
BEYOND THE BARS: UPHOLDING THE RIGHTS OF DISABLED INMATES UNDER INDIAN LAW

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ABSTRACT

This article critically examines the intersections of disability rights and prison conditions in India, focusing on the legal protection available to incarcerated individuals under the rights of persons with disabilities in 2016 and the Constitution of India. Based on real-life incidents, such as those involving Machang Lalung and Charanjit Singh, as well as court orders, including *L. Muruganantham v. Tamil Nadu*, this article highlights systemic failures that deny prisoners with disabilities their basic human dignity, proper healthcare, and access to justice. A thorough examination of the significant stipulations of the Statute, including Sections 3, 7, 12, and 25 of the RPWD Act, as well as constitutional rights under Articles 14, 21, and 39A, has highlighted the legal and ethical necessity of the State providing inclusive, accessible, and equitable prison conditions. It isolates other urgent issues like the lack of psychiatric care, inaccessibility of infrastructure, delay in the procedures, and abuse, which increases the suffering of this vulnerable group. The article concludes by presenting practical principles for reform, aimed at aligning prison rules with disability law rights, enhancing staff education, and increasing institutional responsibility through audit and the collection of disaggregated data. Finally, it concludes that securing the rights of inmates with disabilities is not a charity mission but a legal obligation that is imperative to the rule of law.

Keywords: Disability rights, Prison conditions in India, Rights of Persons with Disabilities Act, 2016 (RPWD Act), Constitutional rights (Articles 14, 21, 39A), Incarcerated persons with disabilities, Access to justice, Human dignity

Introduction

Machang Lalung is a tribal man from Assam, who was arrested for a minor offense at the age of 23 years. He was diagnosed with schizophrenia and was deemed unfit for the trial. Ironically, his case never came up for hearing for over five decades. He was detained in the mental hospital for 54 years, until 2005, after the National Human Rights Commission (NHRC) found out the health authorities misdiagnosed him and he only suffered from epilepsy. This turned Lalung from a 23-year-old man to a 77-year-old man, who has forgotten his family, his dialect, and the taste of the food he once loved. But Lalung is not alone; there are many more stories like this where individuals with mental disability have faced injustice. Shri Charanjit Singh¹ is also someone of a similar case. He was suffering from mental issues and spent over 16 years without a conclusion to his trial and was later saved by NHRC. These stories reveal a grim reality, According to Prison Statistics India 2021 records, undertrial prisoners account for about 77% of prisoners², which is nearly three times the number of convicts, underscoring the presence of a large amount of undertrial prisoners. There is a 22% increase in the number of mentally-ill prisoners, which aggravates the problem³. Mentally challenged individuals face unique vulnerabilities, which includes inadequate psychiatric care, social stigma and inability to navigate legal proceedings. Despite statutory protection like *the Rights of Persons with Disabilities Act, 2016 ('RPWD Act')*, there is a disconnection between the legal frameworks and their implementation. This act mandates equal treatment, accessibility and reasonable accommodations for persons with disabilities. This article examines how the RPWD Act applies to prisoners and explores the challenges faced by those who suffer from mental disabilities. This is not just a legal issue but also a moral issue. The justice system of a society is not judged by how the powerful are treated, but by how it protects its most vulnerable section. The failure to uphold the dignity of person with disability is a failure of a society.

I. Legal Foundation: Rights Of Persons With Disabilities In India

The Indian criminal justice system, while founded on the principle of fairness and Justice, has

¹ National Human Rights Comm'n, *NHRC Intervenes in the Delhi High Court in the Case of a Prisoner*, Press Info. Bureau, Gov't of India (July 18, 2024), <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2003162>.

² Press Information Bureau, Government of India, *Undertrial Prisoners* (06 Feb 2024), <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2003162>.

