



# **NCPEDP - Javed Abidi Fellowship on Disability**

Supported by Azim Premji Foundation

## **Baseline Report**

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**Disability Disaggregated Reporting of Abuse on  
Disabled Persons**

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# 1 Summary

Studies around the world have showed that people with disabilities are more vulnerable to all forms of abuse than people without them. Despite this, 'Abuse with persons with disabilities' as a terminology is yet to find its rightful footing in the Indian mindset - Individual, societal, institutional, and to some extent, governmental. The reasons of its anonymity are many, and this report attempts to bring some of them in focus. The objective of this report is not only to identify and highlight the gaps in the on-ground implementation of the already existing legal framework designed to prevent abuse with persons with disabilities, but also to provide a comprehensive evidence-based study in order to sensitize the general public and authorities about the issue

The study establishes that apart from lack of sensitization and stigmatization around disability in general, reasons like lack of reporting on such issues, non-existence of requisite provisions in the Indian Penal Code (IPC) and absence of column for mentioning the disability of the aggrieved in the FIR proforma in the police stations across the country, either in the physical form or in the online FIR format, are also responsible for gaps in the on ground implementation of the already existing legal framework designed to protect persons with disabilities.

During the unstructured interviews conducted for the purpose of this study, all the police officials acknowledged this lapse and fully concur that co-existence of both, i.e., requisite IPC section and the inclusion of disability column in the FIR, will enable them to maintain a segregated and dedicated data of cases of crimes and abuse against people with disabilities from the general cases, which are otherwise clubbed together, making it difficult even for them to differentiate from the other general crime cases. The report also shed light on how CCTNS or Crime and Criminal Tracking Network and Systems can be a crucial catalyst in the inclusion of disability column in the FIR.

Another major factor, that contributes in widening this gap, and which this report tries to highlight, is the veritable absence/ nominal existence of data in the country, regardless of its disaggregation on crimes against persons with disabilities.

Majority of the concerned authorities at national as well as local level responsible for maintaining such data either don't have these statistics at all, and even if the data is available, it lacks proper disaggregation. A case in the point is that many media reports in recent times have claimed that NCRB has zero data on crime against persons with disabilities. However, in reply to an RTI application filed in September 2022, for the purpose of this study, NCRB stated that; "...*State and UT wise cases, registered under Rape (including on women with Mental and Physical disabilities) is available in Chapter- "Crimes against Women" of NCRB's annual publication "Crime in India" available on our website <https://ncrb.gov.in>. NCRB started collecting such information since 2017.*"

However, on checking, it is apparent that though the data is there in the said publication, it is neither desegregated nor does it include all the disabilities. In light of the aforementioned data anomalies this report endeavors to highlight the fact that the issue of abuse with persons with disabilities is a reflective of wide spectrum of scenarios which cannot be restricted to only a certain kind of offense

The conclusion reiterates the issues addressed in the report and suggests that availability of disaggregated data around abuse with persons with disabilities will not only enable policymakers to strengthen up the existing legal framework for pwds, but will also facilitate similar research-based studies in the country.

## 2 Background

As a terminology, abuse with persons with disabilities is still quite new and not much talked about in India. In spite of the general empathy inherent in the mind of every Indian irrespective of caste, creed, religion and region, the awareness about this issue is absent from the collective consciousness of the people at large. This situation is exacerbated by the lack of well-structured research and inadequate documentation.<sup>1</sup> To attest this scenario attention is invited to a case highlighted in the Human Rights Watch report, which mentioned that a 15-year-old girl was raped and even though the incident took place in the national capital, a place where the awareness and public opinion is considered to be very vocal and polarizing, the police refused to report her disability just because she did not have a disability document. In another incident reported last year, a disabled man was beaten to death by his own relatives over a property dispute in Rajdhanwar, Jharkhand.<sup>2</sup> In a recent report, a 10-year-old boy with congenital talipes equinovarus and cerebral palsy was found to have been tied to a tree for the last four years in Bijaychandrapur village of Nuagarh panchayat of Kujang block, purportedly to prevent him from loitering, as being daily wage laborers, his parents are unable get him treated for the fear of cost involved.<sup>3</sup>

As can be seen from the incidents listed above, any such of act violence, exploitation, humiliation or discrimination suffered by a person with disability irrespective of their gender, comes under the ambit of abuse with persons with disabilities.

Accordingly, in this report will not only endeavor to look into the criminal aspect of abuse with persons with disabilities, but will also explore the other kinds of abuse like discrimination, exploitation and humiliation which persons with disabilities face in their day to day lives.

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<sup>1</sup> [TangledInRedTape.TheDisabilityIDCardProcessIsSteepedWithGenderBarriers- BehanBox](#)

<sup>2</sup> <https://www.facebook.com/photo/?fbid=4273324582778217&set=a.117580428352674>

<sup>3</sup> [Disabled 10-year-old boy tied to tree for four years by parents- The New Indian Express](#)

### 3 Objectives of the Study

The objective of this study is to understand and bring forth an action- oriented change on this sensitive issue by:

