



कार्यालय मुख्य आयुक्त दिव्यांगजन
**Office of Chief Commissioner for
Persons with Disabilities**



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GUIDE FOR POLICE HOW TO WORK WITH PERSONS WITH DISABILITIES

Necessary Physical & Digital Infrastructure

- Install sturdy ramps to support electric wheelchairs, tactile maps, and accessible restrooms with grab bars;
- Equip vehicles with wheelchair spaces and well-functioning lifts;
- Offer home visits if needed;
- Make user-friendly complaint apps with readable text for screen readers and sign language video explainers;
- Use descriptive alt text for images and provide documents in accessible formats (ePUB or OCR-based PDFs).

Responding to Abuse, Violence or Exploitation

- Inform the person with disability (PwD) to seek protection from the Executive Magistrate;
- Provide details about (a) nearby rehabilitation organisations (b) free legal aid.
- Ensure that public health establishments don't deny admission to persons suspected of mental illnesses.

(Section 7, RPD Act, 2016)

- Ensure that PwDs are informed about the jurisdictional special court designated for speedy trials.



Clear Communication with PwDs

Whether the PwD is an accused, victim, witness, or is seeking police support, speak directly to the PwD and allow adequate time for their concerns. If someone has a caregiver, direct your questions and information to the PwD, not the caregiver, respecting the autonomy of the PwD.

For hearing impairment: Use various communication methods like text messages, video calls with sign language, and document translations. Offer multiple ways to communicate and check which method the PwD prefers.

For visual impairment: Provide information in accessible formats such as audio recordings or braille. Ensure all necessary documents and information are available in formats the person can easily use.

For mental illness, intellectual disability, cognitive disability: Use images or pictograms to support communication. Involve special educators or mental health professionals to aid in understanding and ensure the environment is comfortable.

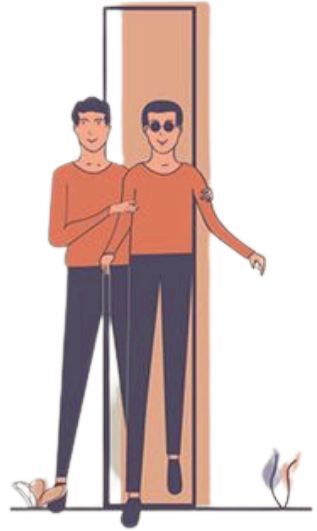
(Section 12, RPD Act, 2016)

While Recording Statements during Investigation

- Allow PwDs to express themselves fully and provide a copy of the statement in their preferred format. If someone needs extra time, offer a quiet space and ensure they can accurately review, sign, and confirm;
- Use a professional sign language interpreter or a family member, familiar with legal terms;
- Ensure the Test Identification Parades (TIP) is supervised by a judicial magistrate, with accessibility for victims with a disability, and records the process on video for transparency;
- A female police officer should record the statement of a woman with disability at her preferred location. If needed, an interpreter or support person should be provided. The process should be video-graphed for accuracy.

Sensitivity During Arrest

- Ensure all detentions follow legal procedures and are not arbitrary. Attach any disability certificates to the arrest documents and record any disability claims to inform the judge during the first production;
- Ensure that personal assistive devices like wheelchairs and hearing aids remain with the individual. Handle assistive devices with care and ensure they are not damaged or removed.
- The rights available to an accused PwD must be explained using accessible means, as necessary for the person arrested. Especially avoid handcuffing deaf individuals; it restricts their ability to sign.



Note: Please look at Page 1 on how to communicate with PwDs.

Providing Protection for Persons with Mental Illnesses

- Notify the magistrate if a person with mental illness is being mistreated or neglected.
- Protect and assist a person with mental illness who is wandering or at risk. File a missing person report and try to locate their family.
- Where protective action is required, explain the reasons for it to the person or their representative.
- Take the person to a public health facility within 24 hours for a health assessment.
- Do not detain the person in a lock-up or prison. Return the person home or to a government shelter if no medical admission is needed.

Offences under RPD Act, 2016

Atrocities against PwDs (Section 92)

- A cruel act involving physical violence or injury
- Insulting or humiliating in public view
- Physically attacking or abusing
- Denying food or fluids
- Sexually exploiting a child or woman
- Causing or damaging their supporting devices
- Performing a medical procedure on a woman without her consent

These acts are punishable with imprisonment for a term between six months to five years and with a fine.

Violating any of the provisions of the RPD Act (Section 89)

- **First Offence – Maximum fine of Rs 10,000/-**
- **Repeat Offender – Fine ranging between Rs 50,000 to 5 lakh.**

If someone fraudulently avails benefit for persons of benchmark disability (Section 91)

- **Maximum fine of Rupees one lakh; or**
- **Imprisonment for up to two years or both.**



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List of Offences under BNS, 2023

Rape against a woman with mental or physical disabilities (Section 64(2)(k))

Rigorous imprisonment of at least ten years, may extend to life imprisonment for the remainder of the offender's natural life, along with a fine.

Greivous Hurt (Section 116)

Hurt resulting in -

- Loss of the ability to reproduce (emasculatation),
- Permanent loss of vision in one or both eyes,
- Permanent loss of hearing in one or both ears,
- Loss of any body part or joint,
- Permanent damage to the function of any body part or joint,
- Permanent disfigurement of the head or face,
- Breaking or dislocating a bone or tooth,
- Any injury that endangers life, causes severe pain for 15 days, or prevents the person from performing their regular activities.

Voluntarily Causing Grievous Hurt resulting in permanent disability or permanent vegetative state (Section 117(3))

Rigorous imprisonment of at least ten years, which may extend to life imprisonment for the remainder of the offender's natural life.

Permanent or Partial Damage by Acid (Section 124(1))

Imprisonment of at least 10 years, which may extend to life, and a fine to cover the victim's medical expenses.

Attempt to throw acid (Section 124(2))

Imprisonment of at least 5 years, may extend to seven years, and fine

Relevant Statutes & Guidelines

- Rights of Persons with Disabilities Act, 2016 (RPD Act);
- Mental Healthcare Act, 2017 (MHC Act);
- Bhartiya Nyay Sanhita, 2023 (BNS);
- Bhartiya Nagrik Suraksha Sanhita, 2023 (BNSS);
- Bureau of Police Research and Development (BPRD), Ministry of Home Affairs. (2021). Standards/Guidelines for MHA Specific Built Infrastructures & Associated Services for Police Stations, Prisons & Disaster Mitigation Centres under Accessible India Campaign (AIC). Government of India. (MHA, AIC Guidelines, 2021);
- Guidelines in Patan Jamal Vali v. State of Andhra Pradesh (2021), Supreme Court of India, Criminal Appeal No. 452 of 2021.



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