

Government of India
Ministry of Social Justice and Empowerment
Department of Empowerment of Persons with Disabilities

Decriminalization of Minor Offences For Improving Business Sentiment And Unclogging Court Processes - Decision not to proceed with the proposal for amendment to the RPwD Act, 2016

As a part of the ongoing exercise to reform governance, each Central Ministry/Department was advised to undertake a comprehensive review of all legislations under their administrative control to identify provisions for decriminalization of offences and rationalization of penalties with a view to de-clogging the criminal justice system and improving business sentiments. Accordingly, this Department undertook an exercise to identify offences and penalties under the Rights of Persons with Disabilities (RPwD) Act, 2016, which could be considered for decriminalization.

As an initial step, the Department proposed to initiate stakeholders consultation regarding incorporating a provision to allow compounding of offences under Sections 89, 92(a) and 93 of the RPwD Act, 2016 with the consent of aggrieved persons with disabilities. Accordingly, on 1st July 2020, the Department invited suggestions/objections from stakeholders on the proposed amendment as per the prescribed template.

During the consultation process, the Department received feedback from various stakeholders, majority of whom opined that the existing provisions of the RPwD Act, 2016 are appropriate safeguards for PwDs, and are essential for effective implementation of the Act. They were of the view that compounding of offences would dilute the spirit of the said Act for protecting and preserving the rights of persons with disabilities.

Keeping in view the overall sentiments of the majority of stakeholders, the Department is now of the considered view, that going ahead with the proposed amendment for compounding of offences may not be in the interest of persons with disabilities. Therefore, it has been decided by the Department that there is sufficient ground to close the consultation process and not to pursue the proposed amendment to the RPwD Act, 2016.