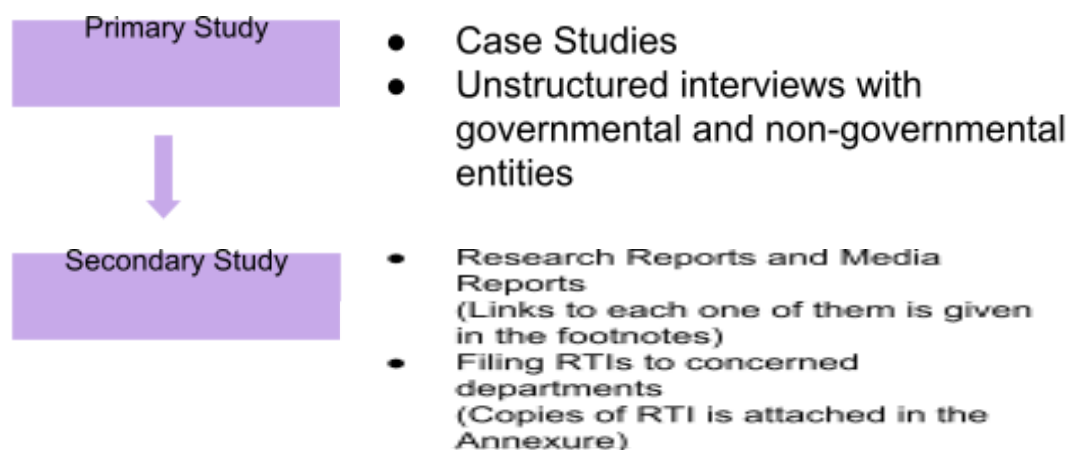
- Identifying and highlighting the gaps in the on-ground implementation of the already existing legal framework designed to prevent abuse with persons with disabilities,
- Collating evidence on various forms of violent/ non-violent abuse faced by persons with disabilities
- Highlighting the lack of data on such atrocities.

### 4 Research Methodology

The data for this research study was collected using appropriate qualitative methods, such as case studies unstructured interviews etc. RTIs were also filed to the relevant authorities for getting the required information. Respondents for case studies were selected using a purposive sampling method.

#### 4.1 Background

The primary data of this study has been supplemented with secondary research which consists of global and national level reports along with relevant media reports, meetings with stakeholders and filing of RTIs to the concerned authorities.



## 5 Case Studies and Unstructured Interviews

### 5.1 Case Studies

The respondents, who were persons with disabilities, all belonged to diverse backgrounds ranging from students, freelancers, counseling psychologists, disability advocates, doctors, homeless and unemployed persons etc.

The respondents were reached out primarily through social media and personal contacts using purposive sampling method. Almost all the case studies, except two, were conducted through online medium. This was done due to COVID restrictions and other geographical and logistical constraints. Participants were required to sign a consent form in order to use their story for research purposes. Names of the participants are either anonymized or has been changed to maintain the ethicality of the research. Respondents who participated in the case studies were from amongst several categories of persons with disabilities recognized as specified disabilities under the RPWD Act.2016

### 5.2 Unstructured Interviews

Unstructured interviews were conducted during case studies and meetings with the officials from governmental and non-governmental departments and organizations etc. The motive behind conducting these unstructured interviews was to know the respondent's experiences of abuse with persons with disabilities and to collect information regarding the same from relevant authorities.

### 5.3 Limitations

Due to sensitivity of the issue, lack of data and COVID restrictions in the first half of the study, limitations and impediments were quite a few:

- Conducting desk research was quite challenging as there are hardly any research reports in public domain which distinctively explores the terminology of abuse against persons with disability from an Indian perspective. Majority of the available literature tend to focus only on a specific area of disability abuse such as crime/violence against persons with disabilities, deprivation of certain fundamental rights etc., but they doesn't really navigate the issue of from the lens of 'abuse' against pwds in its entirety.
- Due to the sensitivity and stigmatization around the issue, it was hard to convince the respondents to volunteer for case studies.
- Almost all the case studies, except two, were conducted through online medium. This was done due to COVID restrictions and other geographical and logistical constraints.
- It was suggested by almost all the government entities to go straightaway in for an RTI based mode of obtaining the information, instead of soliciting direct information first, as they were unsure about the ready availability of firsthand information.

- Even RTI replies in most of the cases weren't satisfactory enough due to lack of data

#### 5.4 Participants Profile of Case Studies- Types of Disabilities

Type of Disability	Number of Participants
Locomotor	5
Visual Impairment	2
Cerebral Palsy	2
Multiple sclerosis	1
Hearing impairment	1

#### 5.5 Participants Profile of Case Studies- Types of Disabilities

States	Number of Participants
Uttar Pradesh	3
Madhya Pradesh	2
Andhra Pradesh	2
New Delhi	1
Himachal	1
West Bengal	1
Tamil Naidu	1

## 6 Availability of Data with a Catch

Many media reports in recent times have claimed that NCRB has zero data on crime against persons with disabilities. But in reply to an RTI, filed on September 2022, for this research, NCRB has said; “State and UT wise cases, registered under Rape” (including on women with Mental and Physical disabilities) is available in Chapter- “Crimes against Women” of NCRB’s annual publication “Crime in India” available on our website <https://ncrb.gov.in>. NCRB started collecting such information since 2017.”

**6.1 Table 1.3: State wise stats of reported rape cases of women with mental and physical disabilities under Section-376 in the country in the country 2021, as per Crime in India 2021 report by NCRB**

States	Total no. of Reported Cases
Andhra Pradesh	17
Arunachal Pradesh	1
Assam	4
Bihar	0
Chhattisgarh	3
Goa	0
Gujarat	4
Haryana	1
Himachal Pradesh	1
Jharkhand	1
Karnataka	5
Kerala	10
Madhya Pradesh	5
Maharashtra	35
Manipur	0
Meghalaya	5
Mizoram	6
Nagaland	0
Odisha	0
Punjab	1
Rajasthan	1
Sikkim	0
Tamil Nadu	6
Telangana	9
Tripura	0



**6.2 Table 1.4: UT wise stats of reported rape cases of women with mental and physical disabilities under section-376 in the country in 2021, as per Crime in India 2021 by NCRB**

Union Territories	Total no. of Reported Cases
Andaman and Nicobar Islands	1
Chandigarh	0
Dadra and Nagar Haveli & Daman & Diu	0
J&K	0
Ladakh	0
Lakshadweep	0
Puducherry	0
Delhi	0

Although some notable specifics like age and the distinction between the two disabilities are still missing, yet it does provides a broad overview of the total number of reported cases of rape against women with mental and physical disabilities in the country However on a closer look it can be observed that majority of states and UT either have cases in single digits or got no cases at all. This reporting ratio is a clear indicator of sensitization scarcity and stigmatization around the issue.

