— अनुरोध है कि कृपया समस्त थानों एवं पुलिस अधिकारियों के कार्यालयों के बाहर दिव्यॉगजन अधिकारों के बोर्ड लगाये जाने हेतु नियमानुसार आवश्यक कार्यवाही कराते हुए कृत कार्यवाही की आख्या से आवेदक / उ०प्र० शासन एवं इस मुख्यालय को अवगत कराने का कष्ट करें। उल्लेखनीय है कि पूर्व में भी पुलिस महानिदेशक, उ०प्र० श्री ओ०पी० सिंह द्वारा दिनांक 07.01.2019 तथा 14.05.2019 को इस संबंध में निर्देश जारी किये जा चुके हैं।

(एम८कै० बंशाल) अपर पुलिस महानिदेशक(मानवाधिकार), उत्तर प्रदेश।

प्रतिलिपिः निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेत् प्रेषित-

- 1- अपर मुख्य सचिव, उत्तर प्रदेश शासन, लखनऊ।
- 2- समस्त अपर पुलिस महानिदेशक, जोन, उ०प्र०।
- 3— अपर पुलिस महानिदेशक, उ०प्र० पुलिस मुख्यालय, लखनऊ।
- 4- समस्त पुलिस महानिरीक्षक / पुलिस उप महानिरीक्षक परिक्षेत्र, उ०प्र०।
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