

iProbonoINDIA

Disability & Justice

Lived Experiences of Police Interactions



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September 2024

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CONTEXT

Over the past decade, a global shift in the disability justice movement has been the transition from the medical model to the social model of understanding disability. The medical model views disability as an individual problem, a trait inherent to the person, without considering how society or social policies contribute to disabling individuals with physical or mental impairments. In contrast, the social model redefines disability as a social construct shaped by various factors, including physical infrastructure, cultural attitudes, social behaviours, policies, and laws. This shift from the medical to the social model necessitates reimagining existing standards, institutionalised rules, procedures, and practices within the legal system.^[1]

In India, this shift is, in part, characterised by the adoption of the Rights of Persons with Disabilities (RPwD) Act of 2016. It was the first legislation to recognise and prohibit disability-based discrimination. The equality provision under the Constitution of India, 1950, prohibits discrimination based on religion, race, caste, sex, and place of birth, but it does not recognise disability-related discrimination.

Section 3 of the RPwD Act provides a general prohibition against discrimination based on disability, permitting exceptions only when necessary to achieve a legitimate objective.^[2] This applies to all public facilities and services dealt with by the Act.^[3] In addition to this general provision, there are specific prohibitions against discrimination in areas such as education^[4], employment^[5], and access to justice^[6]. While some data, though limited, is available to track India's progress in ensuring non-discrimination of persons with disabilities in areas such as education^[7] and employment^[8], there is no comparable data to measure whether persons with disabilities are receiving equal access to justice.

[1] Morgan, J. N. (2021). Policing Under Disability Law. *Stanford Law Review*, 73(6), 1449-1490.

[2] S. 3. Equality and non-discrimination.—

- The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.
- The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.
- No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.
- No person shall be deprived of his or her personal liberty only on the ground of disability.
- The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

[3] Section 2(x) defines “public facilities and services” as “all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation”.

[4] Section 20, RPwD Act 2016.

[5] Section 16, RPwD Act 2016.

[6] Section 12, RPwD Act, 2016.

[7] Approximately 45% of disabled people are illiterate, and only 62.9% of disabled people aged 3 to 35 have ever attended regular schools. Government of India. (2011). Census of India 2011: Provisional population totals. Office of the Registrar General & Census Commissioner, India. <https://censusindia.gov.in/>

[8] As per Census 2011, there are 1.7 Cr. disabled non-workers, among them 46% were males and 54% females, Government of India, supra note 7.

A. Access to Justice for Persons with Disabilities

Access to Justice is a multifaceted concept encompassing actors such as police, magistrate, legal aid lawyers, judges, etc., procedures, and processes needed to exercise one's legal rights. It begins with the initial interactions with law enforcement, through access to legal representation and courtroom proceedings, to the final stages of appeals and pronouncement of judgment.

Often, several minority groups—based on race, religion, or gender—are unable to participate in justice systems fully. For persons with disabilities, challenges may be intensified by the physical inaccessibility of police stations, prisons, and courtrooms, along with attitudinal barriers. They may also face difficulties understanding and participating in legal processes that are built around assumptions of able-bodied offenders and victims.

The RPwD Act, 2016 defines "public facilities and services" as those provided to the general public, such as transportation and healthcare, including access to justice (Section 2(x) of the RPwD Act, 2016).

Therefore, the legal system—courts, law enforcement, and legal aid—have a statutory obligation to be accessible for all, similar to other public services.

It is not possible to quantify the extent of the challenge presented by ableist legal procedures, as there is no government-maintained or other available data on persons with disabilities who engage with the legal system. The National Crime Records Bureau (NCRB) does not maintain disaggregated data for persons with disabilities who are victims of crime [9] or who engage with the legal system as accused individuals, including those who are arrested or incarcerated [10]. However, given their socio-economic marginalisation and impairments causing functional and cognitive limitations, persons with disabilities are likely to have disproportionate interactions with legal systems – both as victims of crime and as accused individuals.

The promise of equitable access to justice for persons with disabilities requires that all components of the justice system recognise the diverse needs of individuals with disabilities and provide alternative procedures and safeguards. Within the criminal legal system, two types of protections are recognised concerning policing: first, general safeguards aimed at curbing police misconduct, particularly their powers to investigate and arrest [11], and second, identity-based protections designed for specific groups, such as women, children, and marginalised castes, which are deemed as protected characteristics. Over the years, the legal system has acknowledged and adapted to the vulnerabilities of identity-based communities, such as women, children, and caste minorities, through measures like in-camera proceedings and vulnerable witness guidelines. The policies and practices do not directly engage with disability as a protected characteristic.

[9] National Crime Records Bureau (NCRB), Crime in India, Ministry of Home Affairs, Government of India. Please note that Crime in India records only rape cases against women with physical and mental disability.

[10] National Crime Records Bureau (NCRB), Prison Statistics India, Ministry of Home Affairs, Government of India.

[11] Lalita Kumar v. Government of Uttar Pradesh, AIR 2014 SUPREME COURT 187; Arnesh Kumar v. State of Bihar, AIR 2014 SUPREME COURT 2756; Hussainara Khatoon & Ors v. Home Secretary, State of Bihar, Patna, 1979 AIR 1369.

Section 12 of the RPD Act is the only provision that ensures equitable access for persons with disabilities to the justice system by providing for physical and procedural accessibility for all. It encompasses the various means to exercise their legal rights on an equal basis with another^[12] – (a) access to bodies with judicial, quasi-judicial, or investigative powers^[13]; (b) right to free legal aid^[14]; (c) right to participate in

court proceedings.^[15]

It requires suitable support measures^[16] — access to information, procedural accommodations, and legal aid. The 15th Report of the Standing Committee highlighted that the draft provision under Section 12 was ‘non-exhaustive’^[17]. However, the very text of the provision suggests including police services, and sensibly, as the ‘gatekeepers’ to the justice system, the police are pivotal in realising the desired goals of access to justice.

Safeguards for Persons with Disabilities in the BNSS –

- **A Test Identification Parade for a disabled victim must be conducted under the supervision of a Magistrate, in a manner comfortable to the victim, and must be recorded via audio-video means. (Section 54);**
- **For sexual offenses against women with disabilities, the statement must be recorded at her residence or chosen location, with an interpreter or special educator, and videographed. (Proviso 2(a) of Section 173);**
- **Disabled witnesses can attend investigations at a location of their choice and may go to the police station only voluntarily. (Proviso (1) and (2) of Section 179 of BNSS, 2023);**
- **The statement of a disabled sexual offense victim must be taken by a Magistrate with an interpreter and special educator, recorded via audio-video. (Proviso (3) and (4) of Section 183(6)(a) of BNSS, 2023);**
- **The statement of a disabled sexual offense victim is considered a statement of examination-in-chief. (Section 183(6)(b) of BNSS, 2023; Section 142 of BSA, 2023);**
- **Persons with disabilities cannot be summoned anywhere other than their home unless they voluntarily attend the police station. (Section 195 of BNSS, 2023)**

Box 1.1 - Procedural Accommodations for Persons with Disabilities as provided under the Bhartiya Nyay Suraksha Sanhita, 2023.

[12] Section 12(1), RPwD Act, 2016.

[13] Section 12(1), RPwD Act, 2016 -

The provision encompasses adjustments required for premises and physical infrastructure, as well as practices, policies, and procedures, collectively referred to as physical and procedural accessibility. This ensures that individuals can exercise their legal rights effectively through investigative bodies (such as the police), quasi-judicial bodies (including tribunals and offices of commissioners), and judicial bodies (courts).

[14] Section 12(3), RPwD Act, 2016.

[15] Section 12(4), RPwD Act, 2016.

[16] Section 12(4)(c), RPwD Act, 2016.

[17] Standing Committee on Social Justice and Empowerment, 15th Report on the Rights of Persons with Disabilities Bill, 2014 (2014-2015), Ministry of Social Justice and Empowerment, Lok Sabha Secretariat, New Delhi, May 2015. 3.48 at p. 42.

B. Examining Police Interactions with Persons with Disabilities in Criminal Legal Settings

The police, as the first point of contact within the justice system, plays a pivotal role in making the administration of justice inclusive. Their responsibilities in maintaining crime control and social order place them in frequent interaction with citizens across various contexts, such as emergency response, routine patrols, community engagement (e.g., at traffic signals), crime investigations, arrests, custody, and interactions during court appearances. The individuals are most likely to encounter the police as -

- (a) victims of crime or those reporting criminal incidents;
- (b) persons suspected of or charged with committing offences (accused persons);
- (c) third parties, such as witnesses to a crime, individuals reporting accidents, traffic bypassers, etc.

Police interactions, especially for people with disabilities from socio-economically marginalised backgrounds, are often marked by exclusion and discrimination. These individuals face additional barriers, such as inaccessible communication, physical spaces, and lack of necessary accommodations due to the combination of disability and disadvantage. Rooted in deeper biases, these issues make people with disabilities more vulnerable to mistreatment and rights violations. Additionally, police officers often lack both the awareness and resources to offer appropriate support, especially when disabilities are not immediately visible.

Justice reform processes too often fail to include police reform. However, the police play a fundamental role in ensuring access to justice, particularly since it is the point of first contact in the criminal justice system (UNDP, 2004: 15).

This leads to greater exclusion and risk of harm within the criminal legal system. Anecdotal evidence over the past decade records incidents involving the false implication of persons with disabilities,^[18] the failure to provide necessary assistive devices for court access^[19], and numerous instances of physical violence by police against individuals with disabilities.^[20]

The Criminal Law Amendment Act of 2013 introduced several procedural accommodations for persons with disabilities (see Box 1.1). However, these provisions primarily focus on the trial phase, often neglecting the crucial pre-trial phase, where interactions with law enforcement play a significant role. Similarly, while Section 100 of the Mental Health Care Act, 2017 mandates police officers to protect persons with mental illnesses, this obligation operates outside the standard criminal law process. To effectively reconsider due process for persons with disabilities, it is essential to first gather both empirical data and anecdotal evidence that illustrate how current police practices impact persons with disabilities.

