

STANDARD OPERATING PROCEDURE (SOP)

For Complaint Redressal, Legal Aid and Protection of Persons with Disabilities including Prisoners with Disabilities.

Haryana State Legal Services Authority, Panchkula

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For Complaint Redressal, Legal Aid and Protection of Persons with Disabilities including Prisoners with Disabilities

By Haryana State Legal Services Authority (HALSA)

Justice Deepak Sibal

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MESSAGE

It gives me immense satisfaction in launching this Standard Operating Procedure for Complaint Redressal, Legal Aid and Protection of Persons with Disabilities, including Prisoners with Disabilities, formulated by the Haryana State Legal Services Authority. This initiative is a step towards translating the Constitutional promise of equality, dignity and access to justice into a meaningful and effective institutional mechanism for the Persons with Disabilities across the State of Haryana.

Persons with Disabilities, particularly those in custodial institutions, may face multiple barriers in navigating normal life including communication difficulties, physical and institutional constraints, difficulty in access to welfare schemes, inadequate access to legal representation etc. The present SOP seeks to address these concerns through a uniform, accessible, rights-based and accountable framework, ensuring that complaints relating to abuse, violence or exploitation are promptly recognised and acted upon, and that every eligible person receives free, effective and timely legal assistance and aid.

A significant feature of this SOP is the creation of a district-level Core Team for Legal Aid to Persons with Disabilities, bringing together Legal Services Institutions, District Administration, Police, Prison Authorities, Health and Social Welfare Departments, legal professionals and disability rights experts. This coordinated institutional mechanism is intended to ensure that legal aid, protection, rehabilitation and grievance redressal are not addressed in isolation but through sustained collaboration and follow-up.

The SOP places particular emphasis on the protection and legal empowerment of prisoners with disabilities. Regular identification and monitoring, accessible Jail Legal Aid Clinics, appropriate medical care, assistive devices, legal counselling and representation, as well as periodic prison visits, are envisaged to ensure that incarceration does not diminish the rights and dignity of a Person with Disability.

I firmly believe that access to justice is not a matter of charity, but a Constitutional and statutory entitlement. The success of this SOP, however, will depend upon its effective implementation at the grassroots level. I call upon all District Legal Services Authorities, Police and Prison Authorities, District Administration, health and welfare agencies, legal professionals, Para Legal Volunteers and civil society organisations to work collectively towards creating an environment where every Person with Disability is heard, protected and empowered.

The guiding principles of dignity, autonomy, informed choice, confidentiality, privacy, equality and non-discrimination shall remain at the heart of every action under this SOP. It is my sincere hope that this Initiative will strengthen institutional accountability, enhance public confidence in the justice delivery system and ensure that no Person with Disability is left behind in the pursuit of justice.



(Justice Deepak Sibal)

INTRODUCTION

Section 7 of the Rights of Persons with Disabilities Act, 2016 (RPwD) casts a mandatory obligation upon the appropriate (State) Government to take effective, time-bound and preventive measures to protect Persons with Disabilities (PwDs) from abuse, violence and exploitation, whether occurring within family, institutional, custodial or community settings. It has been observed that in the absence of a clearly defined, institutionalised and rights-based procedure, complaints involving Persons with Disabilities are often informally handled, trivialised, or treated as private, domestic or interpersonal disputes, thereby resulting in systemic denial of statutory remedies and Constitutional protection.

Persons with Disabilities, particularly prisoners with disabilities, face heightened vulnerability on account of physical, sensory, intellectual or psychosocial barriers, lack of access to legal representation, communication challenges and institutional dependency. The Supreme Court of India, in Sathyan Naravoor vs. Union of India, Writ Petition Civil No.182/2025, 2025 LiveLaw (SC) 1176, (Judgment dated 02.12.2025), has reaffirmed that access to justice for Persons with Disabilities is not a matter of charity but a Constitutional and statutory entitlement, and that State institutions, including Legal Services Authorities, Police and Prison Administration, are under a positive duty to ensure dignity, reasonable accommodation, institutional accountability and effective legal aid.