³ Ambika Pandit, *22% Rise in Number of Mentally Ill Jail Inmates: NCRB*, *Times of India* (Sept. 11, 2022), <https://timesofindia.indiatimes.com/india/22-rise-in-number-of-mentally-ill-jail-inmates-ncrb/articleshow/94124324.cms>

often failed to extend its protective umbrella to one of the most vulnerable groups within its ranks, persons with disabilities in custodial settings. The incarceration of disabled individuals poses unique challenges that go beyond physical confinement. It often entails a denial of basic rights, services, and dignified treatment. In this context, the Rights of Persons with disabilities act 2016 and the Indian Constitution collectively form a critical legal foundation for ensuring the dignity, equality, and well-being of prisoners with disabilities.

A. Who is considered a Person with Disability?

The question arises, who is a disabled person? As per the RPWD Act, sections 2(r) and 2(s) define a person with disability. Section 2(r) talks about “a person with a benchmark disability.” It clearly states that *“a person with a benchmark disability means a person with not less than forty per cent. Of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;”* and Section 2(s) talks about “person with disability” which clearly states that person with disability *means “a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;”* so who is comes under this definition then they are called disable person. And also, RPWD Act defines SPECIFIED DISABILITY, act specifies many types of disability, which encompass physical disabilities, mental illnesses, and intellectual disabilities. This comprehensive recognition mandates that the state address the diverse needs of persons with inaccessible, hostile, and unaccommodating environments.

B. Key Protective Provisions Under RPWD Act

Within the custodial contexts, the right of the Persons with disabilities act enshrines critical protection specifically tailored to ensure that sanctioned individuals with disabilities are not rendered invisible or unprotected. Two legal frameworks intersect here: the constitutional safeguarding of rights and the statutory obligation, the main provisions:

Section 3⁴, discusses Equality and non-discrimination. Discrimination based on disability alone has been outlawed, and equal treatment of persons with disabilities should be met with equal consideration in the eyes of the law, with dignity and in full regard for their core dignity

⁴ Section 3 of the Rights of Persons with Disabilities Act, 2016

and integrity. One of the major postulates entails the detention of reasonable accommodation in the prison system, which requires them to modify the physical setting as well as running procedures. These consist of physical changes such as the addition of ramps, handrails, and easy access bathrooms, and procedural changes such as flexible workplace hours, personal aid, and staff training on awareness.

In Section 7⁵, the State is obligated to actively combat all forms of abuse, violence, and exploitation against persons with disabilities, which must be achieved through building a reporting system and civil actions. It is extremely necessary in prisons where disabled people, especially those with mental, intellectual, or mobility disability, are at risk of physical or sexual assault by fellow prisoners, neglect and abuse by the staff, and manipulation due to their need to depend on others to perform their daily tasks. To seal these breaches, the section requires that prison administrations undertake various steps; they include: undertaking awareness Programmes, developing reporting routes that are easily accessible and effective, providing protective custody when required, and developing instant intervention measures.

Section 12⁶ ensures persons with disabilities get equal and effective access to justice, and their right to access justice is guaranteed without discrimination in the exercise of their rights under the law. This contains access to courts, tribunals, legal aid, and involvement in the judicial process, without discrimination. In the prisons, this will enable disabled prisoners to petition, seek legal help, attend hearings (either in person or through aids such as sign language interpreters, scribes, or video), learn correct methods of imprisonment, and how to petition in forms that they can use. In essence, the provision in Section 12 protects the procedural justice by ensuring a person with disability does not make a prisoner who is in his or her defence invisible.

Section 25⁷ makes the State and other local authorities offer barrier-free Health care, free and subsidized to persons with disabilities, including priority medical care. This right is used within the walls of the prison to mean several specific things: the disabled inmates need to obtain medical and psychiatric treatment that is equivalent to that provided in the community at large, with regular access to physical therapy, physiotherapy, and speech therapy. Prisons should also equip the correctional facilities to support any assistive equipment (such as wheelchairs,

⁵ Section 4 of the Rights of Persons with Disabilities Act, 2016

⁶ Section 12 of the Rights of Persons with Disabilities Act, 2016.