[18] Disabled man wrongfully accused of a high-speed escape. court makes cops pay, (2023). The Indian Express, Available at - <https://indianexpress.com/article/cities/chandigarh/liquor-recovery-case-mistakenly-implicated-by-cops-hc-awards-rs-1-50-lakh-to-disabled-man-9005199>.

[19] Shakil, S. Disabled accused made to crawl to fifth-floor court, (2015). The Times of India, Available at: <https://timesofindia.indiatimes.com/city/delhi/disabled-accused-made-to-crawl-to-fifth-floor-court/articleshow/48367771.cms>.

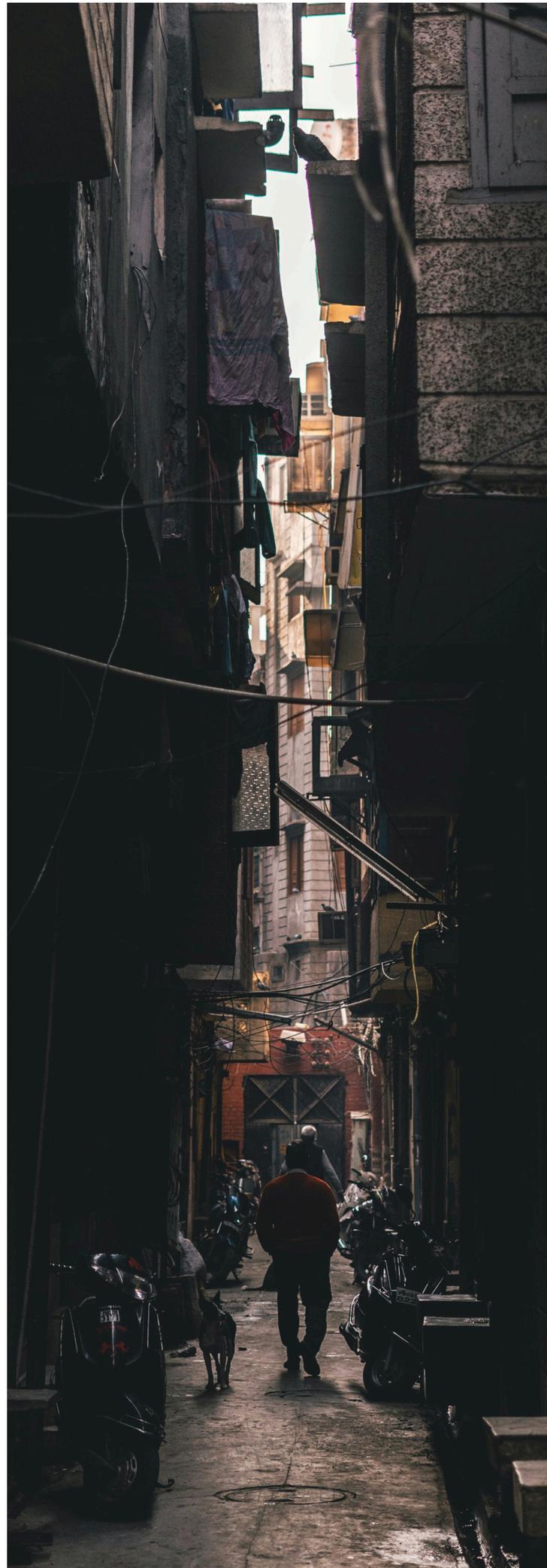
[20] NHRC notice to UP over alleged beating of disabled people, (2015). The Economic Times, Available at: <https://economictimes.indiatimes.com/news/politics-and-nation/nhrc-notice-to-up-over-alleged-b> ; Also see: Gavali R., Police assaulting person with disability captured in viral video; Minister demands report in Karnataka, (2023). Deccan Herald, Available at: <https://www.deccanherald.com/india/karnataka/police-assaulting-person-with-disability-captured-in-viral-video-minister-demands-report-in-karnataka-1241736.html>.

C. Centering Lived Experiences: A Case Study Compilation for Reforming Policing Practices in India

Conventional policing practices, often built on assumptions about able-bodied individuals, can be particularly harmful to people with disabilities. These approaches often result in discrimination, disproportionate force, and a failure to provide adequate support.

Discrimination by law enforcement officers—whose primary duty is to ensure public safety—represents a breach of legal standards and can severely hamper the possibility of access to justice. This underscores the need to thoroughly examine policing practices and take concrete action to mitigate discriminatory outcomes, ensuring equitable treatment for all individuals.

This compilation of case studies aims to contribute to the ongoing discourse on policing reforms in India by documenting the lived experiences of persons with disabilities in their interactions with law enforcement. These case studies reveal how current procedures often systematically exclude or marginalise persons with disabilities despite established legal standards. The issue goes beyond the lack of procedural accommodations, highlighting the inadequate implementation of existing safeguards and a broader neglect within legal settings. The findings call for comprehensive reforms in criminal procedures, starting with policing, to uphold principles of reasonable accommodation, inclusivity, and accessibility.



METHODOLOGY

This case study compilation adopts a qualitative research approach, focusing on the lived experiences of persons with disabilities during their interactions with law enforcement. It seeks to critically examine the barriers that impede these interactions to identify the safeguards necessary to ensure they are equitable and dignified for all individuals. The research is organised around four core themes –

- **accessibility** of police infrastructure, facilities, and services, which assesses whether physical and digital environments are navigable and usable by persons with disabilities;
- **procedural accommodations**, evaluating the extent to which the police modify their practices to meet the specific needs of individuals with disabilities during interactions;
- **sensitivity and respect for autonomy**, focusing on the police's ability to uphold the dignity and independence of persons with disabilities throughout decision-making processes;
- **physical abuse and further deterioration of health**, highlighting instances of physical abuse or mistreatment by police, including exacerbation of pre-existing health conditions or adversely impacting mental health.

These themes guide the analysis of each case study, ensuring a comprehensive exploration of systemic challenges and the realisation of disability rights in policing.

This study employs purposive and snowball sampling techniques to examine the experiences of persons with disabilities in their interactions with the police. Initially, purposive sampling was used to identify and engage with individuals and organisations directly working with persons with disabilities. We began by contacting partner organisations and individuals

within iProbono India's network. Subsequently, snowball sampling was employed to broaden our network. We sought recommendations from our initial contacts for additional individuals or organisations who could provide valuable insights. Given the extensive networks of our initial contacts within the disability justice community, this method facilitated access to a diverse group, enhancing the comprehensiveness of the information gathered for the study.

We carefully selected the participants to ensure diverse representation across various dimensions. This included individuals with different types of disabilities (physical, intellectual, and sensory), gender representation, varied socio-economic backgrounds, and representation from different geographic locations. Additionally, we chose instances to represent varied types of law enforcement encounters, such as victims, witnesses, or accused individuals. This approach ensured a comprehensive depiction of the challenges faced by persons with disabilities in their interactions with law enforcement.

This study employs a qualitative approach, grounded in in-depth case studies, to explore the lived experiences of persons with disabilities (PwDs) in their interactions with law enforcement. The methodology is designed to capture the nuanced and complex realities PwDs face and the experiences of lawyers, support persons, and other stakeholders involved in these engagements.

We followed a question guide curated to achieve the objectives of this study around the four key themes discussed above. This provided a consistent basis for exploring the interviewees' experiences while allowing flexibility to adapt based on individual responses.

Thus, the questions capture the diverse and nuanced experiences of persons with disabilities during their interactions with law enforcement.

A pilot phase with a small subset of participants tested the question guide, leading to adjustments that enhanced its effectiveness and suitability.

Lawyers and trained social workers conducted the interviews in person or virtually depending on the disability and practical limitations, between July 2024 to September 2024. Wherever required, interviews were conducted in the respondent's language, including sign language and written communications. The interviews were recorded with prior consent from all participants and transcribed to create the case studies. All written information was offered in accessible formats, and participants were

encouraged to choose their preferred format with verbal and written consent.

Limitations - This study acknowledges several limitations in its scope and representation. The reliance on participant referrals also contributed to an overrepresentation of certain groups, as referrals tended to favour individuals who were more accessible or shared similar life experiences.

In the final compilation of case studies, specific disabilities are underrepresented, especially for experiences of persons with intellectual and developmental disabilities. Moreover, there is a noticeable gap in cases from regions such as East India and the West. Furthermore, the participation of women and LGBTQ+ individuals was limited, likely due to compounded vulnerabilities that made them more hesitant to share their experiences.

Note: This compilation uses both identity-first and person-first language, such as "disabled persons" and "persons with disabilities". This inclusive approach acknowledges the importance of self-identification and aims to reflect how individuals express their identity.

1

Harassment and Neglect: Police's Willful Denial of Disability Accommodations in Muruganantham's Case

INDICATORS



ACCESSIBILITY



SENSITIVITY AND
AUTONOMY



PROCEDURAL
ACCOMMODATION



PHYSICAL ABUSE

L. Muruganantham is a 39-year-old advocate practising in Tamil Nadu. Muruganantham has progressive Becker's Muscular Dystrophy (MD) since birth – a genetic condition where muscles in the upper part of the legs are usually the most affected, impacting his mobility. He requires firm support to stand up from a seated position. He was diagnosed with autism later than usual, at the age of 36. His symptoms, present since childhood, include episodes of severe anxiety and obsessive-compulsive disorder, fear and phobia. He lives with his mother, his primary caregiver.

A false complaint was registered against Muruganantham and his mother for a family land dispute. On September 29, 2020, the Sub-Inspector of Police from Dharmapur Police Station arrived at Muruganantham's land to arrest him. He was being charged with voluntarily causing hurt [21] and criminal intimidation.[22] **The officer slapped him, confiscated his mobile phone, and took him to the police station.** 🚫 He attempted to explain that the FIR was false and that, due to his disability, he could not have committed the alleged offences of striking the complainant, pushing him, and causing him to fall. The High Court later accepted this explanation in his case.[23]

Despite this explanation and the non-serious nature of the offences, Muruganantham was arrested after facing police violence. The officer taunted, "You think you can hide behind your disability and escape the system? You are certainly going to get arrested." **This statement left the respondent extremely triggered, mainly because of his autism, which makes him highly sensitive to such confrontations and increases his anxiety.** 🧠

Muruganantham's disabilities—both MD and Autism—are not immediately apparent when he is stationary and not in motion. As a result, his disability often goes unrecognised and unacknowledged.