The Haryana State Legal Services Authority (HSLSA), in exercise of its statutory mandate under the Legal Services Authorities Act, 1987, is obligated to ensure equal access to justice, particularly for vulnerable and marginalised sections.

Now therefore, the Haryana State Legal Services Authority hereby frames and issues this Standard Operating Procedure (SOP) to establish a uniform, accessible, rights-based and accountable mechanism for complaint redressal, legal aid and protection of Persons with Disabilities, including prisoners with disabilities, across the State of Haryana.

OBJECTIVES

- To operationalise and give practical effect to Section 7 of the RPwD Act, 2016 through a clear, structured and enforceable complaint redressal framework.
- To ensure that complaints relating to abuse, violence or exploitation of Persons with Disabilities are recognised and processed as statutory violations, and not treated as private, familial or discretionary matters.
- To guarantee free, effective, timely and accessible legal aid to all Persons with Disabilities, including those in custodial institutions and prisons.
- To establish institutional coordination between District Legal Services Authorities (DLSAs), District Administration, Police, Prison Authorities, Health Services and Social Welfare Departments.
- To promote legal awareness, empowerment and autonomy of Persons with Disabilities through sustained outreach and capacity-building initiatives.
- All actions of the Core Team shall be guided by the principles of dignity, autonomy, non-discrimination, reasonable accommodation, confidentiality and the best interests of Persons with Disabilities, with a focus on translating statutory rights into meaningful and enforceable outcomes.

LEGAL FRAMEWORK

This SOP is framed and shall be read in consonance with:

- Rights of Persons with Disabilities Act, 2016 (Sections 7, 12, 89, 92 and allied provisions)
- Legal Services Authorities Act, 1987
- Articles 14, 21 and 39A of the Constitution of India
- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- Supreme Court Judgment: Sathyan Naravoor vs. Union of India, dated 02.12.2025

COMPETENT COMMITTEE AT DISTRICT LEVEL AS PER SECTION-72 OF THE RIGHTS OF PERSONS WITH DISABILITIES ACT 2016

In the State of Haryana, as per the Notification No.961-SW(4)-2019, dated 22.07.2019 of the Social Justice & Empowerment Department, Haryana Government has constituted a District Level Committee on disability consisting of following Members:

1. Deputy Commissioner
2. Civil Surgeon/Chief Medical Officer
3. A psychiatrist from the District Hospital
4. A Public Prosecutor of the District to be nominated by the Chairperson
5. An eminent person of an organization registered under Section 50 of the Act in the District as nominated by the Chairperson
6. A person with disability as defined in clause(s) of Section-2 of the Act as nominated by the Chairperson
7. District Social Welfare Officer



This District Level Committee shall perform following functions:

- To implement all activities mandated by the State Government for the benefit of the persons with disabilities under the Act;
- To spread awareness regarding the provisions of the Act;
- To effectively implement the Unique Identity for disabled persons in the shortest possible time;
- To direct the Executive Engineer, Public Works Department or the Superintending Engineer as the case may be to make an assessment of all Government buildings in order to make these accessible to disabled persons. The District Level Committee shall monitor implementation of Accessible India Campaign in the district regularly and ensure that the work is done in a time-bound manner. It shall also issue directions to all owners of private buildings like hotels, restaurants, banquet halls, community halls, corporate offices, shops and malls, etc. to convert the buildings into disabled-friendly buildings at the owners expense;
- To ensure that every effort is made for accommodating destitute disabled people of any category in a safe home where their needs are taken care of and provisions for a healthy lifestyle and skill development are provided. The committee shall be assisted financially by the State Government in the accomplishment of these goals;
- To monitor grievances received from disabled persons regarding social security benefits or on any other issue and try to resolve these by coordinating with the Social Justice and Empowerment Department;
- To receive complaints from disabled employees of the State Government and coordinate with departments concerned for their resolution;
- To receive demands of any registered organizations that represent disabled persons and resolve the same if it is within its competency or forward the same to the State Government;
- To ensure that there is a clear and harmonized data base of persons with disabilities receiving benefits under various Government schemes of different departments;
- To make efforts to garner help under Corporate Social Responsibility (CSR) for pilot projects for the care and benefit of disabled persons. It shall also represent the case of disabled persons through such pilot projects to the State Government and ask for financial support from the department;
- Any other functions that may be assigned by the State Government