⁷ Section 25 of the Rights of Persons with Disabilities Act, 2016.

hearing aids, or prosthetics) and make medical areas accessible to the disabled, as well as educate their personnel on disability accommodations. The practice of this is further strengthened by the guidelines advanced by the Supreme Court, like guidelines in *L. Muruganantham v. State of Tamil Nadu*⁸ that enforce specific treatment areas and that assistive devices are readily available in the jails.

Sections 3, 12, 25, and 7 of the RPWD Act collectively erect a robust legal framework for protecting and enabling prisoners with disabilities to live with dignity, fairness, and freedom from neglect or abuse. However, without diligent implementation, this statute leaves risk with nominal judicial oversight, systematic audits, infrastructure adoption, and capacity among business staff. The present essential steps to translate the law into an experience of equitable custodial life of food for every person, if it is disabled behind bars.

II. Prisoners' Rights In Indian Law: General & Disability-Specific

In India, importance has always been placed on the fundamental rights of citizens. These rights, enshrined in Part III of the Constitution, form the base for individual liberty and dignity. In violation of these fundamental rights, citizens have the right to approach courts for redress under Articles 32 and 226, which have been described as the heart and soul of the Indian Constitution by Dr B.R Ambedkar⁹. The sanctity of fundamental rights in India is sacrosanct, and imprisonment does not extinguish one's right to equality and human dignity as enshrined in Articles 14 and 21.

A. Fundamental Rights Do Not End at Imprisonment

The Rights of Persons with disabilities Act, 2016, places a twin obligation on the state: prohibiting discrimination under Section 3 and mandating reasonable accommodation and accessibility under Section 40 and 45¹⁰, in all public institutions. . It includes prisons, which must align with the Harmonised Guidelines for Universal Accessibility. Imprisonment does not erase fundamental rights. Prisoners retain fundamental rights, alongside additional protections for disabled inmates through statutory and judicial mechanisms. The Supreme Court in *Vikash*

⁸ L. Muruganantham v. State of T.N., (2025) SCC OnLine SC 1444.

⁹ "Analysis of Article 32 of the Constitution of India: Right to Constitutional Remedies," *Legal Service India*, <https://www.legalserviceindia.com/legal/article-13508-analysis-of-article-32-of-the-constitution-of-india-right-to-constitutional-remedies.html> (last visited July 22, 2025).

¹⁰ Section 40 and 45 of the Rights of Persons with Disabilities Act, 2016.

*Kumar v. Union Public Service Commission (2021)*¹¹ clarified that the right to reasonable accommodation under the RPWD Act is not confined to individuals with 40% benchmark disability, but extends to anyone facing functional limitations due to a disability. Although not a prison-specific case, this judgment reinforces that the constitutional guarantee of equality includes the positive right to accommodations, such as scribes or assistive services, which should be equally extended to prisoners with disabilities to ensure their full participation in legal and rehabilitative processes. Article 14 of the Indian Constitution guarantees equality before the law and equal protection for all, including prisoners with disabilities. Any denial of reasonable accommodation or discriminatory treatment within prison infrastructure or service breaches this right. Article 21 preserves the right to life and human dignity, even for an incarcerated individual. In *Sunil Batra vs Delhi Administration*¹², the Supreme Court emphasised that incarceration doesn't divulge a prisoner's humanity or entitlement to rights such as reading, exercising, or protection from degrading treatment. Article 39A [12], through a directive principle, is applied alongside Articles 14 and 21 to uphold free legal aid and fair access to justice. Courts have held that legal assistance is a constitutional necessity, especially for indigent or mentally ill prisoners who may not understand the legal procedures.

B. Landmark Judgement: The Muruganantham Doctrine

In the developing stage of rights of prisoners regarding disability, the main development happens after the judgment of *L. Muruganantham v. State of Tamil Nadu*¹³, where the Supreme Court marks a watershed moment in disability jurisprudence, prison reform, and India's international obligations under UNCPRD. In this judgment, the Supreme Court comes up with the "Muruganantham Doctrine" to ensure dignified, equitable treatment of prisoners with disabilities. At the very outset, every prisoner must be assessed for any form of disability and should be allowed to reveal any specific needs they may require, such as support for mobility and assistive devices. Along with this, all essential information, such as prison rules and procedures, must be made available in forms that are accessible, such as braille, sign language, and audio. So that individuals suffering from disabilities can understand and exercise their rights efficiently.