"If your disability is visibly obvious, it is hard to ignore. However, with an invisible disability, you face an added challenge—convincing others of your condition and associated challenges," says Muruganantham.

The police made his arrest in violation of several established safeguards—in the absence of a notice under Section 41A [24] and an arrest memo, they recorded a false time of arrest. They did not let him contact any friends or family members. 🙅

"When an innocent person is falsely implicated, he not only suffers from loss of reputation but also from mental tension and his personal liberty is seriously impaired. Therefore, the 1st Respondent (i.e.,) has failed to follow the procedures laid down in law in arresting the Complainant and hence [...] had violated the guidelines issued by the NHRC and SHRC and the judgement of the Hon'ble Supreme Court of India," the Tamil Nadu State Human Rights Commission noted in its order holding the arrest to violate Muruganantham's human rights and ordered a compensation of Rs. 1,00,000/- from the Government of Tamil Nadu.

The police station was essentially a makeshift arrangement within a women's police station, lacking any toilets, let alone accessible ones. 🚻 While lacking such basic facilities is a general concern, it becomes significantly more problematic for individuals with restricted mobility.

[21] Section 323, Indian Penal Code, 1860.

[22] Section 506(2), Indian Penal Code, 1860.

[23] L. Muruganantham v. The State of Tamil Nadu, W.M.P.No.23750 of 2021 at ¶ 3,

"Despite being a physically challenged person, the petitioner was harassed by the Police and was beaten up. He was also slapped by the second respondent" (i.e., the Sub-Inspector of Police).

[24] Section 41A of the Criminal Procedure Code, 1973 (CrPC) mandates that a police officer must issue a notice of appearance to a person accused of committing a cognizable offence, provided there is a reasonable complaint, credible information, or reasonable suspicion. This provision aims to prevent unnecessary arrests and allows the accused to cooperate with the investigation.

At the police station, Muruganantham was forced to sit on a bench for several hours. 🙏 When his mother was informed of the arrest, she brought his disability certificate and tried to inform the police officers about his condition – but was ignored. In his interactions with the police at the station, they frequently referred to him as 'worthless,' leaving him feeling deeply disrespected. This experience has remained etched in his memory, triggering distress to the point of having suicidal thoughts. 🙏

When Muruganantham was taken to the hospital for a medico-legal certificate, the police deliberately left his disability certificate at the station. 🙏 Despite repeated pleas from him and his mother, who stressed the necessity of the certificate for a proper medical examination, the police refused to provide it. They reluctantly brought the disability certificate to be sent to the hospital only after persistent urging.

The examining doctor confirmed him to be a known case of Becker's MD. His mother again handed over copies of the certificate to the police, urging them to inform the prison officials so that reasonable accommodations could be made. However, even then, the police failed to produce the certificate when he was admitted to the Central Prison, Coimbatore, depriving him of the accommodations he was entitled to under the RPwD Act. It took him a week in prison to prove his disability without the certificate that the police had withheld. As a result, he endured harsh living conditions without any accommodations, which aggravated his symptoms.

The Madras High Court remarked, *“A cumulative effect of all these acts and omissions, in our opinion, would certainly amount to violation of Human Rights of the petitioner. We also take note of the fact that no proper training or sensitisation programme has been held as required under Section 39 of the Rights of Persons with Disabilities Act, 2016. [...]*

The responsibility of the Police Officer handling a physically disabled person is much more, he /she should be doubly careful and exercise more restraint while handling a physically disabled person. Evidently, there has been some excess, unfortunately the learned Magistrate has also mechanically remanded the petitioner. [...]

A physically disabled person is definitely entitled to a better treatment and denial of such better treatment by itself would amount to a Human Rights Violation. If the Police Officers despite knowledge of the fact that they are dealing with a physically disabled person behave in inhumane manner and arrest such person with a certain illegal object in mind, the action of the Police Officer should not only be condemned, but he should also be penalised for such behaviour.”^[25]

In a writ petition filed before the Madras High Court, Muruganantham described the severe physical and sensory hardships he endured during his time in prison. He recounted experiencing constant body pain and a burning sensation, which led to his eventual admission to the hospital within the jail. Despite this, he was severely sleep-deprived, managing only about an hour of sleep each night. He also highlighted that the lights were left on throughout the night, exacerbating his sensory issues. Amidst several challenges that the living conditions in prison posed to Muruganantham, he faced problems for the absence of ramps, disabled-friendly toilets, and insensitive treatment.

Muruganantham's case highlights the discrimination and indifference shown by law enforcement toward individuals with disabilities. The police's refusal to provide his disability certificate reflects a failure to offer necessary support. Accused persons with disabilities often face harsher treatment, and this case underscores the need for greater care and vigilance by law enforcement. The High Court emphasised that police must address the specific needs of persons with disabilities to ensure they can fully exercise their rights. The absence of strong safeguards points to a broader failure in protecting the rights and dignity of vulnerable groups.

[25] L. Muruganantham, *Supra* at 3, ¶ 36.

2

Devi's Fight for Fair Policing: The Struggles of a Street Vendor with a Disability

INDICATORS



ACCESSIBILITY



SENSITIVITY AND
AUTONOMY



PROCEDURAL
ACCOMMODATION



PHYSICAL ABUSE

In 2006, Seema Devi*, a resident of a resettlement colony in South West Delhi, lost her leg as a result of a hit-and-run accident. The 49-year-old now lives with 80% orthopaedic disability, relying on a cane for mobility. For several years after the accident, she relied on assistance for daily tasks such as cooking and cleaning. She continues to face challenges, unable to stand or lift heavy objects for extended periods.

Recently widowed, Devi lives with her 20-year-old son, who has had an orthopaedic disability since the age of seven, affecting mobility in his arms and legs. She and her son receive a monthly disability pension of Rs. 2,500 each. Apart from the pension, they run a small confectionery shop in a temporary structure on the roadside, with which they generate a modest daily income of Rs. 100 to 150.

Devi's initial interactions with the police following her accident were positive. The officers visited her in the hospital, showed courtesy, and gave her the space to process information. However, her recent experiences with the police have been significantly more challenging.

Devi's shop, located along the roadside, leads to frequent interactions with the police. She recounts how police officers regularly stop by her shop, casually taking items without making a payment and threatening to remove her shop if she resists. As a single woman with a disability, she finds herself with little to no bargaining power in such situations.

Devi had been constantly arguing with her neighbour, who would not let her use a water tanker meant to be a community resource. She decided to file a police complaint against the neighbours.

When she visited the police station, she was denied entry into the premises altogether. She was forced to remain outside and made to stand on the main road while other complainants were allowed inside. 🙅 Despite her visible physical disability, the officers did not

make any effort to accommodate her, not even offering her a place to sit despite her impairment. She kept wondering why she was left out. **It was late evening in an unaccompanied, exposed and uncomfortable waiting area where she faced hours of neglect.** 🙅

"Main samajh nahi paayi ki mujhe bahar khada rehne diya, jab doosre log aasani se andar jaa rahe the"

(I don't understand why I was made to stand outside when other people were easily going inside), she recollects.

She was forced to return home without having her complaints registered. She returned the following day and again the day after that, but each time, she encountered some barrier keeping her away from justice. **When she managed to navigate the station premises, she found that the complaint desk was beyond a small flight of stairs, which she could not ascend due to her disability.** 🙅 Despite her repeated requests to meet with the Station Head Officer (SHO) to formally lodge her complaint, her requests were dismissed or ignored, and she was not attended to.

The policemen at the gate often dismissed Devi and shouted at her. They said,

"Aap is haalat mein hone ke bawajood police station aate hain"

(You come to the police station despite being in this situation), referring to her disability.

On another occasion, they belittled her by mockingly stating,

"Side ho jao, koi dhakka de ke gira dega"

(Get aside or someone will push you and you will fall).

*name changed

Every time she went to the police station, she had to walk five kilometres or take an auto rickshaw, which was very expensive. 🙌

Despite her repeated efforts, she could not lodge a formal complaint. The cumulative physical and procedural barriers rendered the process of lodging her complaint effectively inaccessible.

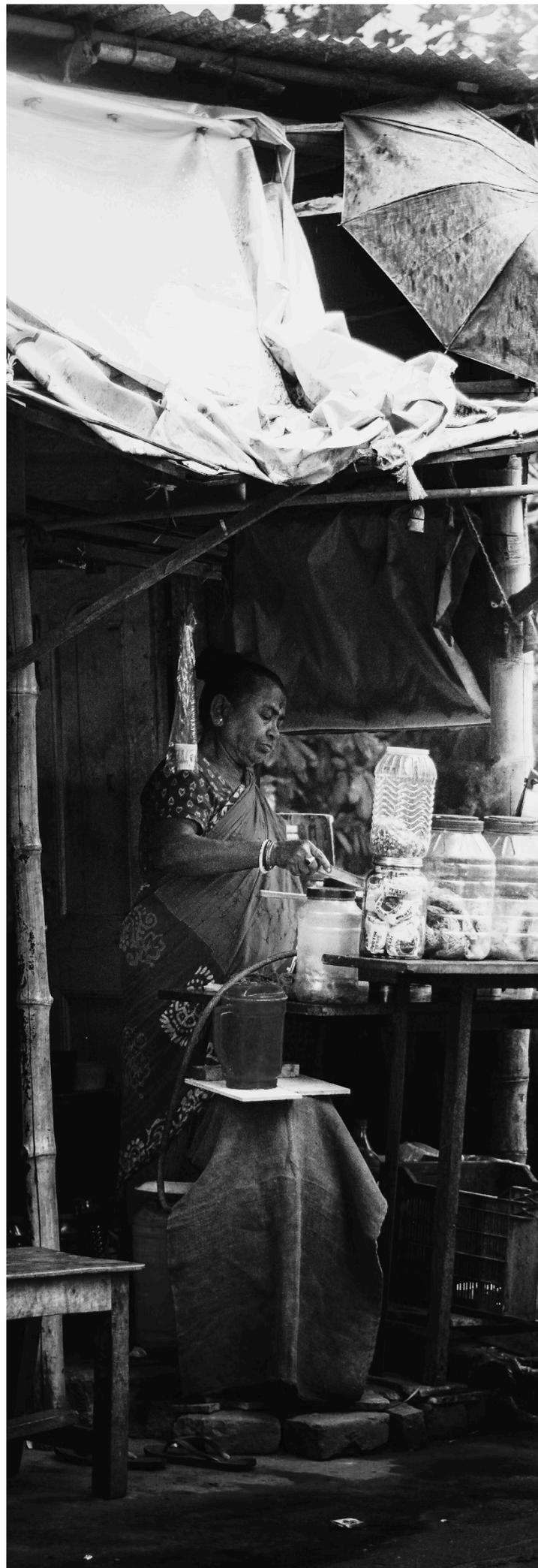
Devi comments that residents of a resettlement colony, marked by social and economic marginalisation, tend to experience disproportionate police surveillance and intervention. Additionally, the police hold strong biases against the residents. The people from the colony are the usual suspects whenever a crime happens and often make remarks such as,

"In logon ke paas aur koi kaam nahi hai, bas yahan aa jaate hain.