PERSONS ENTITLED TO LODGE COMPLAINTS

Complaints under this SOP may be lodged by:

- The aggrieved Person with Disability, directly or with assistance;
- Any authorised/registered representative, caregiver or family member;
- Any institution, organisation or NGO working in the field of disability rights;
- Any person having knowledge of such abuse, violence or exploitation;
- The Competent Authority, DLSA or HSLSA, acting suo motu, on receipt of information from any source, including media reports or prison inspections.
- No complaint shall be rejected solely on the ground of informality, lack of documentation or communication barriers.

MODES OF LODGING COMPLAINTS

Complaints may be lodged through any of the following modes:



- At the Police Station having jurisdiction;
- Before the SDM or District Magistrate;
- Before the District Legal Services Authority (DLSA);
- Through Legal Aid Clinics, Jail Legal Aid Clinics, Para Legal Volunteers (PLVs) or outreach camps.
- Members of District Level Committee
- District Social Welfare Officer

Oral complaints, including those made through sign language, assistive devices or facilitators, shall be reduced into writing by the receiving authority and read over to the complainant in an accessible manner. No fee shall be charged at any stage.

CORE TEAM FOR PERSONS WITH DISABILITIES

In order to ensure coordinated, continuous and effective implementation of the Rights of Persons with Disabilities Act, 2016, particularly in matters relating to legal aid, protection, custodial safeguards and rehabilitation, each district in the State of Haryana shall constitute a Core Team for Legal Aid to Persons with Disabilities. The Core Team shall function as an inter-institutional mechanism aimed at addressing complex, multi-departmental issues faced by Persons with Disabilities, including prisoners with disabilities, through collective decision-making and structured follow-up. The Core Team shall comprise of

• Secretary, DLSA – Chairperson
• Representative of District Level Committee, namely Deputy Commissioner or any officer duly nominated by him/her
• Superintendent of Police or any officer not below the rank of Deputy Superintendent of Police (DSP) nominated by him/her
• Superintendent of Jail
• Officer from Social Welfare Department
• Medical Officer
• NGO / Disability Rights Expert
• Public Prosecutor, who is Member of the District Level Committee
• Two Panel Advocates
• Four Para Legal Volunteers (preferably persons with disability)

However, the Core Team shall not supersede, encroach upon, or interfere with the powers, functions, or jurisdiction of the State or District Authorities notified under the Rights of Persons with Disabilities Act, 2016.

Functions:

- The Core Team shall meet at regular intervals, and at least once every quarter, and may also convene emergency meetings whenever urgent issues involving abuse, violence, exploitation or systemic neglect of Persons with Disabilities are brought to its notice. Proceedings of the meetings shall be recorded and follow-up action shall be monitored by the Secretary, DLSA.
- The primary function of the Core Team shall be to plan, coordinate and oversee legal aid and legal awareness initiatives for Persons with Disabilities. This shall include organising district-level and block-level legal aid camps, outreach programmes and awareness drives to disseminate information regarding disability rights, available legal remedies, grievance redressal mechanisms and welfare schemes, in accessible formats and languages for PwDs.
- The Core Team shall conduct regular visits to prisons, observation homes, shelter homes, care institutions and other custodial or residential facilities where Persons with Disabilities reside or are confined. During such visits, the Core Team shall assess living conditions, accessibility, availability of medical care, legal aid access, instances of abuse or neglect, and compliance with statutory and judicial mandates. Observations and recommendations arising out of such visits shall be formally documented and forwarded to the concerned authorities for immediate corrective action.
- Core Team shall work for capacity-building and sensitisation of stakeholders. The Core Team shall design and conduct training programmes for police personnel, prison staff, administrative officers, frontline workers and service providers on disability rights, reasonable accommodation, custodial safeguards, communication with Persons with Disabilities and trauma-informed practices. Such training shall aim at institutional culture change and prevention of rights violations.
- The Core Team shall further play a facilitative role in rehabilitation and social reintegration of Persons with Disabilities, particularly those released from custodial institutions. This shall include coordination with

