



AREAS OF ACTION

INCLUSIVE POLICE SERVICES FOR PERSONS WITH DISABILITIES

iProbonoINDIA

iProbono India recently convened a national consultation on Inclusive Policing for Persons with Disabilities. The event brought together over 60 participants from government offices, NGOs, former police officers, lawyers, social workers, and persons with disabilities representing over six states who attended the consultation.

The consultation highlighted the challenges faced by persons with various disabilities, different socio-economic backgrounds, and gender identities in their interactions with the police. iProbono India's case study compilation, [Disability & Justice: Lived Experiences of Police Interactions](#), documenting nine case studies of persons with disabilities interacting with the police in varied contexts, formed the basis of the discussions. Hear the audio reenactments of the excerpts from the case study compilation [here](#).

The event featured two panel discussions: one focused on navigating police interactions as persons with disabilities and the other on integrating disability justice into criminal legal settings. These discussions highlighted the critical need for reforms to address intersectional challenges across diverse policing contexts, emphasising the importance of bridging gaps and ensuring more inclusive law enforcement practices. Watch the recorded panel discussions with persons with disabilities and experts from criminal and disability justice [here](#) and [here](#).

Based on the discussions during the consultation, this document compiles the various recommendations agreed upon to ensure that police services become more inclusive, enabling persons with disabilities to exercise their rights and access police procedures equally with others. The following are the key concern areas highlighted in the consultation –

1. Strengthening Legal Framework for Police Accountability
2. Oversight & Accountability by Institutions
3. Training & Sensitization
4. Improving Physical Accessibility of Police Stations and Police Vehicles

1) Strengthening Legal Framework and Implementation for Police Accountability –

A. To ensure that law enforcement is held accountable for its treatment of persons with disabilities, specific changes must be made to strengthen existing legal frameworks and institutional practices, including the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023, the Rights of Persons with Disabilities (RPwD) Act, 2016, and the corresponding applicable RPD Rules, 2017.

For instance, it was suggested that the definition of aggravated sexual assault be expanded to include rape against persons with sensory disabilities. The existing definition only considers rape committed against women with physical or mental disabilities.

The National Platform for the Rights of the Disabled (NPRD) also recommended this change to the Parliamentary Standing Committee during deliberations on the Criminal Law Amendment Act, 2013. A copy of the NPRD's suggestions dated 28.01.2013 can be found [here](#).

B. All legislative changes must include clear and adequate accommodations to existing provisions for the treatment of persons with disabilities, particularly in areas such as arrest procedures, detention, and interrogation. These changes should align with existing human rights norms and prioritise the dignity and rights of persons with disabilities.

The Bureau of Police Research and Development (BPR&D) should amend the arrest memo format to include the identification of arrested individuals' disabilities and the provision for bringing disability certificates on record, if available. This will help ensure that necessary accommodations and benefits are provided to the person after arrest. The format suggested by the BPR&D, as per Section 36 of the BNSS, 2023, is available [here](#).

C. Similar to Section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [1], provisions must be incorporated into the RPwD Act and the Mental Health Care Act, 2017, to define the duties of the police officer and the consequences of neglect thereof. This provision would establish penalties for public servants who willfully neglect their duties to uphold the rights and protections guaranteed under these acts, ensuring accountability and strengthening the enforcement of disability and mental health rights;

D. BPR&D, the National Human Rights Commission (NHRC), and the Chief Commissioner for Persons with Disabilities (CCPD) must collaborate on interventions, including research and awareness training, to address the unique challenges faced by individuals with disabilities and for the strict implementation of the Accessibility Guidelines for MHA Specific Built Infrastructures & Associated Services for Police Stations, Prisons & Disaster Mitigation Centres under Accessible India Campaign (AIC), 2021 (MHA AIC Guidelines, 2021) in police services.

For example, state-wide consultations should be conducted with police departments to provide targeted training on implementing the MHA AIC Guidelines. These sessions should guide officers in creating district-level safety plans, establishing groups of registered intermediaries, identifying potential risks, setting clear response protocols, and collaborating with local organisations.