Mar kyun nahi jaate yeh log?"

(These people have nothing better to do, they just keep coming here. Why don't they just die?).

Devi's experiences as a disabled woman street vendor highlight the pervasive biases against residents of her resettlement colony, where the police often dismiss complaints without proper investigation. Her story reflects the broader challenges faced by this intersectionally vulnerable group. Their interactions with police services expose the critical intersections of gender, class, and disability, illustrating how these factors contribute to systemic exclusion from equitable policing.



3

Echoes of Neglect: Gaps in Police Interaction with Karthik, a Hearing-Impaired Accused

INDICATORS



ACCESSIBILITY



SENSITIVITY AND
AUTONOMY



PROCEDURAL
ACCOMMODATION



PHYSICAL ABUSE

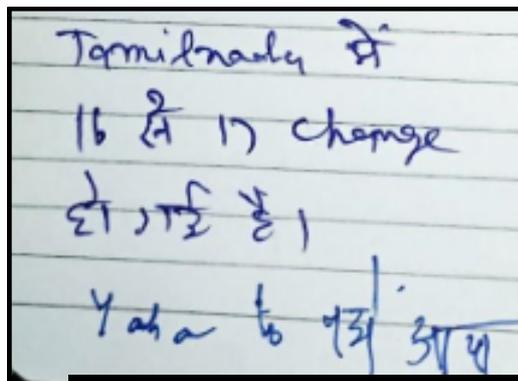
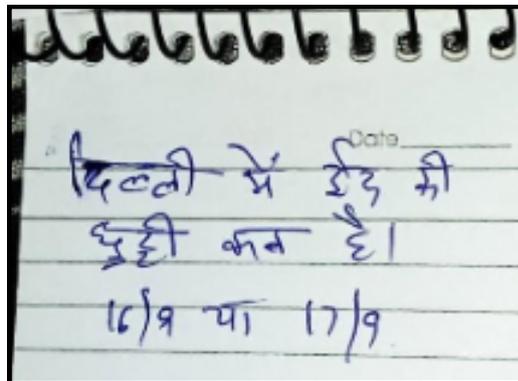
Karthik Mehta*, a man with 100% hearing impairment, works as a Senior Manager at a banking facility and has been gainfully employed for the past 38 years. He has been deaf since childhood and has experienced post-traumatic stress disorder (PTSD), which has led to cataracts, blurred vision, and weakened eyesight since 2012. Mehta had a troubled marriage, at the end of which his wife — herself physically disabled — filed a complaint against him for matrimonial cruelty^[26] and voluntarily causing hurt.^[27] The trial is ongoing. Mehta also sought police support for the abuse he faced from his wife and her family.

Mehta prefers written messages as his daily form of communication. In 2012, he sent a formal complaint by speed post to a police station in North-West Delhi, alleging harassment and abuse by his brother-in-law and five others. In the subsequent days, he sent additional complaints by speed post to the ACP Sultanpuri and the DCP. Mehta escalated the issue further by emailing his complaint to the Commissioner, but no complaint was registered, and thus, no action was taken.

“Text messaging is a clear, transparent, and safe mode of communication for someone like me. However, the reality is that the Delhi Police either completely avoid text communication with me or engage minimally at their discretion, which does not lead to any real solution,”
Mehta explains.

The lack of resolution made the issues between him and his wife worse. On a freezing night in December 2014, during a fight, Mehta’s wife, along with her son, beat him up and threw him outside the house. He called the police and yelled for help; two Delhi Police officers arrived in a PCR van. However, they could not get him inside the house as his wife refused to open the door. The policemen left. By then, it was midnight.

Later, around 1:00 AM, Constable Rajesh* from a nearby police station arrived along with another police officer. The constable and the wife exchanged verbal messages. **Being hearing impaired, Mehta could only observe the interaction and struggled to decipher the conversation through body language and fragmented lip-reading.** 🙄



Examples of Karthik’s preferred mode of communication.

*name changed
 [26] Section 498A, Indian Penal Code, 1860.
 [27] Section 323, Indian Penal Code, 1860.

Mehta desperately attempted to draw the constable's attention to the wife's refusal to let him stay. However, the constable, already agitated, struck him on the right cheek, causing him excruciating pain. This initial blow quickly escalated into a series of slaps as he was forcibly led away from the house and onto the street. 🚫 He fell to the ground, his distress palpable as the constable entered the house to speak with the wife.

Eventually, the constable relented and asked Mehta to return to the house. Despite his attempts to communicate in writing due to his deafness, the constable insisted on verbal communication. In a condescending gesture, the constable scribbled instructions on a piece of paper like "Mooh se baat kar" (Speak with your mouth) and "Tu mere vajah se ghar ke andar hai" (You are inside the house because of me). He then coerced him into signing a settlement paper whose contents remain unknown. 🖋️

After signing sheets of paper, Mehta attempted to signal the intense pain in his cheeks. However, both police officers ignored this. The strikes of the constable were so forceful that they fractured and misaligned his jaw, causing a permanent injury. This has left Mehta with constant jaw stiffness, and his ability to speak has gradually diminished. 🚫

"Main apni shikayat puri tarah se spasht roop se prastut kar sakta hoon aur likhit sanchar ke madhyam se muddon ka samadhan kar sakta hoon. Phir bhi, Delhi Police iss aavashyakta ko pura karne mein puri tarah se dhairya, shanti, shishtachar aur maryada ka abhav dikhati hai"
(I can fully present my complaint clearly and resolve issues through written communication. Yet, the Delhi Police shows a complete lack of patience, calmness, courtesy, and decorum in accommodating this need),
he remarks.

Section 12 of the RPwD Act, 2016 [28] guarantees access to justice for persons with disabilities, extending this right to all bodies with judicial, quasi-judicial, and investigative powers, including the police. Sub-clause (4) of this section imposes a legal obligation on the police to provide suitable support measures, such as alternative modes of communication, to ensure that persons with disabilities can fully participate and exercise the safeguards available under the law. Despite these legal requirements, the police's failure to effectively communicate with and support Mehta highlights a significant shortfall in upholding these statutory obligations.

[28] Section 12 of the Rights of Persons with Disabilities Act, 2016 mandates that the government must ensure that persons with disabilities can access justice, such as courts and tribunals, without facing discrimination due to their disability. It also requires the government to provide necessary support for people who live alone or need significant assistance to exercise their legal rights. Legal authorities must offer reasonable accommodations so persons with disabilities can equally benefit from legal services. The government is also responsible for making sure that public documents are available in accessible formats, ensuring that legal offices are equipped to handle accessible documents, and providing the necessary tools for persons with disabilities to give testimony or participate in legal proceedings in their preferred communication method.

During the ongoing trial against him on his wife’s complaint, the Delhi High Court acknowledged the need for a procedural accommodation given his disability. It allowed for 100% written conversation-based proceedings by every party involved. It emphasised having resources and infrastructure to afford a fair trial for accused persons with visual, hearing, motor or mobility disabilities. It noted,

“ [...]It will be a step towards dismantling the barriers which persons with disabilities have to face, especially an accused facing criminal trial. It will be a step towards long cherished goal of extending complete justice to every citizen since justice should not only be done but also seem to be done. No citizen in this country should feel that due to his physical or mental disability, justice was not done to him either due to lack of material infrastructure or moral, ethical, sensitive and understanding by the judicial system and Court.” [29]

The Accessible India Campaign guidelines released by the Bureau of Police Research and Development (BPR&D), Ministry of Home Affairs also outline specific protocols for recording statements from persons with speech and hearing disabilities, including professional sign language interpreters to facilitate effective communication when necessary. [30]

Mehta’s request for written communication represents a fundamental and resource-light adjustment that could have enabled effective dialogue, ensured that his grievances were appropriately addressed, and preserved his dignity. Although the RPwD Act and the Accessible India Campaign (AIC) guidelines provide a robust framework for enhancing accessibility within police services, the lack of accountability mechanisms and clearly defined objectives presents a significant barrier to implementation. Without these safeguards, the practical application of these guidelines—and their potential to positively influence the daily lives of individuals with disabilities—remains a critical concern.



Image Credit: New York Times

[29] Deaf Divyang v. State Govt Of Nct Delhi, W.P.(CRL) 2500/2022, at ¶ 80;

[30] Guideline No. 8.2.2, 8.5.4., Ministry of Home Affairs, Accessible India Campaign Guidelines, 2021

4

Barriers to Police Services for Survivors with Disabilities: Insights from Advocate Roma Bhagat

INDICATORS



ACCESSIBILITY



SENSITIVITY AND
AUTONOMY



PROCEDURAL
ACCOMMODATION



PHYSICAL ABUSE

This case study draws on the insights of Advocate Roma Bhagat, an experienced lawyer representing persons with disabilities, particularly in police interactions. Due to the risk of retraumatisation, the direct experiences of women with disabilities reporting sexual assault were not gathered. Advocate Bhagat shares anecdotes, highlighting systemic barriers to accessing policing services and their role in denying justice to survivors with disabilities.