social Welfare, Health, Education and Skill Development Departments, as well as civil society organisations, to ensure access to rehabilitation services, assistive devices, education, vocational training, livelihood opportunities and community-based support systems.

ROLE OF DISTRICT LEGAL SERVICES AUTHORITY (DLSA)

(i) Central Role of DLSA

- The District Legal Services Authority shall function as the nodal institution at the district level for ensuring access to justice, protection of rights, legal aid and institutional follow-up in all matters concerning Persons with Disabilities, including prisoners with disabilities.



- The DLSA shall act as a facilitator of legal representation and as an active protector of rights, ensuring that complaints under Section 7 of the RPwD Act are translated into effective legal and administrative action.

(ii) Receipt and Processing of Complaints

The DLSA shall be competent to:

- Receive complaints directly from Persons with Disabilities, caregivers, NGOs or any other source;
- Take suo-motu cognisance of information received through prison visits, inspections, media reports or referrals from Police or District Administration.

On receipt of a complaint, the DLSA shall:

- Ensure the complaint is documented in an accessible and disability-friendly manner;
- Provide immediate legal counselling explaining rights, remedies and procedures;
- Forward the complaint to the Competent Authority under Section-7 without delay, where applicable;
- Simultaneously initiate legal aid representation.
- Facilitate coordination with various departments for immediate redressal of complaints of PwDs
- To extend legal assistance for filing applications before competent forums and for preparation, verification, and facilitation of documentation required for obtaining Unique Disability ID for Persons with Disabilities.

No complaint shall be rejected on grounds of:

- Informality; or
- Lack of medical certification at the initial stage; or
- Communication or cognitive limitations of the complainant.

(iii) Provision of Free and Effective Legal Aid

The DLSA shall ensure free, competent and continuous legal representation to Persons with Disabilities at all stages, including:

- Proceedings before the Competent Authority under Section 7;
- Criminal proceedings under IPC or Section 92 of the RPwD Act;
- Civil proceedings, including compensation, maintenance or guardianship;
- Writ proceedings or appeals, where required.

Legal aid counsel shall be instructed to adopt a rights-based, victim-centred approach, ensuring dignity, informed consent and reasonable accommodation.

(iv) Maintenance of record of all Persons with Disabilities:

- The District Legal Services Authority shall maintain and preserve records containing details of all Persons with Disabilities and shall liaise with the concerned authorities and officials notified under the Rights of Persons with Disabilities Act, 2016 for necessary coordination and follow-up.

(v) Monitoring, Follow-up and Enforcement

The DLSA shall actively monitor:

- Compliance with interim and final orders passed by the Competent Authority;
- Implementation of protective and rehabilitative measures;
- Provision of medical care, shelter, assistive devices or rehabilitation support.

In cases of non-compliance, the DLSA shall:

- Bring the matter to the notice of the District Level Committee;
- Initiate appropriate legal proceedings, including contempt or supervisory remedies;
- Escalate the issue to HSLSA, where systemic or recurring failures are noticed.