The lack data disaggregation with regards to crimes against women with disabilities can also be attributed to the absence of column for mentioning victim's disability in the FIR proforma in the police stations, either in the physical form or in the online FIR format. Because it directly impacts the overall number of reported cases of crimes against persons with disability nationwide. Infact the very data collected for this annual report of NCRB is initially entered by State/UT Police at Police Station/District level during the preliminary stages of data collection.<sup>4</sup> The pertinent issue of absence of disability column in the FIR has been discussed in detail in the later sections of the report.

Another interesting thing to observe is that Kerala, the state with the highest literacy rate in India is also the 3rd highest state of crimes against women with disabilities. According to the State Crime Records Bureau of Kerala, the atrocities against women irrespective of their disabilities were at an all-time high in 2022. A total of 18,943 cases were registered last year,

<sup>4</sup> [Methodology of Data Collection & Publication.pdf \(ncrb.gov.in\)](https://ncrb.gov.in/methodology-of-data-collection-and-publication.pdf)

including 5,354 molestation and 584 harassment cases. This upsurge continued this year, too, with 1,784 cases recorded in January 2023 alone.<sup>5</sup>

*"This figure is not surprising at all; in fact, it may be lower than the true number of crimes," says Priya, a writer from Kerala. "There is honestly no link between literacy and crimes. Many people in Kerala are extremely conservative. Dowry demands before and after marriage and domestic violence are daily stories in many households".<sup>6</sup>*

Another reason for this unfettered increase of crimes against women in general is lack of cooperation from the police officials. According to T B Mini, a lawyer; *"Police are rarely registering the cases for atrocities against women at home by claiming that there are possibilities of the law being misused since it is non-bailable. They are sending couple for counseling and then only a decision comes and by then the case wouldn't be registered. More victims are hence going directly to court as counseling facility is there at magistrate court as well and since even lawyers are not sure if the victim would get justice from the police."<sup>7</sup>*

Similarly, known as the Gateway of India, the state of Maharashtra tops this list of crimes against women with disability. In fact, it also stands first in the number of IPC cases registered in Maharashtra in 2021 was 3, 67,218, the highest in the country<sup>8</sup>. Reacting to this resurgence of cases Pune Police Commissioner Amitabh Gupta said, *"The NCRB figures may reflect a rise in the number of crimes against women, but the police were more sensitive in dealing with such crimes. The police action in such cases is transparent and swift and because of these reasons the victims on fearless and coming forward to lodge complaints against the perpetrators of such crimes,"<sup>9</sup>*

Sharing somewhat similar perspective upon the rise of crimes against women in Andhra Pradesh upto 21% in 2021 as compared to 2020, DGP Gautam Sawang said that the uptick in crimes against women reflects the efficiency of outreach program launched by AP police. According to him the women who used to suffer in silence earlier, are now coming out to complain with the help of initiatives like Disha app and Spandana program.<sup>10</sup>

<sup>5</sup> [Crimes against women: Lax Kerala must wake up- The New Indian Express](#)

<sup>6</sup> [Crimes Against Women In Kerala On Rise: Why Are Women Unsafe In Th... \(shethepeople.tv\)](#)

<sup>7</sup> [Kochi: Crimes Against Women On The Rise | Kochi News - Times of India \(indiatimes.com\)](#)

<sup>8</sup> <https://www.ndtv.com/india-news/maharashtra-tops-up-at-2nd-spot-in-crime-in-2021-ncrb-report-3301783>

<sup>9</sup> <https://timesofindia.indiatimes.com/city/pune/53-rise-in-crime-against-women-in-pune-says-report/articleshow/93865083.cms>

<sup>10</sup> [Andhra Pradesh: Crimes against women shoot up by 21% to 17,736 this year | Vijavawada News - Times of India \(indiatimes.com\)](#)

## 7 A Better Disaggregation of Data by National Human Rights Commission

The concept of disaggregated data on abuse with persons with disabilities makes much more sense with NHRC which has a slightly better disaggregation of data when it comes to cases of human right violation against persons with disabilities. In a recent response to an RTI query soliciting cases of human right violation against persons with disabilities in India from 2017-22, NHRC stated that, “...No code on disability was in existence in the year 2017-18 and hence no data of this period is available on record”. However, it does have data on disability from 2018 to 2022, which is not only disaggregated on the basis of gender and age, but also got divided categorically into some important issues.

**7.1 Table 1.5: Total number of reported cases of human right violation against persons with disabilities in India during the period 2018-19 to 2021 and 2022**

Year	2018-19	2019-20	2020-21	2021-22
No.	87	297	834	226

**7.2 Table 1.6: Gender and Age wise data of cases on Disability**

Year	Male			Female			Both	Unknown
	A	B	C	A	B	C		
2018-19	0	20	4 2	0	3	7	15	0
2019-20	3	143	6 0	0	34	1 7	38	2
2020-21	5	583	5 7	1	159	8	17	4
2021-22	1	82	9 0	1	24	9	14	5

Note: A-Below 18 yrs, B-Above 18 yrs, C- Not Indicated

**7.3 Table 1.7: Types of cases registered on disability**

Year	D	E	F	G
2018-19	33	37	07	10
2019-20	81	178	23	15
2020-21	133	637	31	33
2021-22	89	77	17	43