For context, some other best practices are listed below:

- In the United States, in the "Blue Envelope Program," participants are given a blue envelope to store their driver's licence, vehicle registration, and information about their disability. The envelope includes guidelines for both the individual, such as notifying the officer about their participation in the program, and the police, such as minimising the use of bright flashing lights to ensure smoother interactions during traffic stops.
- The Delhi Airport has collaborated with the Hidden Disabilities Sunflower Program, enabling individuals with hidden disabilities to discreetly signal their need for additional assistance, understanding, or time. By introducing optional badges, lanyards, or other indicators, law enforcement can promote early identification, inclusivity, acceptance, and awareness, creating a safer and more accommodating environment during interactions with the police.

[1]. 4 Punishment for neglect of duties —

A) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

B) The duties of public servant referred to in sub-section (1) shall include --

- to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;
- to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;
- to furnish a copy of the information so recorded forthwith to the informant;
- to record the statement of the victims or witnesses;
- to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;
- to correctly prepare, frame and translate any document or electronic record;
- to perform any other duty specified in this Act or the rules made thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

C) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.

2) Oversight & Accountability by Institutions

Judicial Bodies, including the First Production Magistrate

When accused persons with disabilities, like any other able-bodied individuals, are arrested, they must be produced before the Magistrate for remand proceedings, also known as first production. This stage is crucial for persons with disabilities to raise concerns about the arrest procedure, report any instance of police violence or harassment, or request bail or accommodations during incarceration. At this point, the Magistrate must:

- Assess the necessity of the arrest, considering the person's disability and whether the police could have pursued alternatives to arrest;
- Ensure that all safeguards relating to arrest, as outlined in relevant laws such as the BNSS and established by the Supreme Court in *D.K. Basu v. State of West Bengal* and *Arnesh Kumar v. State of Bihar*, are strictly followed;
- Record the individual's disability, identify any specific needs, and issue instructions to prison authorities to provide reasonable accommodations as per their requirements;
- In cases where the accused has an intellectual or developmental disability, the Magistrate should follow the process prescribed in Sections 367, 368, 371, 376, 377 BNSS, 2023, as the case may be.
- Consider the possibility of bail, factoring in the person's disability and the statutory framework governing the grant of bail.

Role of National Human Rights Institutions

Any instance of police excess constitutes a human rights violation and places an even more significant burden on persons with disabilities. National Human Rights Institutions (NHRIs) with a mandate to handle complaints—such as the Human Rights Commissions at the national and state levels, along with the Chief and State Commissioners for Persons with Disabilities—must:

- Take cognisance of individual cases of police misconduct or excess, hold the police accountable against existing standards, provide reasonable accommodations to persons with disabilities, and issue recommendations for corrective actions. These recommendations/sanctions can include internal disciplinary actions within law enforcement agencies and other legal sanctions for failing to provide reasonable accommodations or for acts of discrimination or harassment.

For example, In a case involving alleged police harassment, Smitha Sadasivan approached the Tamil Nadu State Human Rights Commission (TN SHRC) and the Tamil Nadu State Commissioner for Persons with Disabilities (TN SCPD) to intervene, including securing CCTV footage that captured the misconduct. Despite clear evidence, both institutions failed to act promptly, leaving the issue unresolved months after the incident and allowing the offending police officers to act with impunity.

- Review existing laws and practices that limit equal access to police services for persons with disabilities and recommend necessary reforms. This includes proposing improvements to existing safeguards under the RPwD Act, 2016, or any other relevant laws, to ensure equitable access to police services for persons with disabilities, along with measures for their effective enforcement.

For instance, Australia’s Royal Commission on Disability conducted a thorough review in 2021, titled “Police Responses to People with Disability”, to guide evidence-based recommendations for improving police responses. The review analysed policies and case studies and consulted disability advocates and police to identify barriers such as the over-reliance on policing versus social support, reduced funding for essential services, and inadequate data collection on police-disability interactions.

Training & Sensitisation

The overwhelming need for sensitive and inclusive police services that can recognise disabilities in the people they interact with and accommodate needs empathetically repeatedly arose in the consultation.

