

ओ०पी० सिंह
आई०पी०एस०



डीजी-परिपत्र संख्या- 5/2019

पुलिस महानिदेशक,

उत्तर प्रदेश

1 तिलकमार्ग, लखनऊ।

दिनांक : लखनऊ: जनवरी 18, 2019

विषय: केन्द्रीय सरकार द्वारा अधिनियमित मानसिक स्वास्थ्य देख-रेख अधिनियम 2017 में आवश्यक कार्यवाही सुनिश्चित किये जाने के सम्बन्ध में दिशा-निर्देश।

प्रिय महोदय/महोदया,

मानसिक रूप से बीमार व्यक्तियों के लावारिस अथवा असहाय सड़कों पर घूमने अथवा पड़े रहने से अनेक दुर्घटनाएँ एवं आपराधिक घटनाएँ घटित होती रहती हैं, जो किसी भी सुसंस्कृत समाज में स्वीकार्य नहीं हैं। मानसिक रोगियों को समुचित सुरक्षा एवं स्वास्थ्य उपलब्ध कराया जाना सुनिश्चित करने हेतु केन्द्रीय सरकार द्वारा "The Mental Health Care Act 2017" अधिनियमित किया गया है, जो दिनांक 07.07.2018 से उ०प्र० सहित सम्पूर्ण देश में प्रभावी है। इस अधिनियम की धारा 100 एवं 101 में थाने के भारसाधक अधिकारी द्वारा उसके थाना क्षेत्र में प्राप्त मानसिक रोगी, जो स्वयं की देखभाल में असमर्थ हैं, के सम्बन्ध में अपेक्षित कार्यवाही करने का प्राविधान किया गया है। धारा 100 एवं 101 मानसिक स्वास्थ्य अधिनियम 2017 के प्राविधान निम्नवत् है :-

100. (1) Every officer in-charge of a police station shall have a duty—

(a) to take under protection any person found wandering at large within the limits of the police station whom the officer has reason to believe has mental illness and is incapable of taking care of himself; or

(b) to take under protection any person within the limits of the police station whom the officer has reason to believe to be a risk to himself or others by reason of mental illness.

(2) The officer in-charge of a police station shall inform the person who has been taken into protection under sub-section (1), the grounds for taking him into such protection or his nominated representative, if in the opinion of the officer such person has difficulty in understanding those grounds.

(3) Every person taken into protection under sub-section (1) shall be taken to the nearest public health establishment as soon as possible but not later than twenty-four hours from the time of being taken into protection, for assessment of the person's healthcare needs.

(4) No person taken into protection under sub-section (1) shall be detained in the police lock up or prison in any circumstances.

(5) The medical officer in-charge of the public health establishment shall be responsible for arranging the assessment of the person and the needs of the person with mental illness will be addressed as per other provisions of this Act as applicable in the particular circumstances.

(6) The medical officer or mental health professional in-charge of the public mental health establishment if on assessment of the person finds that such person does not have a mental illness of a nature or degree requiring admission to the mental health establishment, he shall inform his assessment to the police officer who had taken the person into protection and the police officer shall take the person to the person's residence or in case of homeless persons, to a Government establishment for homeless persons.

(7) In case of a person with mental illness who is homeless or found wandering in the community, a First Information Report of a missing person shall be lodged at the concerned police station and the station house officer shall have a duty to trace the family of such person and inform the family about the whereabouts of the person.

101. Report to Magistrate of person with mental illness in private residence who is ill-treated or neglected.

(1) Every officer in-charge of a police station, who has reason to believe that any person residing within the limits of the police station has a mental illness and is being ill-treated or neglected, shall forthwith report the fact to the Magistrate within the local limits of whose jurisdiction the person with mental illness resides.

(2) Any person who has reason to believe that a person has mental illness and is being ill-treated or neglected by any person having responsibility for care of such person, shall report the fact to the police officer in-charge of the police station within whose jurisdiction the person with mental illness resides.

(3) If the Magistrate has reason to believe based on the report of a police officer or otherwise, that any person with mental illness within the local limits of his jurisdiction is being ill-treated or neglected, the Magistrate may cause the person with mental illness to be produced before him and pass an order in accordance with the provisions of section 102.

इस अधिनियम की धारा 115 में आत्महत्या का प्रयास करने वाले व्यक्तियों के सम्बन्ध में निम्नांकित व्यवस्था भी दी गयी है:-


115. Presumption of severe stress in case of attempt to commit suicide.

(1) Notwithstanding anything contained in section 309 of the Indian Penal Code any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code.

The appropriate Government shall have a duty to provide care, treatment and rehabilitation to a person, having severe stress and who attempted to commit suicide, to reduce the risk of recurrence of attempt to commit suicide.

अतः एतद्द्वारा आप सभी से अपेक्षा की जाती है कि The Mental Health Care Act 2017 के उपरोक्त प्राविधानों का भली-भाँति अध्ययन करके कार्यशाला के माध्यम से अधीनस्थ अधिकारियों/कर्मचारियों को अवगत कराते हुये अधिनियम के प्राविधानों का अनुपालन कड़ाई से सुनिश्चित करने हेतु व्यक्तिगत रूप से आवश्यक कार्यवाही करेंगे। इसमें किसी प्रकार की लापरवाही अथवा त्रुटि स्वीकार्य नहीं होगी।

भवदीय,

 18.1.19
(ओपीओ सिंह)

समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक,
प्रभारी जनपद/रेलवेज, उत्तर प्रदेश।

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

1. अपर पुलिस महानिदेशक, कानून/व्यवस्था, उ०प्र० लखनऊ।
2. समस्त जोनल अपर पुलिस महानिदेशक, उ०प्र०।
3. अपर पुलिस महानिदेशक, रेलवेज, उ०प्र०।
4. समस्त परिक्षेत्रीय पुलिस महानिरीक्षक/पुलिस उपमहानिरीक्षक, उ०प्र०।

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