

ओ०पी०सिंह

आई०पी०एस०



डीजी परिपत्र संख्या:-02 / 2019

पुलिस महानिदेशक

उत्तर प्रदेश

1-तिलक मार्ग, लखनऊ-226001

दिनांक: जनवरी 7, 2019

समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक प्रभारी जनपद
उ०प्र०।

विषय:- सर्वोच्च न्यायालय में योजित जनहित याचिका सं०-116/1998 जस्टिस सुनन्दा भण्डारी
फाउण्डेशन बनाम यूनियन आफ इण्डिया व अन्य के सम्बन्ध में।

प्रिय महोदय,

दिव्यांगजनों के सशक्तीकरण, उनकी गरिमा, वैयक्तिक स्वतंत्रता के लिये आदर, भेदभाव से मुक्ति, समाज में उनकी पूर्ण एवं प्रभावी भागीदारी, मानवता के भाग में दिव्यांगजनों के लिये आदर और उनका समाजिक सम्मान सुनिश्चित करने हेतु भारत सरकार द्वारा दिव्यांगजन अधिकार अधिनियम 2016 का अधिनियमन किया गया है, जो 27.12.2016 से प्रभावी है।

अधिनियम की धारा-6 में उन्हें प्रताड़ना, क्रूरता, अमानवीय या अपमानजनक व्यवहार से संरक्षित करने के उपाय करने के निर्देश दिये गये हैं। धारा 7 में दिव्यांगजनों को दुरुपयोग, हिंसा और शोषण के सभी रूपों से संरक्षित करने के उपाय करने एवं रोकने तथा धारा-8 में दिव्यांगजनों को जोखिम, मानवीय आपात स्थितियों और प्राकृतिक आपदाओं की दशाओं में समान संरक्षण और सुरक्षा के उपबन्ध किये 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 the 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 or 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.

(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 an 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 45 of 1860. may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as case may be, having jurisdiction in the matter.

8. (1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 for the safety and protection of persons with disabilities. 53 of 2005.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 shall maintain record of details of persons with disabilities in 53 of 2005. the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

9. (1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

2. अतः एतत् द्वारा आप सभी को निर्देशित किया जाता है कि दिव्यांगजन अधिकार अधिनियम 2016 का भली-भाँति अध्ययन करके अधिनियम के प्राविधानों के अनुसार दिव्यांगजनों के संरक्षण एवं उनके मानवीय अधिकारों के क्रियान्वयन तथा सामाजिक स्तर पर समानता प्रदान किये जाने हेतु उक्त अधिनियम के उपबन्धों का अनुपालन कराया जाना सुनिश्चित करें।

सादर ,

भवदीय,



(ओपी० सिंह)

प्रतिलिपि:—निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु।

1. समस्त जोनल अपर पुलिस महानिदेशक, उ०प्र०।

2— समस्त परिक्षेत्रीय पुलिस महानिरीक्षक/पुलिस उपमहानिरीक्षक, उ०प्र०।