**Note: Following are the Incident codes of NHRC specified in the above table**

**D- Disability (Incident code for registering cases of alleged violation of human right of persons with disabilities)**

**E- Discrimination against persons with disabilities (eg. Denial of health care facilities, refusal to issue identity card/ driving license/ disability certificate, harassment, misbehavior, passing comments on disability, non-providence of reservation etc)**

**F- Atrocities on disabled by family members (eg. Detaining house/ property, negligence of pwd, disownment by family etc.)**

**G- Disability Pension**

Following are some examples of human right violation against persons with disabilities as per the Incident codes of NHRC

- D&E: In 2020, police personnel in Kannauj, Uttar Pradesh, got suspended and an inquiry ordered after a video emerged of him assaulting a disabled man. In the video, which was shared on social media, the police constable can be seen hitting the man on his head and pushing him on the ground outside the Saukhari police station in Kannauj. Other police personnel sat and watched even as a pregnant woman who was reportedly his wife pleaded with the police to spare the man.<sup>11</sup>
- F: In another incident reported last year, a disabled man was beaten to death by his own relatives over a property dispute in Rajdhanwar, Jharkhand<sup>12</sup>.
- G- Similarly, according to the media report of from last year, an 11-year-old intellectually impaired boy was denied disability pension for lack of Aadhaar card in Jharkhand's West Singhbhum district. As per the report, the parents whom used to work as labourers in other field claimed that they had twice gone to make Aadhaar card, as otherwise they were denied disability pension for their boy, however due to failure in getting biometrics, they were denied Aadhaar card and also social benefits.

<sup>11</sup> <https://scroll.in/latest/973515/uttar-pradesh-police-constable-assaults-differently-abled-man-in-kannauj-suspended>

<sup>12</sup> [https://drive.google.com/file/d/1w0w\\_KghnTUYDkp5eHd54YaPsoyzaAAo/view?usp=sharing](https://drive.google.com/file/d/1w0w_KghnTUYDkp5eHd54YaPsoyzaAAo/view?usp=sharing)

Albeit, it's interesting to note that the Supreme Court had in September 2018 directed that a person's rights could not be denied on the ground of lack of the unique ID (Aadhaar card)<sup>13</sup>

The availability of disaggregated data around abuse with persons with disabilities will not only enable the policymakers to strengthen the already existing legal framework designed to protect the pwds, but will also facilitate the introduction of new provisions that will ensure zero lapses in providing timely justice to the aggrieved disabled people and their families. It will also help highlighting this highly sensitive issue among masses while encouraging research based studies in the country for the same.

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<sup>13</sup>

<https://www.telegraphindia.com/jharkhand/disability-pension-denial-bares-aadhaar-card-confusion-in-west-singhbhum/cid/1867586>

## 8 Gaps in Legal Framework

In some cases, Human Rights Watch found that women and girls were excluded from accommodations on the basis of their inability to certify a disability. Even in cases where women and girls had visible physical disabilities or identified their disabilities, police failed to include specific details in the First Information Report (FIR)-a document that sets the criminal justice process in motion. Lack of documentation in police reports precludes women and girls with disabilities from receiving specific need- based support from the police and judiciary.<sup>14</sup>

As stated earlier, this can be attributed to the fact that there is no provision of including the victim's disability in the FIR format. Hence it's not a legal binding for the police officials to even mention about the disability in the FIR, unless the reported incident becomes a court case. To impart clarity to this statement, a serving Police Official posted in Police Station in Industrial Area, Chandigarh stated that, "...Generally we do write about the victim's disability in the description section of the FIR itself, but this is not always the case. There is no separate column for mentioning the victim's disability, that obligates us to mention it, just like we have separate columns for mentioning victim's name, age, sex, address etc. However, when an incident becomes a court case, only then it becomes compulsory to mention about the victim's disability,"

The same Police Official informed that interestingly enough the document which contains the details of the accused, has this column of disability in it. The document is known as: Personal Dossier of the Criminal. "A column is there to define the disability in the Personal Dossier of the Criminal, as we can't afford to miss the minutest detail of an accused..." The irony is lost here as the victim is not accorded the same detailing, whereas the perpetrator of the crime is accorded that.

On the contrary, even when the disability of the victim does get mentioned in FIR and the reported case eventually makes its way to the public domain through media reports, the incident still fails to reflect in the RTI, when the information is sought about the same.

According to a media report of 2018, the Panchkula police had arrested a 26-year-old Ola cab driver for allegedly raping a 19-year-old disabled girl of Chandigarh<sup>15</sup>. The complaint got filed and the accused got booked as well, yet it didn't reflect in the RTI filed for this report, soliciting the total number of reported cases of crimes against persons with disabilities in Haryana from 2017 to 2022. Subsequently, in the reply to the RTI, the SPIO-cum-DSP/Crime, State Crime Branch, Panchkula stated that this type of information is not available with this office.<sup>16</sup>

This is just one example, there are many other such cases which despite succeeding in attracting media attention, failed to get themselves reflected in the RTI.