¹¹ Vikash Kumar v. U.P.S.C., (2021) 5 SCC 370 (India).

¹² Sunil Batra v. Delhi Admin., A.I.R. 1980 S.C. 1579 (India).

¹³ *Supra* note 4 at pg. 3

It was further mandated by the Supreme Court that the prisons should establish dedicated facilities for physiotherapy and therapeutic services. The standard of medical care for disability must be the same as the standard of medical care for the general public, along with provisions for wheelchairs, hearing aids, and crutches. This judgment marked a significant milestone in the recognition of disability rights under the RPWD Act. It was reaffirmed that fundamental rights remain fully applicable even after imprisonment. However, the impact of these protections depends on proper implementation. Acknowledging disability rights is not a matter of charity now but instead is a constitutional obligation and statutory duty. The RPWD Act provides a robust legal framework that guarantees equal, inclusive, and dignified treatment of disabled prisoners. However, due to overcrowding in the prison, lack of trained staff, and inadequate infrastructure, their rights have been denied over and over again. Addressing this systemic failure is necessary to uphold the rule of law and ensure justice.

III Safeguarding Human Rights of Disabled Prisoners in India

When we speak of the right of prisoners, the fidelity that a person can lose freedom but not dignity, becomes of great essence when we discuss one of the most exploitable subjects in the Correctional System in India. The disabled prisoners. Having considered the landmark cases of Sunil Batra, Sheela Barse and Charles Sobhraj which gave a genesis to the jurisprudence of rights of prisoners in India in the country, particular issue of the disabled prisoners, more so those who acquire mental disabilities during their stint behind the prison walls, has recently found judicial legal sanctity in our system of courts. In a landmark verdict resolved by the Supreme Court of India, *L. Muruganantham v. State of Tamil Nadu*¹⁴, was a watershed legislative progress on realizing that disabled persons in prisons are vulnerable in a compounded manner and their equal treatment is neither adequate nor does it include reasonable accommodation to support their human dignity. Such a principle is especially vital to take into consideration the experiences of the convicted members of society who, while in custody, happen to be disabled or, as a result of the prison conditions, end up being mentally disabled.

A. Constitutional Guarantees for the Incarcerated

Prison inmates are also Indian citizens. They have a right to. Advocacy of the rights of prisoners

¹⁴ *Supra* note 8 at pg. 3

is the most severe challenge to the democratic community's faith in human dignity and the principles of the Constitution. The journey to the realization and protection of the rights of incarcerated persons is characterized by ground-breaking court involvement and a more gradual transfer of colonial-era punitive retention to the contemporary theory of correction, which is based on human rights. And along these lines, an underlying theme set by the Indian judiciary is that an individual can be deprived of liberty, not dignity. This has come to be the guiding principle for the rights of prisoners to students in India. The assertion of the conventional notes on the one hand and the dead incorporation drains individuals of their basic rights as humans and of their protection outlined in the constitution. Absence of rights of prisoners in the Indian Constitution does not explicitly list the rights of prisoners, which has become a key seal guarding prisoners abroad against the violation of their rights and providing a dignified treatment of the prisoners. The Supreme Court of India has stressed that the prisoners are not deprived of all the privileges and rights so much enjoyed by the free people, except those which are lost as a necessary consequence of captivity. This notion holds that basic rights do not disappear on inauguration, but can be limited reasonably in order to preserve discipline and security in prison.

The United Nations Standard Minimum Rules for the Treatment of Prisoners were adopted in 2015 and provide crucial guidance for the treatment of disabled persons. Where rules are specifically addressed, prisoners with special needs, “prison administrations and take into account the individual needs of prisoners, in particular, the most vulnerable category in prison settings, measures to protect and promote the rights of prisoners with special needs are required, and should not be regarded as discriminatory.” Despite India’s commitment to implementing the Nelson Mandela rules¹⁵ through the Model Prison Manager, 2000 and 16, and the Model Prisoners and Correctional Service Act 2023, significant gaps remain. The Supreme Court has noted that most state prison manuals remain outdated and uninformed by developments in disability law and rights-based discourse.