Shivangi*, a young girl with multiple sclerosis (MS)—a condition affecting the central nervous system—was raped by some of her neighbours. At the time of the incident, Shivangi was experiencing acute pain due to MS, rendering her unable to resist the assault, which intensified her trauma. While recounting the incident to the constable, she did not exhibit her neuropathic pain symptoms. Since her response to the abuse did not conform to the police's expectations of a typically able-bodied person experiencing assault, she faced unjust scrutiny, accompanied by dismissive remarks such as, "*Tune kuch nahin kiya?*" (You didn't resist at all?).

Advocate Bhagat, who provided legal support to Shivangi, emphasised that survivors with disabilities face even more significant challenges in persuading the police to believe their accounts, as they frequently encounter heightened scrutiny and prejudice. 🙋

“The constable focused on probing for inconsistencies with several requests for clarification.

The process was more of an interrogation as applied to an accused rather than the questioning of a victim.” 🙋

she remarks

When Shivangi arrived at the hospital^[31], she was questioned again by the accompanying police personnel and the emergency services. **By the time she reached the examination table where the rape kit was to be administered, she had already been compelled to repeat her story to approximately 17 different individuals, including hospital staff and police officers, or various combinations of both.** 🙋

Advocate Bhagat views this as re-victimisation and remarks,

“Police unfamiliar with the effects of her disability may have misinterpreted her responses as dishonesty or inconsistency.”

In this case, an FIR for assault was registered based on the rape kit results. **However, in Advocate Bhagat's opinion, it should have been classified as aggravated assault due to the victim's acute pain at the time of the attack and her helplessness.** 🙋

The process of registering a complaint can become highly onerous for survivors with disabilities, involving multiple personnel at the police station. Additionally, police often fail to recognise disabilities at the outset, leading to incorrect assumptions.

Advocate Bhagat also highlighted the specific challenges that survivors with hearing impairments face when interacting with the police. It is often assumed that deaf individuals can be interrogated effectively using written questions and answers. However, sign language—the primary mode of communication for most deaf individuals—might not correspond directly with hearing individuals' written or spoken language. This discrepancy can hinder the deaf person's understanding of the questions, leading to inaccurate responses.

[31] Section 184 Bhartiya Nyay Suraksha Sanhita, 2023, requires that when a rape or attempted rape is being investigated, and it's necessary to have a medical examination of the woman involved, this must be done by a government-employed or local authority doctor. If such a doctor is not available, another registered doctor can do the examination, but only with the woman's consent or someone authorised to give consent on her behalf. The woman must be sent for this medical examination within 24 hours of the police receiving information about the crime.

Moreover, police often do not know that each deaf individual may use a unique sign language and typically depend on family members as interpreters. This reliance can be problematic when abuse occurs within the family, as dominant members may pressure others to provide misleading interpretations to conceal the abuse.

For instance, Advocate Bhagat narrates that when a mother brought a child with a hearing impairment to a police station, claiming sexual assault. She acted as an interpreter for her child. Other family members arrived while she was interpreting the narration of the incident, resulting in a complete change in the mother's narrative due to their presence. The deaf girl had never attended school, so when a Sign Language Interpreter (SLI) was eventually brought in, he stated he needed about a week to observe her sign language for understanding. **The police was not aware of this, they assumed that all sign languages are the same, which is incorrect. Sign languages can vary depending on where and how they are learned. This gives rise to tainted recorded testimonies/statements^[32] in the same way as when the testimony of a person/child with limited vocabulary is recorded in adult language instead of verbatim.** 🙋

“These inconsistencies are often exploited as a defence to seek acquittal, undermining the victim's right to a fair trial. This happens due to the lack of reasonable accommodations from the outset,”

Advocate Bhagat remarks.

In another incident, a deaf individual reported inappropriate touching in the metro using gestures and body movements. **However, the officers misinterpreted her behaviour as a sign of mental illness and dismissed her.** 🙋

This disregard allowed the abuser to recognise her inability to communicate effectively, which encouraged him to follow her and engage in further inappropriate behaviour, including masturbating in front of her on the metro.

“Regardless of whether the individual has a mental illness or any other disability, the police must listen and document their account. Section 101 of the Mental Healthcare Act, 2017 mandates that police officers must uphold the rights of individuals with mental illness and ensure their reports are taken seriously and treated with respect”.

Advocate Bhagat recounts another instance where the police called her in to assist in questioning a person with autism. The Investigating Officer perceived the youth as uncooperative, initiating the interrogation with a statement like, “*Main ek ya do sawal puchunga*” (I will ask you one or two questions.) The autistic individual began to respond to two questions, but as the officer warmed up, the youth stood up and left. Advocate Bhagat adjusted their approach, stating, “I’ll ask you some questions—there may be a few or many.” This underscores the necessity for police to customize their interrogation techniques, embracing the diverse communication needs of individuals with disabilities like autism to foster effective and compassionate interactions.

Female victims of sexual abuse face considerable barriers in accessing justice, exacerbated by the necessity of explaining their experiences and disabilities to a often indifferent and biased police force. Given their intersectional vulnerabilities, it is essential for law enforcement to handle these cases with sensitivity and involve professionals to support these victims. Such an approach ensures that vulnerable individuals are heard, understood, and able to make informed decisions in their pursuit of justice.

[32] Under Section 180, Bhartiya Nyay Suraksha Sanhita, 2023, statements of victim, along with other witnesses is to be recorded by the police during the course of the investigation; before the Jurisdictional Magistrate in the court proceedings. This statement is admissible as evidence and may be used to corroborate or contradict a statement made during trial.

5

Illegal Arrest, Harsh Conditions: Vallinayagam's Struggle for Basic Rights

INDICATORS



ACCESSIBILITY



SENSITIVITY AND
AUTONOMY



PROCEDURAL
ACCOMMODATION



PHYSICAL ABUSE

In 2000, at the age of 17, Vallinayagam sustained a spinal cord injury resulting in paraplegia – paralysis of the lower limbs, after a fall from a palm tree. This injury left him with 90% disability, losing all sensations below the waist. The absence of adequate medical care led to the development of severe bedsores, some extending as deep as six inches, and recurrent urinary infections. As a result, Vallinayagam now experiences diminished control over his bladder and bowel functions. He requires frequent access to the washroom, but accidents due to loss of control occur often.

In 2005, Vallinayagam attended a residential program at Ayikudi Amar Seva Sangam (AASA), where he learned vital skills for self-care and independent living. Since then, he has been driving a retrofitted auto rickshaw, customised to his needs with hand brakes, while sitting cross-legged. Actively involved in the disability justice movement, Vallinayagam uses his rickshaw to conduct awareness programs through a self-help group. Given his operative role in public protests and demonstrations, he has been subjected to preventive detentions, including house arrests, while staging or participating in protests. He believes the police are power-drunk and hostile towards citizens, stating, "[...]the police officers think that they are God and no one can question them."

On July 27, 2023, Vallinayagam visited the Principal District Court in Nagercoil District to assess its accessibility for persons with disabilities, focusing on accessible toilets as mandated by the RPwD Act, 2016. However, en route, he was stopped by the gunman of the Principal District Judge, who denied him entry to the court, verbally abused and intimidated him, and made derogatory remarks about his disability.

The gunman repeatedly said that he is a 'நெடாண்டி', which loosely translates into 'physically handicapped' in Tamil. 🙏

Vallinayagam filed a police complaint against the gunman before the Superintendent of Police on the same day and went to the District Court to make a complaint the next day. On the pretext of assisting him to file his complaint, the Superintendent of Police called him to the police station.

He had to travel one kilometre from the court to the police station in his battery-operated wheelchair without any assistance from the police. Upon arriving at the police station, he found no ramp leading into the building. His friends had to lift and carry him up a flight of stairs to gain entry. 🙏 Once inside, Vallinayagam realised that the police had summoned him to file a false case against him. The Inspector of the police station subjected him to verbal abuse in front of everyone. Vallinayagam remarked,

“Throughout the time, I felt that I was stripped off my clothes by the Inspector through his oral abuse and made me sit nude in front of the public and officers in the Police Station.”

The police implicated Vallinayagam in an FIR for attempting to enter the family court without prior permission, which led to a verbal altercation with the court staff. The FIR also alleges that he trespassed into a record room and disrupted court proceedings, thus complaining of house trespass [33], offering resistance to the taking of property by the lawful authority of a public servant [34] and using criminal force to deter a public servant from discharging their duty [35]. He was then arrested. These offences, punishable by less than seven years, do not necessitate an arrest. [36]

Throughout this ordeal, Vallinayagam could not locate an accessible toilet within the

[33] Section 448, Indian Penal Code, 1860.

[34] Section 353, Indian Penal Code, 1860.

[35] Section 186, Indian Penal Code, 1860.

[36] Armesh Kumar v. State of Bihar & Anr, [2014] 8 S.C.R. 128.

police station, which was a concern given his bowel and bladder conditions. Consequently, he had to refrain from eating or drinking. The police subsequently took him to a hospital for a check-up, which also lacked accessible washrooms. At no point—whether at the station, during transit, or at the hospital—did the police make any effort to assist him in finding a suitable washroom for his needs.

Vallinayagam was subsequently presented before the Magistrate for remand proceedings, during which both his disability and the unnecessary nature of his arrest were similarly disregarded. ^[37]

While waiting for the judge to arrive, the police continued to insult and abuse him. Upon the Magistrate's arrival, he was swiftly remanded to judicial custody. Vallinayagam tried to explain that he is a person with a disability and that the police, against whom he had lodged a complaint, were responsible for the current charges. However, the Magistrate did not address his concerns and said, "...all facilities shall be provided while in custody."

Harbouring a grudge against Vallinayagam, the police, while admitting him to the prison, specifically told the jail officials,

"Don't give him any food, and don't worry about him. And even if he falls or faints, don't take him to the hospital."

Consequently, Vallinayagam faced severe difficulties in prison. Without access to a wheelchair, he was forced to lie on the floor for extended periods, which exacerbated his bed sores.

