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In the Court of State Commissioner for Persons with Disabilities
National Capital Territory of Delhi
25- D, Mata Sundari Road, Near Guru Nanak Eye Centre, New Delhi-2
Phone-011-23216002-04, Telefax: 011-23216005, Email: comdis.delhi@nic.in
[Vested with powers of Civil Court under the
Rights of Persons with Disabilities Act, 2016]

Case No. 4/1603/2017-Wel./CD/ 3069- 71

Dated: 17/11/2017

In the matter of:

Sh. Pradeep Kumar
Rz-147, Barampuri, Phanka Road, Nagal Raya,
New Delhi-110046

..... Petitioner

Versus

Deputy Commissioner of Police, Distt-South West,
Sec-19, Dwarka, Delhi.

..... Respondent No. 1

Commissioner of Police, Delhi Police,
MSO Bldg., ITO, I.P. Estate, New Delhi-110002.

..... Respondent No. 2

Date of Hearing 11.09.2017, 21.09.2017, 04.10.2017, 25.10.2017,
06.11.2017, 16.11.2017

Present: Sh. Pradeep Kumar, Complainant.
Sh. B.R. Sankhla, SHO

ORDER

The above named complainant; person with 47% loco-motor disability, vide his complaint received on 06.04.2017, submitted that he is a resident of Brahampur, Pankha Road, Nangalraya, New Delhi. Some people cheated him and took Rs. 2.65 lakh from him after getting him government job in Railway or Food Corporation of India. Besides

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using derogatory remarks against him, the concerned persons threatened him. He filed a complaint at Sagarpur South West Police Station on 01.03.2007. In his complaint dated 01.03.2017 to the SHO Sagarpur, the complainant had mentioned that he transferred the amount to Sh. Surinder Kumar Dubey online in May, 2016.

2. The complaint was taken up with the respondent No. -1 vide notice dated 31.05.2017. Thereafter, hearings were scheduled on 11.09.2017, 04.10.2017 and 25.10.2017. Respondent No.1 vide status report received on 06.10.2017 informed that enquiry was being conducted. Thereafter legal action would be taken.

3. As the complainant in his submissions during the hearing on 06.11.2017 informed that FIR had not been filed. Commissioner of Police: Delhi was impleaded as respondent No. 2 and was requested to sensitise all concerned in Delhi Police and to direct them to comply with the provisions of the Rights of Persons with Disabilities Act, 2016 and not to harass the persons with disabilities who approach them. The provisions of Section 93 of the said Act providing for punishment for failure to furnish information which may extend to Rs. 25000/- in respect of each offence and in case of continued failure or refusal, with further fine which may extend to Rs. 1000/- for each day of continued failure or refusal besides punishment for contravention of provisions of Act or Rules and Regulations made thereunder. The Respondent No. 1 was also advised to submit the reasons why the FIR can not be registered despite the fact that the complainant had made complaint on 01.03.2017.

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4. During the hearing on 16.11.2017, Sh. B.R. Sankhla, SHO Sagarpur submitted a written statement dated 16.11.2017 which reads as under:

"It is submitted that complainant Pardeep Kumar filed a complaint on 01.03.2017 vide DD No. 38 B alleging therein that he paid Rs. 115000 to Ramesh Sharma and Suender Singh on the pretext of providing govt. job in FCI. He further filed one more complaint to SHO South avenue alleging therein that he paid Rs. 150000 for the job in railway to Ramesh Sharma and D.K. Singh.

Since there were two different versions hence an enquiry was conducted and a legal opinion was sought. The complainant was further got enquired. He submitted in his fresh statement alleging therein that he paid Rs. 265000 on the pretext of providing govt. job to alleged persons. On the complainant of his fresh statement a case vide FIR No. 340/17 u/s 420/34 IPC got registered and investigation has been entrusted to SI Sandeep.

It is further submitted that case has been registered and investigation of the case is being now carried out on priority basis.

It is further submitted that in the light of court proceedings/directions issued by your Hon'ble Court on 08.11.2017 in the matter listed above a Advisory on the provision of Rights of Persons with Disability Act, 2016 has been issued by the Office of Commissioner of Police, Delhi vide Dy. No. 2958-62/legal cell dated 10/11/2017 to all Distt. DCPs of Delhi for further sanitization to all officers including ACPs/SHO of Delhi Police. Copies of circular with regard of the Right of persons with Disability Act 2016 have also been circulated to all functionaries at all level.

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The report is submitted for kind perusal. The undersigned shall abide any further direction passed by this Hon'ble Court.

Sd/-
SHO, PS Sagarpur, New Delhi"

5. The advisory circular No. 28/2017 dated 25.10.2017 regarding awareness about the Rights of Persons with Disabilities Act, 2016 which has come into effect w.e.f. 19.04.2017, issued by Deputy Commissioner of Police, Headquarters is reproduced below:

**"OFFICE OF THE COMMISSIONER OF POLICE : DELHI
LEGAL CELL; PHQ, POLICE STATION TILAK MARG; FIRST FLOOR
TEL/FAX NO. 011-23072797 EMAIL; legalcellphq@gmail.com**

CIRCULAR

Sub: 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.

Objectives 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 –

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- 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 to 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 intimates 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.

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- 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-bail able 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. DCPs 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 Commissioner of Police, Delhi
2. All Joint Commissioner of Police, Delhi
3. Principal/PTC Jharoda Kalan, Delhi
4. All Addl. Commissioner of Police, Delhi
5. All Districts/Units DCPs including FRRO, Delhi /Delhi
6. SO to C.P. Delhi for information of CP Delhi
7. All ACPs/HQ(P), (O), (C & T), (IT) and (CB) in PHQ

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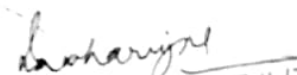
8. PA and LA to CP Delhi
9. PRO, Delhi Police
10. All Insp. // C / Branches in PHQ
11. I/C Record Branch with 5 spare copies."

6. Reiterating his written submissions, the complainant submitted that there was indeed some confusion. However, he is satisfied with the action taken now.

7. In the light of the positive and prompt action taken by the respondents, the matter is closed and disposed off accordingly. The complainant is advised to pursue the matter with the concerned police station and be in touch with the SHO.

8. Given under my hand and the seal of the Court this 17th day of November, 2017




(T.D. Dhariyal) 17.11.17

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