<sup>14</sup>[Invisible Victims of Sexual Violence Access to Justice for Women and Girls with Disabilities in India \(2018\)](#)

<sup>15</sup>

<https://www.hindustantimes.com/punjab/old-driver-held-for-raping-19-year-old-disabled-chandigarh-girl/story-HxIOZ2vpfaDZhctUM2u4qN.html>

<sup>16</sup> <https://drive.google.com/file/d/1rldxdOKbpkvFTc41yFjvCU0nTj3v8DUX/view?usp=sharing>

## 9 Lack of Reported Cases and non-availability of Disaggregated Data

A report on violence against disabled, lesbian, and sex-working women in Bangladesh, India, and Nepal, shows that upto 54% of ever-married disabled women in India had faced violence from their affinal family; natal family, friends, and neighbors.<sup>17</sup> According to the HRW report 2018, women and girls with different disabilities face high risk of sexual violence in India. Those with physical disabilities may find it more difficult to escape from violent situations due to limited mobility.<sup>18</sup>

In 2015, 33 years old, women with CP from Kolkata was abused by her doctor. The woman in case comes from a lower middle-class family and lives with her mother. She is the sole bread earner amongst the two after her father passed away in 2019. Talking about the incident of abuse by the doctor who claimed to have a 'cure' for her disability she shared; *"He touched me inappropriately and tried to 'teach' me about the intricacies of sexual intercourse. I couldn't even retaliate or escape, due to my disability. I needed his medication for my disability as I was feeling better. I couldn't file a complaint, because there was no one to support me. Also, if my father knew about the complaint, he would have bashed me."* Demonetization in 2016 led to discontinuation of her treatment, as they hardly had any money left to pay for the doctor's fee; *"During demonetization, we got shortage of cash at home which gave me a chance to get rid of that pervert doctor. Also, I came to know that he was giving me some wrong medication which wasn't related to my issue even remotely, so I somehow managed to convince my mother not to take his services ever again,"* she said sharing her experience.

Moreover, the stigmatization around disability and the fear of public shame makes it even less probable to report such cases. *"We didn't get a single case of crime committed against a person with disability reported in our police station in the last 10 years,"* said a Police Official serving in Police Station, Sector-26, Chandigarh.

There are also instances where hardly one or two cases were reported in the last 5 years. According to a police official, there is only 1% chance of such a case being reported. Besides this, non-availability of disaggregated data is also one of the major reasons why this critical issue is still at its nascent stage in our country.

General cases of crimes against women and children are seldom made public due to privacy concerns, however, statistical information of such cases can be obtained through RTI, but this is hardly the case when it comes to crimes against women and children with

<sup>17</sup> Count me IN!: Research report on violence against disabled, lesbian, and sex-working women in Bangladesh, India, and Nepal (<https://www.tandfonline.com/doi/full/10.1016/S0968-8080%2812%2940651-6>)

<sup>18</sup>Invisible Victims of Sexual Violence Access to Justice for Women and Girls with Disabilities in India (2018)

disabilities. This dilemma has been enunciated very nicely by a police officer serving in Women Police Station, Sector-5, Panchkula, Haryana, when he says *“You can’t check the details of such an FIR online, even if you have the FIR number. Due to lack of reporting along with the absence of a dedicated IPC section for registering cases of abuse with persons with disabilities, and the non-existence of FIR column, obtaining information regarding crimes against women and children with disabilities even through RTI, is almost impossible”*.

Reporting of such cases also depends on the severity of the victim’s condition.

The purpose of this report led to a visit at Pingalwara centre in Chandigarh, a charitable home for the persons with disability, destitute, abandoned individuals, persons suffering from incurable and terminal diseases, old people, etc. Interviews were conducted with many inmates of the centre and the underlying result that emerged was the inherent disadvantage faced by the disabled people, which resulted in an outcome of abandonment, abuse, and mental trauma emanating out of that. A gist of the few interactions that took place with the inmates is enunciated as under:

- i. One of the residents, a person with intellectual disability, doesn’t exactly remember who brought him there or what actually happened to him. As per him, *“...My name is Sudhir Sharma, (Pseudo Name) I am 30 years old and I am from Rajasthan. I think my brother has left me here, after we had an argument. I don’t remember now...”*
- ii. In another the case, an intellectually disabled inmate had a large injury scar on his right calf muscle. Upon being asked how he got that scar, he took the name of someone, but didn’t know why he or she had hit him.

A social worker, working for the betterment of the inmates at the centre stated that, *“Most of the residents here are like that only. They don’t remember how or who brought them here. They come here in a miserable condition. But after some rehabilitation and counseling, they become better and feel at home. Take the example of Sudhir ji, now after much treatment and rehabilitation; he has started recalling a few things. We rely solely on their version of story, as generally we are also unaware about their actual whereabouts,”*

She further went on to add that majority of the residents at the Chandigarh centre had been transferred from their Amritsar branch and as per her, the only information available with the Chandigarh centre is the one that had been provided by the Amritsar Centre. She further stated that once the admission is done, the centre authorities don’t allow the relatives, if any, to meet their kin, as it can lead to emotional upheaval amongst other residents as well.



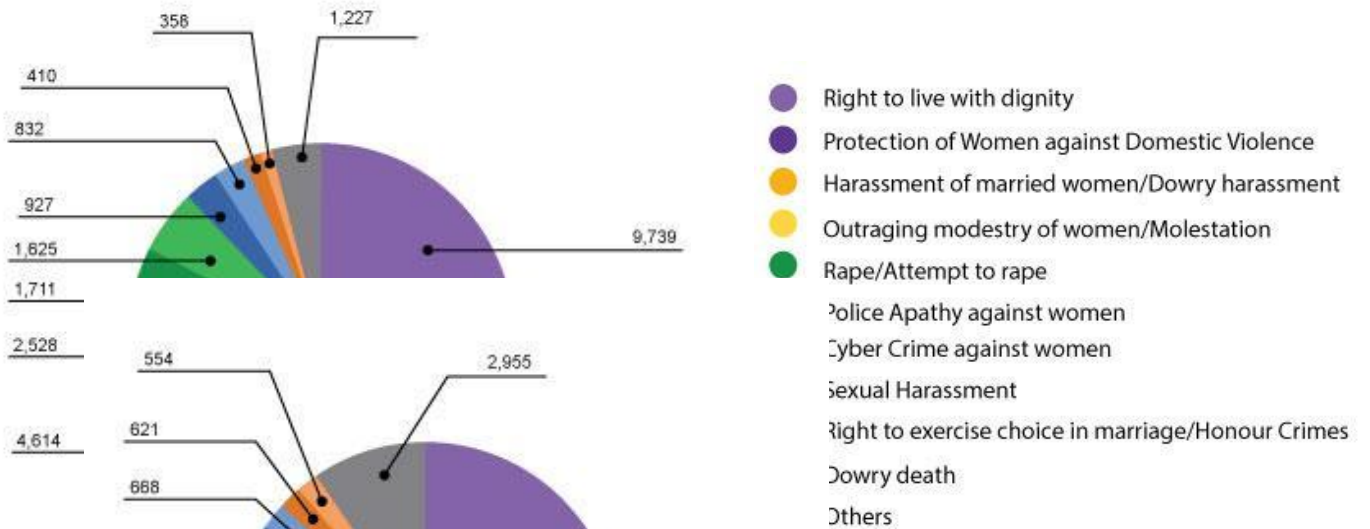
**Table 1.8 Residents of Pingalwara, Chandigarh**