Excerpt from Vallinayagam's Complaint: First Production Experience

"After the judge remanded me until 13.08.2023, I interrupted the Hon'ble Judge, and requested to be heard and then stated that I am a physically disabled person. It was only then that the Judicial Magistrate looked at me for the first time and realised what my disability was. I then pleaded that my disability incapacitated me from knowing when I needed to use the restroom and emphasized the extreme difficulty faced by disabled individuals like me in accessing toilets. The Judicial Magistrate, after issuing the order, replied that necessary arrangements would be made in custody."

The prison lacked accessible toilets, leaving him no choice but to starve himself to minimise his bowel movements. It was only a day after, when a doctor visited him, that he advised the authorities to shift him to a nearby hospital immediately.

Unfortunately, the hospital facilities were equally inadequate for accommodating his requirements. The doorways were too narrow to accommodate his wheelchair, leaving him dependent on his elderly father for assistance. Each time he needed to use the washroom, he had to be physically lifted by his father.

Vallinayagam's case highlights the urgent need for policing to recognise and accommodate the needs of accused persons with disabilities from the earliest stages of arrest and interrogation. Safeguards, including assessing the necessity of arrest, must consider an individual's disability. The failure of the police and magistrates to recognise his disability and provide essential accommodations subjected him to harsh prison conditions, lacking basic support, such as accessible and hygienic toilets. It underscores systemic failures in oversight and accountability to ensure inclusive policing for all.

[37] The initial production before the Magistrate is a critical opportunity for judicial oversight to review the necessity of the arrest, ensure due process compliance, assess incidents of police violence, evaluate bail possibilities, and identify the disabilities of the accused. Upon recognising a disability, the judge can mandate reasonable accommodations during detention and trial proceedings. However, in Vallinayagam's case, the Magistrate failed to assess his needs despite his attempts to raise them. Consequently, the judge did not reach the reasoned conclusion later made by the Madurai Bench of the Madras High Court (HC), which ultimately granted Vallinayagam bail. The HC held:

"[...] considering the physical condition of the petitioner, I am of the considered view that releasing him on bail ought to have been considered at the time of remand itself. Because he is suffering from 90% disability and in the prison, even to use toilets, there is no facility for such disabled persons." (Vallinayagam v. State Rep.by Inspector of Police, Kottar Police Station, CRL OP(MD). No.14870 of 2023)

6

Bridging the Gap: Aastha's Story and the Urgent Need for Identifying Invisible Disabilities

INDICATORS



ACCESSIBILITY



SENSITIVITY AND
AUTONOMY



PROCEDURAL
ACCOMMODATION



PHYSICAL ABUSE

Aastha Chaudhary is a 29-year-old neurodivergent [38] and queer psychotherapist working with disabled people. They exhibited early signs of autism [39] and would often have intense emotional reactions when overwhelmed, commonly referred to as meltdowns. Their meltdowns were marked by screaming, shouting, biting, and sometimes hurting themselves or others during distress.

Autistic individuals often have deep pressure needs to feel centred when overwhelmed. As a child, Aastha coped with these urges through means that would lead to unintentional self-harm, like placing their hands under chairs and inside drawers. Neither their family nor school ever considered the possibility of them being disabled. The signs were dismissed as behavioural problems and were often met with reprimands. It was not until the age of 26 that they came to be diagnosed with autism by a mental health professional.

"Instead of recognising this as a symptom and suggesting safer alternatives, parents and teachers would often respond with punishment for such divergent behaviour,"
they recollect.

Aastha recounts a particularly distressing encounter with the police during a routine license check while driving. Three police officers approached their car, one speaking loudly while the others stared down their chest. The immediate intensity and abruptness of the situation were overwhelming for them.

Aastha: "Can you please slow down? I am autistic. I do not understand what is happening. Can we please talk properly and softly?"

The police officer did not heed their request, responding, "Tum disabled kaise ho? Jhooth kyun bol rahi ho? Bhagwan ke bache alag hote hain. Autistic kya hota hai? Mujhe sirf special bache pata hain, par tum to aisi nahi lagti." 🧠

(How are you disabled? Why are you lying? God's children are different. What is autistic? I only know about special children, but you don't seem like that.)

The officer then snatched their keys and license, stating, "I am taking your license. Come to court, pay the fine, and take it back." **Aastha began to experience a semi-meltdown and started crying. Despite their distress, the officers demanded a bribe of Rs. 5,000 instead of assistance.** 🧠

In cases like Aastha's, the challenges of autistic individuals are often mistaken for conditions like learning disability or intellectual disability (which is a gross misconception). As a result, their needs and suffering often go unrecognised and unaddressed by law enforcement. Even when there is self-disclosure of a neurodevelopmental condition, entrenched biases within the police frequently dismiss such claims. Aastha, for instance, encountered disbelief based solely on their fluent language skills and intellectual ability, as these characteristics did not align with stereotypical expectations of what it means to have a neurodevelopmental disability.

[38] Neurodivergence is a condition where brain functioning differs from the societal norm, influencing various aspects of cognition, learning, and social interaction.

[39] Autism Spectrum Disorder (ASD) is a developmental disorder that is characterised by persistent impairment or difficulty in social communication, interaction with others and restricted or repetitive patterns of thought, behaviour and interest.

Furthermore, many individuals with autism have a strong aversion to physical touch. If an officer were to approach and attempt to make contact, the natural response for many would be to back away or walk off in response. Unfortunately, this reaction could lead the police to view them as suspicious, prompting a forceful response.

During their only visit to a police station for verification to rent an apartment, they were completely disoriented. **The lack of clear signage made navigating the space difficult, leaving them uncertain where to go.** 

"I didn't know where to sit or who to talk to; it was incredibly confusing, and they didn't care at all—zero," they recalled.

No police officer came forward to converse with them. Finally, when they managed to catch the attention of an administrative attendant, the lack of clear instructions made it very difficult for them to focus. They kept asking questions to understand the verification procedure. As they inquired, two nearby officers exchanged side-eye glances and mockingly remarked,

"Itna padh liya hai inhone, par yeh nahi samajh aa raha inko."
(They're so educated, but they still don't understand this basic instruction.)

They observe that if one of their clients, a victim of a crime, was to visit such an environment, the experience would likely be similarly overwhelming. **The constant movement, overlapping conversations, and other sensory overload, like the smell of food and sound levels, could hinder their ability to construct a clear and consistent narrative of events and understand their legal rights and the implications of what they say to the police.** 

Section 2(y) of the RPwD Act, 2016 defines reasonable accommodation as "necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others." In the context of individuals with autism, this legal provision obligates the need for appropriate procedural accommodations in policing services to ensure a fair trial.

Aastha's case underscores the challenges faced by individuals with invisible and dynamic disabilities when interacting with law enforcement. The recognition of a person's invisible disability as a prerequisite for receiving reasonable accommodations and benefits prescribed by law highlights the need for increased awareness and understanding of these disabilities. Developing standard operating procedures for law enforcement officials to provide support in such cases can help ensure that individuals with invisible disabilities are treated fairly and equitably.

7

Broken Rights: Police Brutality Against Sonu Ram During Interrogation

INDICATORS



ACCESSIBILITY



SENSITIVITY AND
AUTONOMY



PROCEDURAL
ACCOMMODATION



PHYSICAL ABUSE

Sonu Ram, 33, runs a grassroots organisation for persons with disabilities in a resettlement colony in northwest Delhi. He has had a polio-related disability, currently at 90%, since the age of four, which makes standing and walking difficult for him. While he can manage most tasks independently, he receives support from his wife and mother when required. He usually uses a wheelchair and relies on a three-wheeler assistive scooter with side support for commuting longer distances.

Ram's organisation supports people with disabilities in the neighbourhood by providing livelihood opportunities and assistive devices such as tricycles and wheelchairs. They organise awareness sessions and disability certificate camps and helped set up small businesses, such as confectionery shops.

In early 2024, a local police informant, known as a police mitra, informed Ram of rumours about a complaint for shooting obscene videos of a female beneficiary at his organisation, warning that he might soon receive a summons. The following day, a police officer stopped Ram near his home and escorted him to the station, instructing him to leave his assistive scooter behind.

Ram was then asked to board a regular i10 car without accessibility features. Without any support, Ram had to use his hands to move from his scooter to the car; the police did not attempt to assist him into the car. He was taken to another police station almost seven km away, where he was not provided with a wheelchair and was forced to move using his hands for 50 to 100 metres in public view. 🚫

The Accessible India Campaign (AIC) Guidelines issued by the Ministry of Home Affairs mandate that police protect the dignity, life, and property of people with disabilities, with particular attention to their technical aids, such as wheelchairs, canes, hearing aids, and communication devices.

Police officers are instructed not to remove or confiscate these aids from their users. Furthermore, a person's disability should not lead to prejudices or stereotypes regarding their criminal responsibility.

At the station, a ramp led to a door that was always locked. The only entrance was through a staircase, which Ram couldn't use. He was left at the entrance by the stairs. When he asked to use another door with a ramp, the police refused to let him unlock the accessible door. 🚫 After some time, a woman Sub-Inspector (SI) Asha* and a beat officer approached him. They took Ram to a makeshift arrangement and interrogated him about the complaint.

Ram learnt that a neighbour and acquaintance, Saleem, who uses a calliper, was also summoned. It was alleged that they recorded obscene videos of a female beneficiary at the trust. SI Asha confiscated his phone and searched through it. She withdrew after not finding any such videos. Instead, she demanded 10,000 Rs from both the accused to drop the case against them and hand over one other identified suspect in this matter.

While Ram and Saleem were arranging the money and searching for the other suspect, they were summoned to the police station again two days later. They were called to the station at 8:00 AM and kept for sixteen hours straight until midnight. 🚫



Wheelchair-inaccessible path to the accessible washroom, rendering it unusable.

Proviso 1 to Section 195 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)^[40] requires police officers to visit mentally or physically disabled individuals at their residence for interrogation or investigation unless they volunteer to visit the police station. This provision extends to all individuals with disabilities, irrespective of their engagement with law enforcement as victims, witnesses, suspects, accused persons, etc. In Ram's case, the police ignored this requirement and forcibly made Ram and Saleem, both persons with disabilities, come to the station for interrogation on two consecutive days.

