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No. 28/2017

CIRCULAR

Subject: - **The Rights of Persons with Disabilities Act 2016.**

The Rights of Persons with Disabilities Act 2016 has come into force w.e.f. 27th December, 2016.

Objective of the Act.

This Act aims at giving effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto and towards this end it mandates the appropriate Government to take measures to protect persons with disabilities from all forms of abuse, violence and exploitation.

Duties of Police Officers.

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 to the Executive Magistrate within local limits of whose jurisdiction such incident occurs 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 the police officer shall not be relieved from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

Offences under the Act.

The offences and punishments under the Rights of Persons with Disabilities Act 2016 are enumerated from Section 89 to Section 95 in chapter XVI of this Act. The main offence is enumerated in Section 92 of the Act which is as under:-

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 practitioner and also with the consent of the guardian 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.

The offence is cognizable, non-bailable and triable by a Magistrate of 1st Class. Moreover, when an offence is punishable under this Act and also under

any other Act for the time being in force, the guilty offender will be punishable under the Act which provides for greater punishment.

A copy of the "Rights of Persons with Disabilities Act 2016" is enclosed for reference.

All Distt. DCsP are directed to take necessary action to make the IOs aware of the provisions of this Act and to ensure its effective implementation.

(VIKRAMJIT SINGH)
DEPUTY COMMISSIONER OF POLICE
HEADQUARTERS, DELHI.

No. 3464-3614/Record Br./PHQ dated Delhi the 25/10/2017

Copy to: -

1. All Special Commissioners of Police, Delhi
2. All Joint Commissioners of Police, Delhi.
3. Principal/PTC Jharoda Kalan, Delhi.
4. All Addl. Commissioners of Police, Delhi
5. All Districts/Units DCsP including FRRO, Delhi/New Delhi
6. SO to C.P., Delhi for information of C.P. Delhi.
7. All ACsP/HQ(P), (G), (C&T), (IT) & (CB) in PHQ.
8. FA & LA to CP Delhi
9. PRO, Delhi Police
10. All. Inspr./I/C Branches in PHQ
11. I/C Record Branch with 5 spare copies.