

GOVERNMENT OF INDIA  
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT  
DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES (DIVYANGJAN)

LOK SABHA

UNSTARRED QUESTION NO. 2434  
TO BE ANSWERED ON 02.01.2018

**Crime against Differently-abled Persons**

**2434.SHRI PANKAJ CHAUDHARY:**

**Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state :**

- (a) whether the Government proposes to make crime against the persons with disabilities cognizable and non-bailable.;
- (b) if so, the details thereof;
- (c) whether the Rights of Persons with Disabilities Act, 2016 has provisions which provides lighter sentence for the crime against the persons with disabilities as compared to crimes committed against the general public;
- (d) if so, whether the Government proposes to review the discrepancies under the Act and amend the same; and
- (e) if so, the details thereof?

**ANSWER**

**MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT**

**(SHRI KRISHANPAL GURJAR)**

**(a) & (b)** Section 92 of the Rights of Persons with Disabilities Act, 2016 deals with punishment for offences of atrocities against persons with disabilities which provides that 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 Act does not have explicit provision indicating as to whether the above offences are cognizable and non-bailable.

**(c) to (e)** Section 95 of the above Act provides that where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

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