SI Asha was rude and spoke harshly to Ram, now demanding that they pay Rs. 40,000 each. She slapped Ram twice and beat him severely, causing a neck injury.  When Ram resisted, she made derogatory remarks,

SI: "Tu toh seedha khada bhi nahi ho sakta, aur phir bhi aise ghatiya kaam karne ki himmat hai tujhme? Abhi haath mein katora pakda ke sadak pe bheek maangne bhej doongi."
("You can't even stand properly, and yet you have the nerve to do such low things? I'll make you hold a bowl and send you to the streets to beg.")

Ram: "Mai viklang hoon, mai samaaj ka ek sammanit nagrik hoon aur logon ki madad karta hoon."

("I may be disabled, but that doesn't mean I have no dignity. I'm a respected member of society, and I help people.")

SI: "Sammanit? Tum jaise logon ka kaunsa samman? Tumhe toh bas sadak pe bheek maangni chahiye."

("Respected? What respect do people like you deserve? You should just be begging on the streets.")

Recollecting the encounter, he shared,

"Police ke dimaag mein hum jaise logon ke liye ek galat soch baith gayi hai. SI se baat karke samajh aa gaya— unka bas yahi hai ki hum ya toh chhoti-moti naukri karen ya sadak pe bheek maangen. Unko ye bardasht nahi hota ki hum bhi kuch kar sakte hain, bas dabake rakhna chahte hain."

(The police have developed a wrong perception about people like us. After speaking with the SI, it became clear that they think we should either do menial jobs or beg on the streets. They can't tolerate the idea that we can achieve something too; they just want to keep us down.)

Throughout the day, Ram endured repeated assaults, with the SI directing others, including co-accused individuals, to assault him as a form of humiliation physically. This treatment left him feeling profoundly unsafe and uncomfortable at the police station. When questioned about why he alone faced such severe mistreatment, Ram explained,

[40] Section 195(1), The Bharatiya Nagarik Suraksha Sanhita, 2023— A police officer proceeding under section 194 may, by order in writing, summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case and every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture: Provided that no male person under the age of fifteen years or above the age of sixty years or a woman or a mentally or physically disabled person or a person with acute illness shall be required to attend at any place other than the place where such person resides: Provided further that if such person is willing to attend and answer at the police station, such person may be permitted so to do.

"Police aksar un logon ke prati sakht ravayya apnati hai jo samajik muddon mein sakriya hote hain aur system par sawal uthate hain, kyunki isse unhe asahaj mehsoos hota hai."

(Usually, the police are tougher on people who are active in social causes and question the system. It makes them uncomfortable.)

Although Ram recollects an accessible toilet on the premises, it was unclean, filthy, and poorly maintained – and thus could not be used. 🚻 Due to resisting his natural motions, he developed severe pain in his abdomen and genitals by the time he left the police station. He already was dealing with an injured neck. Almost till 1.5 months, he had to make regular visits to the hospital for the wounded neck, incurring significant expenses in government and private medical facilities, totalling a minimum of ₹18,000 in that duration. **The harsh treatment and repeated assaults shattered his sense of security. He now feels apprehensive about entering any police station. The fear and mistrust have grown to the point where he is reluctant to seek police protection in the future.** 🚻

Ram's harrowing experience with the police underscores the systemic discrimination and abuse that individuals with disabilities often face during interrogation when suspected of a crime. Despite legal protections, he suffered severe violations, including physical violence, psychological torment, and denial of essential accommodations. The officer's assault, which caused a neck injury and further health complications, not only inflicted physical pain but also deep emotional distress. This mistreatment shattered his trust in law enforcement, leaving him with lasting trauma and reinforcing the perception that policing is not a reliable service for persons with disabilities.



8

Unsafe in the Crowd: Dr. Jasowanta's Increased Vulnerability due to Visual Impairment

INDICATORS



ACCESSIBILITY



SENSITIVITY AND
AUTONOMY



PROCEDURAL
ACCOMMODATION



PHYSICAL ABUSE

Dr. Sapam Jasowanta is a 49-year-old historian and Secretary General of the Handicapped Development Foundation (HDF) in Manipur. He was diagnosed with Retinitis Pigmentosa (RP) at the age of 12, and he gradually lost his vision, becoming fully visually impaired. Despite this significant life change, Dr. Jasowanta pursued his academic ambitions, ultimately earning a PhD in History. As a member of the National Disability Network (NDN), he has also led sessions to build awareness among the police and traffic police, working to improve accessibility and sensitivity in law enforcement.

Dr. Jasowanta has encountered numerous barriers in accessing police services for persons with disabilities. In one incident, while travelling by bus with friends, they were stopped by officers from the Central Reserve Police Force (CRPF), who questioned them about their destination. Unsatisfied with their responses, the officers abruptly resorted to violence by slapping them.

Despite pleas for restraint, emphasising Dr Jasowanta's visual impairment, the police initially did not understand due to language barriers and later dismissed the concerns. They forcibly placed him and his friends in a police vehicle. During the drive to the police station, Jasowanta made another appeal, asking for his medical condition to be examined. Eventually, the police took him to a hospital, where his visual impairment was confirmed, and he was released.

Throughout this ordeal, Jasowanta was never informed of the reasons for his detention, where he was being taken, nor was he allowed to contact his family. 🙏

In another incident, while Dr. Jasowanta was attending a community event, the police arrived to control the crowd due to a large gathering. As a stampede-like situation unfolded, the police initiated a lathi charge to manage the chaos. Amid the sudden commotion, Dr Jasowanta, being visually impaired, found himself vulnerable and unable to assess the

situation. He requested the police to guide him to safety, but his plea was disregarded, and the officers continued to beat him. 🚫 Reflecting on the event, Jasowanta recalled,

"While several able-bodied people could run away to safety, my friends and I were left pleading with the police to stop the violence, but they did not."

Being forcibly placed into a police vehicle without clear communication about what was happening left him disoriented, unable to assess his surroundings or the direction in which they were being taken. As a person with a visual disability, the abrupt and chaotic nature of the arrest—without verbal explanations or guidance—intensified his sense of helplessness. 🙏

Then, he, along with several others, was hurled into a police vehicle and taken to the police station. At the station, they were all put into a small, cramped lockup. He recalls having no room to feel around or discern critical features of the environment through his other senses, like touch and smell, which he otherwise uses for spatial awareness. 🙏

He vividly recalls the inhumane conditions in the lockup:

"They kept us in a terrible condition; we were crammed in a small place, and some had even urinated in the area as there was no access to the washroom. The police officers asked us to clean it as well."

Dr. Jasowanta, along with others, was forced to endure this torment for 10 to 12 hours—a duration that felt interminable in such oppressive circumstances, compounded by his lack of awareness of his surroundings. He made several appeals to be kept in a separate space to orient himself better, but his requests went unheeded.

One police officer expressed disbelief regarding his visual impairment, insisting that

he remove his glasses under the false pretence that he was faking his disability. Dr. Jasowanta offered to undergo a medical examination to validate his impairment; however, the police resorted to other means, with several officers examining his eyes themselves, further exacerbating his distress and humiliation. 🙌

Dr Jasowanta attributes his negative experience to a systemic failure rather than simply the individual shortcomings of police officers.

“The police are often insensitive to the needs of persons with disabilities. While it may not be deliberate, they simply do not know how to engage effectively with us or understand our requirements,”
he remarks.

The police's responsibility to ensure the safety and well-being of all citizens, including PwDs, becomes particularly pronounced during situations of crowd control and social demonstrations. In contexts marked by social and political unrest, the presence of law enforcement is often amplified, resulting in increased checkpoints and surveillance.

For individuals with visual impairments, like Dr. Jasowanta, heightened police visibility can instill a pervasive sense of fear and insecurity, particularly in crowded or chaotic situations. He notes,

“Police must recognise that persons with disabilities are not merely bystanders in public gatherings; they are equal participants in civic life. During crowd control situations, law enforcement must engage with us sensitively, ensuring our safety through clear communication and appropriate accommodations.”

Dr. Jasowanta's experiences reveal the lack of procedural accommodations in situations of public gatherings and crowd control, leaving individuals with disabilities particularly vulnerable. Without clear communication, appropriate support, or any measures to ensure their safety, persons with disabilities are effectively excluded from participating as equal members of society. This systemic failure perpetuates their marginalisation and contradicts the principles of inclusivity and accessibility that law enforcement and civic institutions must uphold.



9

Navigating Inequality: The Gap in Police Services and Ojha's Fight for Independent Living

INDICATORS



ACCESSIBILITY



SENSITIVITY AND
AUTONOMY



PROCEDURAL
ACCOMMODATION



PHYSICAL ABUSE

Sriram Ojha is a young adult with a 90% disability due to congenital cerebral palsy – a condition by birth that affects a person's ability to move and control their muscles. He uses a wheelchair for everyday mobility. Ojha lives with a family of seven members, with his father working as a newspaper vendor and his brother at a general store.

Throughout his childhood, he underwent extensive medical interventions, including 11 surgeries. These measures significantly improved his ability to sit independently and manage daily activities. However, he did not achieve complete independent mobility. Ojha started using an electric wheelchair when he was 19 years old. The wheelchair has significantly enhanced his independence, allowing him to independently perform most of his daily tasks.

He had to discontinue his education after the eighth standard due to financial hardships faced by the family. Also, as he grew older, his weight increased, and physically carrying him to school daily became increasingly challenging for his parents. Despite these challenges, he showed remarkable resilience. He started tutoring at home and saved money to finish his schooling through the National Institute of Open Schooling (NIOS). In 2022, he rented a facility and began to run tuition classes.

Ojha shared that the residents near his coaching centre have displayed a hostile and insensitive attitude towards his independent venture. They have treated him with disdain, questioning his abilities and making derogatory remarks such as, "Now even people like him will run a coaching institution."

Additionally, some residents have actively tried to disrupt his coaching centre's operations by causing disturbances during classes, forcing him to seek police intervention.