(vi) Special Responsibilities towards Prisoners with Disabilities

➢ **Identification and Access**

- The DLSA shall conduct periodic visits to prisons to identify prisoners with disabilities.
- Jail Legal Aid Clinics shall be strengthened as primary grievance redressal points.
- To ensure accessibility in jails like ramps, sensory-safe environments, accessible toilets, wheelchair-friendly spaces.
- To ensure that every prisoner with a disability shall be provided a nutritious and medically appropriate diet, tailored to their specific health and dietary needs.
- Lifesaving treatments, including regular and need-based physiotherapy and psychotherapy must be made available on site or through linkage with government health facilities.

- To ensure that healthcare facilities are made available for prisoners with disabilities equivalent to that available in the community, including access to physiotherapy, speech therapy, psychiatric services, and assistive devices (such as wheelchairs, hearing aids, and crutches).

➢ **Legal Aid and Protection:** DLSA shall ensure that prisoners with disabilities receive:

- Regular legal counselling;
- Assistance in filing complaints under Section-7 or other applicable laws;
- Representation in parole, furlough, bail or sentence-related proceedings.

➢ **Institutional Accountabilit**y: Where abuse, neglect or discrimination is detected within prisons, the DLSA shall:

- Immediately bring the matter to the notice of the Competent Authority;
- Recommend interim protective measures;
- Ensure that institutional responsibility is fixed in accordance with law.

(vii) Legal Awareness and Capacity Building

The DLSA shall:

- undertake comprehensive, sustained and inclusive public awareness initiatives to ensure that Persons with Disabilities are fully informed of, and able to effectively access, all government schemes, programmes, facilities and services meant for their welfare, protection, empowerment, rehabilitation and social inclusion. It shall also organise awareness programmes for caregivers, families and institutions, associated with persons with disabilities.
- create focused awareness regarding the availability of free and competent legal aid services being provided by Legal Services Authorities under the Legal Services Authorities Act, 1987.

- conduct sensitisation workshops for police, prison staff and frontline officials.
- ensure that all prison staff undergo comprehensive training on the rights of persons with disabilities. This training shall include awareness of equality and non-discrimination principles, proper handling of disability-related challenges and use of appropriate language and behaviour.
- organise comprehensive and periodic training programmes for Judges, Panel Advocates, Police Officials and Para Legal Volunteers to ensure in-depth understanding and effective implementation of the Rights of Persons with Disabilities Act, 2016.

All awareness material shall be made available in accessible formats, including simplified language and assistive communication where required.

(viii) Data Collection, Documentation and Reporting

The DLSA shall maintain:

- A district-wise register of complaints involving Persons with Disabilities;
- Details of legal aid provided, orders passed and compliance status.

Periodic reports shall be submitted to HSLSA, highlighting:

- Nature and trends of complaints;
- Institutional gaps or systemic barriers;
- Recommendations for policy or procedural reforms.

(ix) Coordination with Stakeholders

The DLSA shall act as a coordination hub, ensuring seamless interaction between:

- District Level Committee;
- Police and Prison Administration;
- Social Welfare, Health and Women & Child Departments;
- NGOs, rehabilitation agencies and disability rights organisations.

GUIDELINES FOR JAIL FOR PRISONERS WITH DISABILITIES

- Every prison in the State shall ensure identification of persons with disabilities at the time of admission of prisoners, including physical, sensory, intellectual and psychosocial disabilities, and shall also identify disabilities acquired during incarceration. Such identification shall be carried out with the assistance of medical officers and trained prison staff using disability-sensitive assessment methods. Prison authorities shall further conduct periodic reviews, at least once every six months or earlier wherever required, to assess deterioration or emergence of disability owing to custodial conditions. The details of all identified prisoners with disabilities shall be forthwith communicated to the concerned District Legal Services Authority, which shall maintain a confidential district-wise record to facilitate legal aid and monitoring.
- All prisoners with disabilities shall be informed, in an accessible and comprehensible manner, of their right to free legal aid and of the availability of Jail Legal Aid Clinics and complaint redressal mechanisms under the Rights of Persons with Disabilities Act. Jail Legal Aid Clinics shall function as the primary access points for prisoners with disabilities for seeking legal advice, assistance and protection. The clinics shall ensure regular visits by Legal Aid Counsel and trained Para Legal Volunteers and shall facilitate communication through interpreters, sign language, assistive devices or support persons wherever necessary. Access to such clinics shall be confidential, non-intimidating and free from institutional barriers.
- Adequate and timely medical care shall be ensured for prisoners with disabilities, including regular medical examination, access to specialists, mental health care, counselling and rehabilitation services. Prison authorities shall ensure availability, maintenance and replacement of assistive devices such as mobility aids, hearing devices or visual aids, and shall facilitate referrals to specialised medical institutions whenever required.
- Complaints from prisoners with disabilities may be made orally or in writing, either directly or through Jail Legal Aid Clinics, Legal Aid Counsel, Para Legal Volunteers or visiting officials.

