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# **PROTECTING THE UNSEEN PRISONER: DISABILITY RIGHTS IN INDIA'S NEW CRIMINAL JUSTICE ERA**

**-S.Jayavardhini**

**-Golla Madhu**

## **ABSTRACT**

The accurate measure of a society is not how it treats its most potent, but how it protects its most vulnerable. In 2023, India's criminal justice system was reformed entirely by enacting the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Nagarik Suraksha Sanhita (BNSS), and the Bharatiya Sakshya Adhiniyam (BSA), which took effect on July 1, 2024. This new legal framework promises a more humane system. Yet, a critical question hangs in the balance: have the rights of persons with disabilities, the unseen and unheard prisoners, been truly integrated into this new era? This article argues that while the new laws introduce commendable, specific protections, they represent a monumental missed opportunity for the systemic integration of the rights-based framework established by the Rights of Persons with Disabilities Act, 2016 (RPwD Act). This Act, in line with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), drastically shifted India's approach to a social, rights-based one from a medical model of Disability. Yet it is still noticeable that new criminal laws do not incorporate this shift, as they fail to integrate principles like reasonable accommodation and universal design as enforceable rights for the accused and the incarcerated. This analysis is further supported by the latest National Crime Records Bureau (NCRB) data and the landmark Supreme Court directives of July 2025 in *L. Muruganantham v. State of Tamil Nadu*, which reveal a persistent legal and practical chasm between India's disability rights commitments and the reality of its carceral state. We contend that the nation can only fulfil its constitutional and international obligations to its most vulnerable citizens by including the RPwD Act principles into the new codes' fabric.

# I. INTRODUCTION

All other human rights must be diligently guarded within the walls of a prison, where liberty is already forfeit. The 2023 enactment of the Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhinyam marks the significant overhaul of India's criminal justice system since its independence. This reform was decades in the making, and it addresses those harsh criticisms the Supreme Court has had about the current correctional system. As far back as 1997, in *Rama Murthy v. State of Karnataka*, the Court declared the Prisons Act of 1894 obsolete and directed the government to formulate a new All India Jail Manual.<sup>1</sup> The Model Prison Manual of 2016, a foundational document for the subsequent reforms, explicitly acknowledges this judicial push, stating its aim is to reflect constitutional provisions, Supreme Court directives, and international instruments.<sup>2</sup>

This context of judicially-mandated humanisation makes the central question of this article all the more urgent: If the goal was to build a modern, humane system, were the rights of persons with disabilities, the unseen and unheard prisoners, truly integrated into its design? This article argues that they were not.

The new codes represent a monumental missed opportunity. While they contain islands of laudable progress, they fail to systemically integrate the legal and ethical paradigm shift mandated by the Rights of Persons with Disabilities Act, 2016 (RPwD Act). The RPwD Act, enacted to align Indian law with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD),<sup>3</sup> fundamentally redefined disability. It moved the discourse away from an outdated medical model, which views disability as an individual deficit requiring cure or charity, to a social, rights-based model. This modern approach understands disability as arising from the interaction between a person's impairment and the societal barriers, physical, attitudinal, and procedural, that hinder their full and effective participation.<sup>4</sup> The core legal principles from this model are "reasonable

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<sup>1</sup> *Rama Murthy v. State of Karnataka*, (1997) 2 SCC 642.

<sup>2</sup> Model Prison Manual, 2016, Introduction, 3.

<sup>3</sup> The Rights of Persons with Disabilities Act, 2016, Preamble.

<sup>4</sup> Michael Oliver, *Understanding Disability: From Theory to Practice* (Palgrave Macmillan, 2nd ed., 2009).

accommodation" and "universal design," which are not matters of convenience but enforceable rights essential to achieving substantive equality.

The new criminal laws, however, remain anchored mainly in the old era. The tragic case of Father Stan Swamy, an 84-year-old Jesuit priest with Parkinson's disease who died in custody after a prolonged and publicised struggle to obtain a sipper cup, is a harrowing illustration of this systemic failure.<sup>5</sup> Similarly, the documented torture of Dalit labour activist Shiv Kumar, who was unlawfully detained and denied a replacement for his broken glasses despite having low vision, is not just an instance of police brutality, but a failure of the legal system to recognise and protect the specific vulnerabilities of persons with disabilities.<sup>6</sup> These are not mere administrative failures; they are the fatal consequences of a legal framework that treats accommodation as a matter of discretion, not a non-negotiable right.