Disability	Male	Female	Total
MI	13	11	24
MR	34	10	44
Hearing Impaired	01	0	01
Aged	03	0	03
AIDS	0	04	04
Epilepsy	03	0	03
Diabetes	07	06	13
Polio/Paralysis	09	01	10

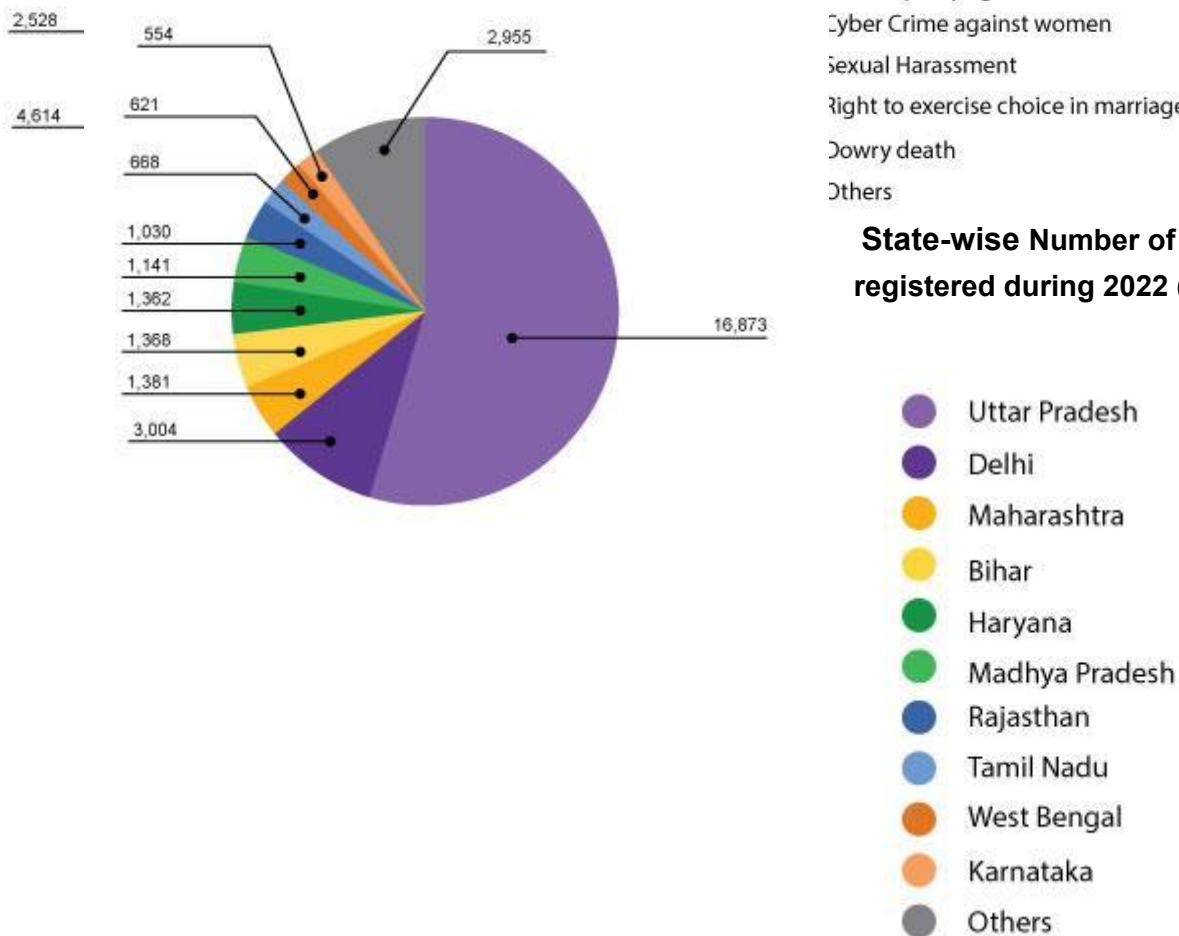
Government Departments like the State Women Commission of Haryana, Chandigarh Police, Government Rehabilitation Institute for Intellectually Disabled (GRID), Commission for Protection of Child Rights (CCPCR) etc, doesn't have any data regarding abuse with persons with disabilities. *“Although we haven't come across any cases of crimes against children with disabilities till date, however in case of general category as well, we tend to refer them to police, after providing the required initial legal aid,”* said an official of CCPCR.

In fact, though National Commission for Women (NCW), a statutory body of the Government of India, concerned with advising the government on all policy matters affecting women, does maintain a dedicated State-wise, nature-wise, year and month wise national database on registered cases of crimes against women, it unfortunately excludes the term disability in its entirety.