- All such complaints shall be immediately forwarded to the concerned District Legal Services Authority and the Competent Authority under Section 7 of the Rights of Persons with Disabilities Act.
- The District Legal Services Authority, in coordination with prison authorities, shall conduct regular prison visits with specific focus on prisoners with disabilities and shall monitor compliance with statutory obligations, living conditions, access to facilities and delivery of legal aid. Any deficiencies or systemic violations observed shall be documented and reported to the Competent Authority and the Haryana State Legal Services Authority for time-bound remedial action and institutional accountability.

ROLE OF POLICE

- The Police shall play a critical and proactive role in ensuring protection, access to justice and effective enforcement of the rights of Persons with Disabilities. Upon receipt of any information, complaint or disclosure involving a Person with Disability, whether oral or written, formal or informal, the Police shall record the complaint promptly, sensitively and without discrimination. No complaint shall be refused, delayed or trivialised on the ground of the disability of the complainant, the perceived private nature of the dispute, lack of documentation or communication barriers. The Police shall adopt a disability-sensitive, victim-centred and trauma-informed approach while interacting with Persons with Disabilities.
- Immediately upon receipt of the complaint, the Police shall share the same with the Core Team, for initiation of statutory protective proceedings and also inform the concerned District Legal Services Authority to ensure that the Person with Disability is provided free and effective legal aid without delay. Forwarding of the complaint shall be treated as a mandatory duty and shall not be left to the discretion of the investigating officer.
- Registration of a First Information Report or initiation of investigation under the Indian Penal Code or any other penal law shall not preclude, delay or substitute proceedings under Section 7 of the Rights of Persons with Disabilities Act. Proceedings under the RPwD Act shall run

independently and concurrently, and the Police shall ensure that statutory protection mechanisms are not defeated by treating the matter solely as a criminal case.

- During recording of statements, conducting inquiries or investigations, the Police shall ensure reasonable accommodation for Persons with Disabilities. This shall include, as required, recording statements at a place of convenience, allowing the presence of a support person, providing interpreters, sign-language facilitators or assistive devices, and using simple and accessible language. Statements shall be recorded in a manner that respects the dignity, privacy and autonomy of the Person with Disability, and no coercion, intimidation or undue influence shall be exercised.
- Police authorities shall cooperate fully with the Core Team, District Legal Services Authority and other stakeholders in implementing interim and final protective orders, facilitating medical care, shelter, rehabilitation and ensuring compliance with statutory and judicial directions. Failure to discharge duties under this SOP may invite administrative action in accordance with law.

GUIDING PRINCIPLES

All actions under this SOP shall be guided by:

- Dignity, autonomy and informed choice of Persons with Disabilities;
- Confidentiality and privacy;
- Non-discrimination and equality;
- Best interests of the Person with Disability.

CONCLUSION

This SOP institutionalises a formal, statutory and rights-based mechanism for addressing abuse, violence and exploitation against Persons with Disabilities in Haryana, strengthens access to justice, and gives full effect to Section-7 of the RPwD Act, 2016, in harmony with Constitutional mandates and Supreme Court directives.



Haryana State Legal Services Authority, Panchkula

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