



प्रशान्त कुमार, IPS
पुलिस महानिदेशक एवं
राज्य पुलिस प्रमुख, उत्तर प्रदेश



मुख्यालय पुलिस महानिदेशक, उ०प्र०

सिग्नेचर बिल्डिंग

शहीद पथ, गोमती नगर विस्तार,

लखनऊ - 226002

फोन नं.: 0522-2724003 / 2390240, फैक्स नं.: 0522-2724009

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दिनांक:- मार्च 17, 2025

विषय:- दिव्यांगजनों के सशक्तीकरण हेतु दिव्यांगजन अधिकार अधिनियम-2016 में निहित प्राविधानों का अनुपालन किये जाने के सम्बन्ध में।

प्रिय महोदय/महोदया,

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 दिनांक 27.12.2016 से प्रभावी है।

दिव्यांगजन अधिकार अधिनियम-2016 में दिये गये प्राविधानों तथा रिट याचिका (सिविल) संख्या-116/1998 जस्टिस सुनंदा भंडारी फाउंडेशन बनाम यूनियन आफ इंडिया व अन्य में पारित आदेश दिनांकित 08.12.2016 में दिये गये निर्देशों के अनुपालन हेतु डीजी परिपत्र सं०-2/2019 दिनांक जनवरी 7, 2019 एवं पत्र संख्या:पत्र सं०-डी०जी०-मा०प्र०-दिव्यांगजन-निर्देश/2019 दिनांकित 07.05.2019 के माध्यम से निर्देश निर्गत किये गये थे।

दिव्यांगजन अधिकार अधिनियम-2016 की धारा - 4 में दिव्यांगजनों के सम्बन्ध में सूचना या शिकायत प्राप्त होने पर पुलिस द्वारा निम्नवत कार्यवाही किया जाना प्राविधानित है—

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.

दिव्यांगजन अधिकार अधिनियम 2016 की धारा-6, में दिव्यांगजनों को प्रताड़ना, क्रूरता, अमानवीय या अपमानजनक व्यवहार से संरक्षित करने, धारा-7में दिव्यांगजनों को दुर्व्यवहार, हिंसा और शोषण के सभी रूपों से संरक्षित करने तथा धारा-8में दिव्यांगजनों को जोखिम, मानवीय आपात स्थितियों और प्राकृतिक आपदाओं की दशाओं में समान संरक्षण और सुरक्षा के उपबन्ध किये गये हैं, जो निम्नवत है—

6. Protection from cruelty and inhuman treatment.—(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. Protection from abuse, violence and exploitation.—(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 (45 of 1860), 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.

8. Protection and safety.—(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 (53 of 2005) for the safety and protection of persons with disabilities.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 (53 of 2005) shall maintain record of details of persons with disabilities in 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.

दिव्यांगजन अधिकार अधिनियम 2016 में दिव्यांगजनों की सुरक्षा एवं कल्याण हेतु दिये गये सभी प्राविधानों का अनुपालन आज्ञापक है, अतः आप सभी को निर्देशित किया जाता है कि दिव्यांगजन अधिकार अधिनियम 2016 का भली-भाँति अध्ययन करके अधिनियम के प्राविधानों से अपने अधीनस्थों को भली-भाँति अवगत करा दें तथा इस सम्बन्ध में निर्गत परिपत्र एवं संबंधित आदेशों की मूल भावनाओं के प्रति पूर्ण संवेदनशील होकर दिव्यांगजनों की सुरक्षा एवं उनके अधिकारों के संरक्षण हेतु निर्गत निर्देशों का अक्षरशः अनुपालन कराना सुनिश्चित करें।

भवदीय,
17.3.25
(प्रशान्त कुमार)

1. समस्त पुलिस आयुक्त,
उत्तर प्रदेश।
2. समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक,
प्रभारी जनपद, उत्तर प्रदेश।

प्रतिलिपि:- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अपर पुलिस महानिदेशक (कानून एवं व्यवस्था), उत्तर प्रदेश लखनऊ।
2. समस्त जोनल अपर पुलिस महानिदेशक, उत्तर प्रदेश।
3. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक / पुलिस उपमहानिरीक्षक, उत्तर प्रदेश।