**Nature-wise Number of Cases registered during 2022 (30957)**



**State-wise Number of Cases registered during 2022 (30957)**



In a reply to an RTI filed on 02.01.2023, NCW said: “As per record, no such type of data regarding cases concerning disabled women is maintained and available by NCW. However, as per the available records, the complaints received and registered State wise, nature wise, year and month wise under various category including crime against women in NCW is available on NCW website i.e. [http://ncwapps.nic.in/frmComp\\_Stat\\_Overview.aspx](http://ncwapps.nic.in/frmComp_Stat_Overview.aspx)”

## 10 Exclusion of Section 92 of RPWD in reporting cases of crimes against persons with disabilities

“...Police are either unaware of the provisions of the Act or refuse to invoke these even when the complainant demands...” states Sh. Muralidharan Vishwanath, General Secretary,

National Platform for the Rights of the Disabled, in one of his articles.<sup>19</sup> Even when cases of crimes against PWDs does get reported, in majority of cases the police alongside other sections of IPC, doesn't include Section 92 of RPWD which deals specifically with imprisonment up to five years, along with fine for the convicts in such cases. There are many examples of such cases where Section 92 wasn't invoked despite there being a clear possibility for doing the same. A few of the instances that came into the public attention, highlighting this anomaly are illustrated below:

- i. On June 30th, 2020, a video of a disabled woman employee being brutally beaten up by her superior in Andhra Pradesh Tourism office at Nellore went viral on social media. After an uproar, the accused official was arrested and suspended, but Section 92 (a) of the RPWD Act was not invoked. This is not an isolated instance.<sup>20</sup>
- ii. In a recent case where the complaint of a petitioner with visual impairment was rejected by the police, the Hon'ble Karnataka High Court, Dharwad Bench held that a disabled person who is raising a complaint under the Right of Persons with Disabilities Act, 2016 cannot be asked or directed to seek relief under the common law remedy. A Single Bench of Justice S.R. Krishna Kumar said, “it is a specific allegation of the petitioner that he is a visually disabled and the offence committed against him are attracted by Section 92 of the Right of Persons with Disabilities Act, 2016 and consequently necessary action is to be taken by the respondent-Police against the accused person. However, a perusal of the impugned endorsement at Annexure-B dated 19.10.2022 will indicate that the complaint of the petitioner has been rejected on the erroneous premise that only recourse available for the petitioner was to sue for defamation which is contrary to the averments made in the complaint, which go to show that the same constitute a cognizable offence.”

<sup>19</sup> <https://www.newsclick.in/Disabilities-Act-Amendment-Roll-Back-Community-Victory>

<sup>20</sup> <https://www.newsclick.in/Disabilities-Act-Amendment-Roll-Back-Community-Victory>

The Bench observed that the endorsement issued by the Police Inspector whereby the complaint of the petitioner was rejected deserves to be set aside and necessary directions are to be issued to the police.<sup>21</sup>

Dr. Hamant Bhai Goyal, national vice-president of Divyang Adhikar Mahasang, who was getting complaints from PWDs regarding the issue for quite some time submitted a memorandum to the DGP Rajasthan last year urging him to include section 92 of the Rights of Persons with Disabilities (RPWD) Act, along with sections of IPC, in the FIRs registered in cases of crimes against persons with disabilities. As per Dr. Goyal, “...I have requested the police department to display the information about section 92 of RPWD act at every police station so that effective prevention of atrocities on persons with disabilities could be possible...” In response, the state’s police department issued a circular asking all the districts to do the same.<sup>22</sup>

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<sup>21</sup>

<https://www.verdictum.in/court-updates/high-courts/disabled-person-cannot-be-asked-to-seek-relief-under-common-law-dharwad-bench-1466319?infinitemscroll=1>

<sup>22</sup>

<https://timesofindia.indiatimes.com/city/jaipur/new-section-included-in-disabilities-act-to-prevent-atrocities-on-divyangs/articleshow/96292601.cms>

## 11 CCTNS: A Ray of Hope

CCTNS or Crime and Criminal Tracking Networks and Systems, is a project under the Indian government for creating a comprehensive and integrated system for effective policing through e-Governance. The system includes a nationwide online tracking system by integrating more than 14,000 police stations across the country. The project is implemented by National Crime Records Bureau.

CCTNS aims to integrate all the data and records of crime into a Core Application Software (CAS), which is presently spreading across 28 states and 9 union territories of India. It needs to integrate different software and platforms followed by different states and to digitize records of those states which have not digitized their police records. The project also involves training of police personnel and setting up of citizen portal to provide services to citizens.

According to a top official of Chandigarh Police: *“Appropriate amendments in CCTNS can facilitate the inclusion of the specified section for mentioning victim’s disability in the FIR nationwide. But since it is a centralized online system, we can only send our suggestions to the Ministry of Home Affairs for the requisite changes.”*

However, the official also hinted at the possibility of having enforceable guidelines for all the police departments at the state and UT level to address the issue: *“It is an area which can be explored.”*

## 12 Discrimination, Exploitation, Humiliation

Due lack of sensitization and general awareness on this sensitive issue in India, one will hardly find any dedicated documentation on abuse with persons with disabilities. Majority of the documentation on such instances cursorily explores physical violence of abuse with persons with disabilities. However, abuse with persons with disabilities also encompasses exploitation, humiliation and discrimination that persons with disability experience in their day to day lives, diminishing their dignity, and at the same time blatantly abusing their fundamental rights. A sickening attestation of this statement can be seen in a recent incident where two people have been arrested after a video of them forcing a person with disability to lick another man’s feet, went viral. The police confirmed that the incident occurred at a de-addiction centre in Mayurbhanj, Odisha. As per the media report, in the video, one of the accused, who is reportedly the owner of the de-addiction centre, is standing with a stick and forcing the victim, who is sitting on the floor, to lick the feet of co-accused.<sup>23</sup>

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<sup>23</sup> [Odisha: Two Arrested for Forcing Person With Disability To Lick Man’s Feet \(thequint.com\)](https://www.thequint.com/news/odisha-two-arrested-for-forcing-person-with-disability-to-lick-man-s-feet)

Similarly, a visually impaired 39 years old man, from Bihar who has done his B.Ed from Punjab university and comes from an economically weaker background is currently unemployed and does begging for survival.