When Ojha went to a nearby police station to file a complaint, he could not enter the building due to the lack of a ramp. 

Consequently, he was forced to communicate with officers stationed near the entrance. He explained his situation and requested police oversight at the centre to facilitate the uninterrupted conduct of his classes. Despite repeated requests, he was consistently told, "we will see what we can do." No follow-up visits by the police occurred, and the problem remains unresolved. Due to the inability to file a complaint formally, Ojha could not pursue the matter further.

This was not Ojha's first encounter with the police; his previous experiences had already eroded his trust in law enforcement. To meet his financial needs and repay a loan he took to start his coaching centre, Ojha took on another job requiring him to travel kilometres from home to his office in his wheelchair. This commute was challenging due to the inaccessible condition of the road, and he faced difficulties crossing in a wheelchair. Thus, he frequently encountered the traffic police.

Ojha describes his daily interactions with traffic police officers, often leading to prolonged and contentious exchanges, typically lasting around 30 minutes daily.



Traffic Police: “Tum is raaste se kahaan jaa rahe ho? Yahaan tumhe jaane ki permission nahi hai.”
(“Where are you going via this route? You don’t have permission to go through here.”)

Ojha: “Aap meri madad kar dijiye, main jaldi road cross kar lunga.”
(“If you help me, I will cross the road quicker.”)

Traffic Police: “Kisi aur raaste se jao, tumhe kuch ho gaya to humari zimmedari hogi.”
(“Use another route. If something happens to you, it will be our responsibility.”)

Ojha: “Mujhe office pahunchne mein deri ho rahi hai, aap road cross karwa dijiye.”
(“I’m getting late for the office, please help me cross the road.”)

Police: “Tujhe hi ban na hai Ambani ki aulaad, niklo idhar se.”
(“You think you’re going to become like Ambani’s child, just get out of here.”)

Ojha reflects on these experiences, stating, “The police never made any effort to assist me in crossing the road, even though it would have taken them only 30 extra seconds. Due to this barrier, I was consistently late for work and eventually lost my job. I consider this to be harassment.” 🙏

He further explains that the police frequently demanded to speak with his father instead of him, undermining his autonomy and discouraging him from asserting his rights. Although he does not report any incidents of physical abuse, he

recalls one instance where a traffic police officer dismissively pushed his wheelchair with his foot. This act of disrespect was profoundly humiliating and led him to contemplate suicide during that period. 🙏

It is significant to note that intentionally insulting or intimidating a person in public view, as Ojha is recurrently subjected to at the traffic crossing, constitutes an offence under the RPwD Act [41]. Such behaviour is punishable by up to six months of imprisonment and a fine.

Despite Ojha’s efforts to support himself through multiple jobs, he faces substantial barriers due to inadequate police cooperation. His inability to access essential services and the lack of responsive support from law enforcement have resulted in lost opportunities, which go entirely against the entitlements under the RPwD Act.

He reflects on how his financial constraints exacerbate the difficulties in securing the necessary support from law enforcement, underscoring the systemic inequalities that hinder individuals like him from receiving equitable protection and services.

Ojha’s case highlights a critical deficiency in law enforcement’s understanding of their role as a public service, particularly regarding their obligation to protect and support individuals with disabilities. By dismissing his request for intervention in a dispute, the police failed to fulfil their fundamental duty to ensure his safety and prevent discrimination. Furthermore, the traffic police’s disrespectful behaviour, lack of cooperation, and derogatory remarks not only fostered a hostile environment but also incapacitated him to lead an independent life. This systemic failure forced Ojha to withdraw from public spaces entirely, ultimately leading to the loss of his job. Such experiences underscore the urgent need for police reform to address biases and ensure equitable treatment for all citizens, particularly those with disabilities, in the pursuit of independent living.

[41] Section 92(a), Rights of Persons with Disabilities Act, 2016, Punishment for offences of atrocities.—Whoever,—

(a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view; [...]
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.

CONCLUSION

The case studies in this compilation highlight the numerous barriers faced by persons with disabilities while engaging with law enforcement. These barriers, rooted in ableist practices, inadequate training, and a lack of accountability, contribute to a discriminatory and unjust experience for disabled individuals.

While these narratives are not intended to generalise all police interactions, they offer crucial evidence that underscores the urgent need for targeted, inclusive and disability-sensitive reforms within policing practices.

A common thread across the cases is the failure of the police to provide even the most basic accommodations, be it effective communication, respect for bodily autonomy, or infrastructural accessibility. These oversights aren't just individual failings but point to deeper structural issues in the policing system, keeping persons with disabilities away from accessing justice right from the very first instance.

Disability is a critical factor that shapes interactions with the police, often intersecting with other identities such as caste, class, gender and sexuality to intensify stigma, discrimination, and the risk of police violence. Including a disability analysis provides a more comprehensive account of police brutality, apathy and ignorance, revealing more profound layers of marginalisation and injustice.

Two overarching insights emerge from this compilation: first, the safeguards within criminal legal settings frequently rely on ableist assumptions, resulting in minimal procedural accommodations for persons with disabilities.

Second, while some accommodations have been introduced through the Criminal Law Amendment Act, 2013, and the initiatives by the Bureau of Police Research and Development (BPR&D) to enhance the accessibility of police services, implementation of these measures remains, at best, questionable.

The following themes have emerged through these stories, attention to which would foster a more inclusive and equitable policing environment for persons with disabilities. These are:

(a) Early Identification & Facilitation of Support Measures –

The failure to identify individuals with disabilities early in police interactions poses a significant challenge, particularly when the disability is not visibly apparent.^[42] Officers are often unaware of the need for accommodations without proper identification.

Current procedures during the pre-trial stages, including arrest and interrogation, lack a formal inquiry into the disability of victims or accused persons. Key documents of the pre-trial process, including the First Information Report (FIR), arrest memos, and remand submissions, routinely exclude this critical information, limiting the possibility of access to justice for persons with disabilities.

These stories also highlight instances where individuals who proactively disclosed their disabilities were dismissed by the police, alleging that the disclosure is a tactic to avoid legal consequences. In more severe cases, despite explicit knowledge of the individual's impairments, the police deliberately

[42] See Muruganatham at p.9 and Aastha at p. 25.

withheld necessary support measures, further marginalising them and depriving them of critical procedural accommodations. [43]

(b) Procedural Accommodations for Accessibility in Police Interactions – Procedural accommodations, including access to police stations and services, are critical to ensure the full and meaningful participation of persons with disabilities. The absence of such accommodations may lead to loss of dignity and a complete denial of fair trial rights during critical stages such as filing complaints, interrogation, detention, and arrest. [44]

These accommodations encompass accessible infrastructure at police stations, such as ramps, accessible toilets [45], police vehicles and disability-friendly documents. They also involve adjusting standard policing procedures, such as providing in-residence visits for complaint filing, minimising repeated appearances at police stations or providing a more conducive space per their needs. Additionally, support for effective communication, such as sign language interpreters or modifications to the environment for individuals with intellectual and developmental disabilities, is essential to accommodate the diverse needs of persons with disabilities. [46]

(c) Awareness and Sensitivity in Policing – Several narratives in this compilation highlight a pervasive lack of awareness and sensitivity among law enforcement regarding disabilities, leading to violations of personal autonomy and dignity. This insensitivity and apathy displayed by officers stems from broader societal ignorance and attitudinal barriers that individuals with disabilities encounter daily. [47]

When police officers exhibit ignorance and detrimental attitudes, they contribute to deprivation of rights. This erodes trust in

law enforcement and leaves persons with disabilities hesitant to seek help from the legal system. This persistent lack of respect also has other, unexpected consequences - these stories tell of such treatment exacerbating mental health issues, even resulting in suicidal tendencies among persons with disabilities.

(d) Oversight and Accountability – The lived experiences highlighted in this compilation reveal the non-implementation of effective oversight mechanisms and accountability structures to ensure the provision of adequate safeguards for persons with disabilities in engagement with the police. For persons accused of crimes, the first production hearing within the initial 24 hours of arrest serves as a critical safeguard against police excess - be it for persons with disabilities, other vulnerabilities, or the general population. At this stage, concerns about police violence, unnecessary arrests, lack of procedural accommodations, and violations of existing safeguards can be raised. However, these stories reveal that this stage overlooks the fact of disability and the need for associated accommodations. [49] Disabled individuals are often admitted into prisons without the necessary support or accommodations, causing unjust suffering and often worsening their symptoms.

There is also no meaningful mechanism for oversight when those seeking police protection or support face issues in accessing these services - an underlying theme in the interaction of many vulnerable populations with the police. A police force that is not held accountable for its actions or inactions is far less likely to take additional measures to create an accessible and supportive environment for persons with disabilities seeking to access their rights.

[43] See Devi at p.12, Ojha at p. 35, Adv. Bhagat at p. 19 and Aastha at p. 25

[44] See Vallinayagam at p. 22, Ram at p. 30 and Devi at p. 12

[45] See Aastha at p. 25, Dr Jasowanta at p. 33, Adv. Bhagat at p. 19 and Mehta at p.15

[46] See Ram at p. 29, Dr Jasowanta at p.33, and Vallinayagam at p. 22.

[47] See Ram at p. 30 and Dr Jasowanta at p.33.

[48] See Muruganatham at p.6 and Ojha at p. 36.

[49] See Muruganatham at p.10 and Vallinayagam at p.23.

While the stage of police interaction is a brief one in the journey of a criminal case, as the first point of contact in the criminal legal system, it has the potential to close the doors of the justice system to vulnerable individuals who often need it most. These stories highlight struggles faced by persons with disabilities in their police interactions - across jurisdictions, nature of interactions, and kind of disabilities, amidst other vulnerabilities - revealing the endemic nature of this problem.

Only in understanding the needs of persons with disabilities in their interaction with the police and the shortcomings they currently face can informed next steps be identified by all the stakeholders involved. The collective efforts of all stakeholders—persons with disabilities, police departments, magistrates, legal aid councils, and disability rights advocates—must steer policing to evolve into a service that upholds the rights and dignity of persons with disabilities.



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