B. Mental Health Crisis and systemic failures in Prisons

According to recent data, more than 5000 individuals have been diagnosed with mental illness across Indian prisoners, with Uttar Pradesh reporting the highest number, followed by Odisha

¹⁵ The Nelson Mandela Rules: Protecting the Rights of Persons Deprived of Liberty, UN Chronicle (July 18, 2019), <https://www.un.org/en/un-chronicle/nelson-mandela-rules-protecting-rights-persons-deprived-liberty>.

and West Bengal. However, these figures likely represent only a fraction of the actual population as the national crime recorded Europe does not systematically record disability status of business, creating with the Supreme Court has termed data gaps that hamper policy design and targeted intervention¹⁶.

Research demonstrates that prisoners face mental health challenges along two pathways: those who enter prison with existing mental illness and those who develop mental disorders due to the prison environment itself.¹⁷ The importation vs deprivation models help explain this phenomenon, while some prisoners bring mental health conditions into custody, others develop these conditions due to the inherently damaging nature of prison environments. Mental illness among prisoners has doubled from 2012 to 2022, which indicates a crisis that demands immediate attention.¹⁸

The Supreme Court has recognised that “prison embodies a vicious cycle of mental disorder and human rights violations”¹⁹. The stigma, isolation, and discrimination faced by inmates often result in rights violations, which subsequently create stress and frustration. Due to a lack of psychological support, this situation often precipitates into mental disorders, leading to serious impairment and disabilities. This cycle is particularly devastating because, while some prisoners commit crimes when they are mentally ill, many become mentally ill when in detention. In both instances, these individuals required specialised care and protection, and the standard prison system is ill-equipped to provide²⁰.

The journey toward a disability-inclusive prison in India represents both a legal imperative and a moral necessity. The principle that a person may lose liberty, not dignity, assumes profound significance when applied to disabled prisoners who face compounded vulnerabilities in a custodial setting. And that can be a matter of life and death. The application of Nelson Mandela's rules to disabled prisoners provides a comprehensive framework for transformation,

¹⁶ Madhurima Dhanuka, A Prison Inside the Mind, Hard News, <https://www.humanrightsinitiative.org/in-the-news/a-prison-inside-the-mind> (last visited July 27, 2025).

¹⁷ Prachi J. Kathane, Mahesh A. Tripathi & Sudhanshu Shekher Tiwari, A Review on Status of Incarcerated Prisoners with an Unsound Mind and Need for Remedies to Protect Their Constitutional Rights, 64 Indian J. Psychiatry 540 (2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9881717/>.

¹⁸ Vajiram Editor, India's Prison Crisis: Overcrowding and Lack of Healthcare Services in Focus, Vajiram & Ravi (July 2025), <https://vajiramandravi.com/current-affairs/indias-prison-crisis-overcrowding-and-lack-of-healthcare-services-in-focus/>.

¹⁹ Madhurima Dhanuka, A Prison Inside the Mind, Hard News, <https://www.humanrightsinitiative.org/in-the-news/a-prison-inside-the-mind> (last visited July 27, 2025).

²⁰ *Ibid*

requiring not merely policy changes, but a fundamental shift in institutional culture. This transformation depends on legal reform, infrastructure investment, cultural change, systematic integration, and data-driven policy. For the thousands of disabled prisoners currently languishing in India's jails, many serving indefinite sentences, despite being under trial, many are developing severe mental illness due to prison conditions. Many denied the basic accommodation necessary for survival; the time for reform is not tomorrow, but today, their humanity. Their humanity depends on nothing less than our complete commitment to ensuring that beyond the part of imprisonment lies not abandonment, but the unwavering protection of human dignity that forms the cornerstone of our constitutional democracy.