His elder siblings ditched their father after their mother passed and ran away with the property in 2001, leaving both of them alone. His father is now in a mental hospital.

At present, he lives on a pavement, under a tree, with a folding bed and a piece of tarpaulin sheet tied above him near Sai Baba temple, sector 29, Chandigarh. Talking about his journey he said *“The University allowed me to stay in their hostel for over 10 years on charity basis due to accommodation issues, but in 2017 they asked me to leave as one cannot stay there without admission. So, I came here on 26 November 2017”*.

Although passersby and people from the temple help him in getting langar, but many times street alcoholics misbehave with him, often beat him up and snatch his belongings. Autowalas and alcoholics often take undue advantage of his visual impairment by cheating him in money matters and asking for money in order to take help.

According to him, he has gone for several job interviews, but there also, people are not that supportive and discourage him by questioning his ability to do the job. He said he gets Rs 2,000 monthly under the disability pension scheme.

## 13 Conclusion

Lack of sensitization, general awareness and stigmatization around disability are some of the key factors affecting the dialogue of abuse with persons with disabilities India. Besides, absence of disaggregated data, lack of on ground implementation of the already existing provisions is majorly contributing to unfortunate ignorance of this highly critical issue in the country. As a beginning, ensuring Co-existence of both, the requisite sections of the IPC and the inclusion of disability column in the FIR will go a long way in segregating cases of crimes against PWDs from general cases, which are otherwise clubbed together. Moreover, availability of disaggregated data around abuse with persons with disabilities will enable policymakers to strengthen the existing legal framework that is there to protect the PWDs in India, as well as to introduce new provisions to ensure that there are zero laps in providing timely justice to the aggrieved PWDs and their families. It will also help highlighting this highly sensitive issue among masses and facilitate research-based studies in the country for the same.

## 14 Recommendations

Following are some key recommendations for all the concerned stakeholders on the basis of the above report.

### **To all the police departments across the country**

1. Following are some suggestive enforceable guidelines for all the states and UTs.
  - It should be mandatory to ask and mention the disability of the aggrieved in the FIR proforma, irrespective of its visibility (as some forms of disabilities can be invisible too like Blood Disorders, Chronic illnesses, Multiple Sclerosis etc).
  - The mention of these disabilities must be in accordance with the 21 types of disabilities, as mentioned in the Rights of Persons with Disabilities (RPWD) Act 2016.
  - In case no such disability exists, the official on duty can simply write NA (Not Applicable) in the description section of the FIR itself.
  
2. Send suggestions to Ministry of Home Affairs for appropriate changes in CCTNS in order to facilitate a requisite column for mentioning victim's disability in the FIR, eliminating the discrepancy issue of prioritizing disability of the accused over that of aggrieved.
  
3. Invocation of section 92 of RPWD act must be made mandatory in all the cases of abuse, violence, exploitation and humiliation against persons with disabilities. Subsequently section 96 of the must also be followed with due diligence.
  
4. Police departments should ensure that such cases which are in public domain having the disability of the victim mentioned in the FIR, must also reflect in the RTI replies sought for details of such cases.
  
5. Regular sensitization of police departments on RPWD and other relevant disability issues is a must

**To NCRB**

1. Regarding maintenance of disaggregated data on crimes against persons with disability:
  - Ensure a cohesive disaggregation of rape cases against women with mental and physical disabilities, wherein the segregation among the women with both type of disabilities are easily distinguishable.
  - The data must not be gender specific but should cover all forms gender,
  - The data should cover all 21 types of disabilities, as per the Rights of Persons with Disabilities (RPWD) Act 2016.
  - The data should cover all forms of crimes against persons with disabilities.
  
2. NCRB in association with Ministry of Home Affairs must initiate appropriate amendments in CCTNS to facilitate the inclusion of the specified section for mentioning victim's disability in the FIR nationwide.

**To NHRC**

- Ensure that its statistics on human right violation of persons with disabilities in India along with their relevant incident codes are available in public domain
- Conduct sensitization sessions on human right violation of pwds while sharing information about such statistics and relevant incident codes for better awareness of the issue among public.

**To NCW**

Just like with cases of crimes against women in general, ensure a dedicated maintenance of State-wise, nature-wise, year and month wise national database on registered cases of crimes against women with disabilities as well.

**To the Ministry of Home Affairs**

Consider initiating appropriate amendments in CCTNS to facilitate the inclusion of the specified section for mentioning victim's disability in the FIR nationwide.



## 15 Annexure

1. Consent form format of the Case Studies: <https://forms.gle/Dhxs1j5BBcdPBMrf6>
2. Copy of replies from government departments:  
[https://drive.google.com/drive/folders/1ytcxsc7HqIlyuUcTDYSGnM6mFdf4KVb3?usp=drive\\_link](https://drive.google.com/drive/folders/1ytcxsc7HqIlyuUcTDYSGnM6mFdf4KVb3?usp=drive_link)
3. Copy of replies from NHRC, NCRB and NCWL  
[https://drive.google.com/drive/folders/1ytcxsc7HqIlyuUcTDYSGnM6mFdf4KVb3?usp=drive\\_link](https://drive.google.com/drive/folders/1ytcxsc7HqIlyuUcTDYSGnM6mFdf4KVb3?usp=drive_link)