These training sessions should:

- Be integrated into induction and orientation programs and offered regularly as part of refresher courses;
- Include practical exercises to help officers identify and eliminate ableism and unconscious biases, ensuring they can interact sensitively with individuals with various disabilities;
- Promote awareness among officers about various disabilities, associated conditions and challenges, including early and proper identification of persons with disabilities at the start, taking necessary steps to accommodate their needs, and offering procedural accommodations throughout all interactions. This includes training to understand and identify invisible disabilities;
- Be conducted in collaboration with representative organisations of persons with disabilities, ensuring continuous consultation so that the needs and rights of these individuals are thoroughly incorporated into policing practices; For example, see the successful intervention by the Swarga Foundation with the Coimbatore Police Station. Learn more about their intervention here;
- Offer specialised training for police officers on how to equitably engage with persons with disabilities, whether they are victims, suspects, or bystanders while safeguarding their dignity and human rights. iProbono India developed a detailed guide on the extant legal standards and guidelines for police engagement with persons with disabilities, which can be found here;
- Equip officers with a clear understanding of the legal frameworks emphasising the RPwD Act and highlighting the legal consequences of disrespectful or discriminatory behaviour;
- Ensure a greater awareness and understanding of the relevant provisions from the RPwD Act and other applicable legislations to include proper charges in the FIRs filed by individuals with disabilities, ensuring their rights are protected and necessary accommodations are provided throughout the trial.

This recommendation is in line with the letter dated 09.08.2024 by which BPR&D directed all Director Generals and Additional Director Generals of Training in States and Union Territories to include a dedicated session on the RPwD Act in their training programs, primarily focusing on its application during investigations. You can access a copy of the letter [here](#).

The Chief Commissioner for Persons with Disabilities, in collaboration with iProbono India, has released a [resource outlining the legal obligations of police officers when interacting with persons with disabilities](#) in various contexts, including statutory provisions under the RPwD Act, 2016 and the Mental Healthcare Act, 2017. You can download it in [English](#), [Hindi](#), [Tamil](#), and [Marathi](#).

Improving Physical Accessibility of Police Stations and Police Vehicles

To ensure that persons with disabilities can access police services without barriers, significant improvements to the physical infrastructure of police stations and vehicles are essential. To achieve this goal, the following steps are required:

1. Conducting comprehensive accessibility audits of all police stations and vehicles under the Accessible India Campaign to identify barriers that hinder access for persons with disabilities. These audits should involve consultation with disability rights organisations and individuals with disabilities to ensure all needs are considered;
2. Implementing universal design standards like the MHA AIC Guidelines in constructing and renovating police stations and vehicles.

Based on the MHA AIC Guidelines and the recommendations that arose during the national consultation, some of the improvements required to police stations and vehicles, by way of example, are:

- Ramps at all police stations to make them accessible to persons with physical disabilities, and availability of accessible bathrooms that are in a usable condition at all times;
- Upgraded police vehicles that are accessible to persons with disabilities, i.e., those that have ramps or lifts to facilitate the entry and exit of wheelchair users;
- Clear signage at police stations so that persons with hearing disabilities can understand how to navigate processes at the police station;
- Availability of sign language interpreters and special educators when the need arises, for which relevant contact numbers should be available at the police station;
- Availability of quiet spaces within the police station where those with specific neurological disabilities, including autism, can speak to police officers without being triggered by the noise and activity within police stations. Such an environment would also be conducive for survivors of sexual offences to communicate their experiences to police officers;
- Communication with individuals who are deaf or hard of hearing must be facilitated through trained sign language interpreters, assistive technology, or any other form of accommodation required by a particular individual; For example, there must be text-based helplines for hearing-impaired people who cannot sign language to allow written communication. (For instance, the Relay UK app makes particular crime-reporting provisions for persons with hearing or speech impairments by directing them to call or send text messages to a separate helpline. The app uses a relay assistant to aid in communicating messages through mediums that are appropriate for persons with disabilities);

- In cases involving persons with locomotor disabilities, law enforcement should prioritise home-based investigations or any other place the person prefers over requiring the individual to come to a police station. Mobility challenges should never be a reason for denying equal access to justice;
- Law enforcement should leverage technology to identify better and address the specific needs of persons with intellectual or developmental disabilities, including specialised communication tools.

With the conclusion of the Inclusive Policing for Persons with Disabilities campaign, iProbono India remains committed to advancing accessibility within legal systems. We continue to focus on making police, prisons, courtrooms, legal processes, and legal aid more inclusive and accessible for persons with disabilities.

About iProbono India

iProbono India is a social justice organisation that combines the legal expertise of its carefully curated community of panel and network lawyers, ground-level insights of its grassroots partners, and the ethos of social action litigation to advance justice and equality in India. In the last ten years of iProbono's functioning, we have primarily focused on child rights, housing rights, and strengthening civil society. Our modes of intervention comprise legal representation, advocacy, training and capacity-building efforts.

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