III. Challenges Faced By Persons With Disability In Prisons

A. Lack of Psychiatric Care

Mentally disabled prisoners are often neglected due to a lack of psychiatric care. It is a violation of Section 25 of RPWD Act, which mandates that there should be Health care of community standard. The Nipman Foundation conducted an audit in 2018, which revealed that the wheelchairs are not functioning and are inaccessible to bathrooms and medical facilities. This audit was conducted in major jails of India, like Tihar, Rohini, and Mandoli jails. This depicts how there is a lack of facilities and care for disabled prisoners, even in jails in which a huge number of prisoners are held. The Mental Health Care Act, 2017, emphasises early treatment to mitigate disability; however, there is a lack of trained mental health professionals and facilities in prisons. This increases the risks of self-harm and psychological degradation. Judicial recognition of the urgent need for mental healthcare within prisons was echoed in *Accused 'X' v. State of Maharashtra (2019)*²¹, where the Supreme Court emphasized that denying psychiatric care to mentally ill prisoners violates both the Mental Healthcare Act, 2017 and the RPWD Act. The Court called for appropriate facilities, affirming that mental disability requires specific accommodations within custodial settings to uphold human dignity.

B. Implementation Gaps in Legal Frameworks

The RPWD Act has provisions for non-discrimination, access to justice, Health care, and protection from abuse in Sections 3, 12, 25 and 7²² respectively. But their implementation in

²¹ *Accused X v. State of Maharashtra*, (2019) 7 SCC 1 (India).

²² Section 3, 12, 25 and 7 of the Rights of Persons with Disabilities Act, 2016.

prisons is inadequate. There is a lack of ramps, braille materials, or sign language interpreters, which are required by the Act and the 2024 Harmonised Guidelines for Universal Accessibility. These gaps are due to funding shortages, untrained staff, and weak oversight.

C. Inability to navigate legal proceedings

Prisoners who suffer from mental disability often are not fit for trials, which leads to prolonged trials. They are kept in undertrial custody for an extended time. Machang Lalung and Chiranjit Singh were detained under trial due to being unfit under CrPC Section 328-330. Section 12 of the RPWD Act provides accessible legal aid, yet the absence of supporters leaves the prisoners helpless.

D. Vulnerable to Abuse and Exploitation

Prisoners who depend on others for daily tasks are susceptible to abuse and exploitation by staff members and fellow prisoners. The denial of straw to Father Stan Swamy, who suffered from Parkinson's, and G.N. Saibaba, who was injured in an inaccessible cell, is an example of how there is systemic neglect.

E. Overcrowded and Inaccessible Prisons

The number of undertrial prisoners is overwhelming, and when coupled with systemic neglect, it has a severe impact on the prisoners. A 2020 Commonwealth Human Rights Initiative (CHRI) report revealed that the prisons are operating at 118% capacity throughout the nation²³. The RPWD Act mandates accommodations such as ramps, accessible bathrooms, and facilities. However, a 2019 report by Vidhi Centre for Legal Policy found that most Indian jails do not comply with these standards²⁴.

IV. Reform Proposals And Recommendations

Within India's complex prison system, individuals defined as persons with disabilities (PWD) under the Rights of Persons with Disabilities Act, 2016 (RPWD Act) face compounded

²³ Guilty Till Proven Innocent?, Hindustan Times (June 22, 2022), <https://www.hindustantimes.com/india-news/india-has-second-highest-pre-trial-detainees-among-commonwealth-nations-study-101655868713743.html>.

²⁴ Ameen Jauhar, Diksha Sanyal et al., India Justice Report 2019, Vidhi Ctr. for Legal Pol'y (2019), <https://vidhilegalpolicy.in/research/india-justice-report-2019/>.

vulnerabilities. Their specific needs – physical, sensory, intellectual, or psychosocial – are frequently overlooked or inadequately addressed within the rigid prison environment, leading to discrimination, neglect, and denial of basic rights. To uphold the dignity and legal entitlements of these prisoners, urgent systemic reforms are essential. Key proposals include:

A. Aligning Law And Policy:

The most basic approach to this would be the attempt to make prison regulations acknowledge the rights of the disabled directly. It will require a revision of the Model Prison Manual and make it fully consistent with the principles of non-discrimination, the requirements of accessibility, and guarantees of rights enshrined in the RPWD Act and the Mental Health Care Act (MHCA), 2017. More importantly, the concept of reasonable accommodation should be properly outlined in the prison setting. This definition should indicate the concrete and feasible steps that prisons need to implement (e.g., available infrastructure, communication supports (sign language interpreters, braille), adapted medical equipment and Programmes, or adjusted Programmes) to allow PWD to become an equal participant in prison life and enjoy equal access to the services.

B. Building Capacity Through Training

Sensitivity and awareness are key among the prison staff. The entire prison staff, starting with senior officers, down to the warders and medical staff, must undergo mandatory detailed training on disability awareness, as well as the exact provisions of the RPWD Act and the MHCA, along with Mental Health First Aid. In this training, stigma should be depreciated, personnel should be trained on how to identify various forms of disabilities, how to communicate with them effectively, and how to respond with basic skills when an individual needs support due to mental health issues.

C. Strengthening Procedural Safeguards

The way justice is administered may also be of no help to the disabled prisoners, especially those on trial. Quick judgments according to the CrPC, 269-330²⁵ (fitness of stand trial) are crucial. Legislatively or procedurally imposed time limits must be instituted to make sure that no one can be left languishing in jail indefinitely under the guise of being unfit. Moreover, in

²⁵ 228-230 of The Code of Criminal Procedure, 1973

the case of undertrials declared unfit, strong systems should make sure that skilled support individuals or legal guardians willing to act in their best interests in matters related to the law, Health care, and welfare are appointed as soon as possible.

D. Establishing Administrative Accountability

Committed custody in the confinement management is required. This would create a much-needed contact point by the appointment of Disability Liaison Officers (DLOs) in each large prison or prison complex. These disability rights-trained officers would check on the use of accommodations, serve grievances, and ensure ease of accessing services. This should be complemented by the need to put in place regular and independent disability auditing of prisons, by the State Commissioners of disability or the National Human Rights Commission (NHRC), to realise compliance and establish systematic gaps.

E. Ensuring Visibility Through Data

Effective policy-making requires accurate information. Currently, prisoners with disabilities remain largely invisible in official statistics. It is imperative to mandate the collection and public reporting of comprehensive, disaggregated data on prisoners with disabilities across all categories (physical, visual, hearing, intellectual, mental illness, multiple disabilities) within the prison population. Crucially, mental disability indicators must be integrated into the annual National Crime Records Bureau (NCRB) prison statistics to track prevalence and needs accurately.

Implementing these recommendations is not merely an act of compliance; it is a fundamental step towards a more humane and just prison system. By embedding the principles of the RPWD Act into the fabric of incarceration, we move closer to ensuring that disability does not equate to compounded punishment and that the rights and dignity of every prisoner, regardless of ability, are upheld.

Conclusion

The provisions under Fundamental Rights under the Constitution and Rights of Persons with Disabilities Act, 2016 (RPWD Act), promise equal treatment, access to justice, and proper care for all prisoners, including persons with disability. But stories of Machang Lalung, Charanjit Singh, and countless unnamed others showcase the reality and how the system has let down

people who need care and protection. In the case of *L. Muruganantham v. State of Tamil Nadu*, the court marked a turning point by recognising that imprisonment does not nullify a person's rights. This ruling has called for standard prison facilities, but the jails still lack basic facilities like accessible bathrooms. There was emphasis put on accessibility, procedural safeguards, and medical parity within prisons. But the reality is starkly different. Disabled prisoners face challenges at every level, from legal, physical, to psychological. The reform must begin with acknowledgement and visibility. There is a need for disability specific data collection, trained prison staff, disability audits, and oversight. Justice is not just about conviction and punishment, but rather it is a commitment of a nation to its constitutional values. Ensuring that the rights of disabled individuals are not charity but a duty. It must be ensured that disability does not become a sentence within a sentence.