As the Supreme Court of India declared in its seminal July 15, 2025 judgment in *L. Muruganantham v. State of Tamil Nadu*, "The State has a constitutional and moral obligation to uphold the rights of prisoners with disabilities... reasonable accommodations are not optional, but integral to any humane and just carceral system."<sup>7</sup> This landmark ruling is the powerful apex of a jurisprudential mountain built over decades, from the foundational recognition of prisoners' humanity in *Sunil Batra v. Delhi Administration*<sup>8</sup> to the definitive interpretation of reasonable accommodation as an enforceable right in *Vikash Kumar v. Union Public Service Commission*.<sup>9</sup>

This article will try to explain by positioning the RPwD Act as the central legal benchmark. First, it will conduct a gap analysis, comparing the specific mandates of the RPwD Act with the provisions and silences of the new criminal codes. Second, it will explore the grievous human cost of these gaps, drawing on the stark facts of the *Muruganantham case* and other documented instances of neglect and abuse. So, taking a cue from the Supreme Court's directives in the *Muruganantham case*, this piece will lay out a solid plan for some legislative and administrative changes. The aim is

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<sup>5</sup> Activist Stan Swamy Has Parkinson's, Has Been Asking For Straw, Sipper In Jail, NDTV (Nov. 27, 2020).

<sup>6</sup> The Hindu, Haryana Police guilty of torturing labour rights activist: probe (Dec. 23, 2022).

<sup>7</sup> *L. Muruganantham v. State of Tamil Nadu & Ors.*, CDJ 2025 SC 1129, ¶ 34.

<sup>8</sup> *Sunil Batra v. Delhi Administration*, (1978) 4 SCC 494.

<sup>9</sup> *Vikash Kumar v. Union Public Service Commission*, AIR 2021 SC 2447.

to ensure that India's revamped justice system truly serves everyone by delivering justice for all. It's about creating a framework that works.

## II. THE INVISIBLE POPULACE: DATA DEFICITS AND INTERNATIONAL OBLIGATIONS

To be protected, a group must first be seen. Yet within India's prison system, people with disabilities are largely invisible. This isn't because they aren't there; the system refuses to count them. The official 'Prison Statistics India 2022' report from the National Crime Records Bureau (NCRB) breaks down the population by metrics like caste and religion, but is glaringly silent on disability. It gets in the way of effective policy, misallocates resources, and ultimately, infringes on the fundamental rights of inmates. The Supreme Court confronted this failure in the *Muruganantham case*, declaring, "Despite clear constitutional and statutory mandates, the lack of disaggregated data on disability continues to hinder targeted policy intervention... The National Crime Records Bureau (NCRB)... fails to record disability status."<sup>10</sup> It's pretty alarming how this lack of visibility within the system makes a large chunk of the prison population seem like they don't even exist. It's like they vanish from the statistics. Because of that, figuring out the magnitude of the problem becomes incredibly tricky. And without a clear picture, it's tough to direct the right resources where needed or develop focused solutions that work.

This data deficit starkly contrasts with India's clear and binding obligations under international law. As a signatory to the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which India ratified in 2007, the country is bound by its principles.<sup>11</sup> The Convention is unequivocal. Article 14 states that "the existence of a disability shall not justify a deprivation of liberty."<sup>12</sup> Going further, Article 31 places an affirmative duty on State Parties to collect "appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention."<sup>13</sup> The UN CRPD Committee's guidelines on these articles further clarify that any detained person with disabilities must be treated

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<sup>10</sup> L. Muruganantham v. State of Tamil Nadu & Ors., CDJ 2025 SC 1129, ¶ 31.

<sup>11</sup> The Rights of Persons with Disabilities Act, 2016, Preamble (stating that the Act was enacted to give effect to the UNCRPD).

<sup>12</sup> United Nations Convention on the Rights of Persons with Disabilities, 2006, Art. 14.

<sup>13</sup> Id., Art. 31.

in compliance with the Convention, including through the “provision of reasonable accommodation”. India's failure to even count its disabled prison population is therefore a direct breach of its international commitments.

This isn't just a simple mistake in the process; it impacts the lives of inmates. Without data, prison authorities struggle to understand what inmates need or how to make necessary adjustments. It's a serious issue that goes beyond paperwork. The experience of other countries serves as a cautionary tale. In Australia, for instance, extensive research has revealed a shocking over-representation of Aboriginal and Torres Strait Islander people with cognitive and mental health disabilities in the criminal justice system, often with their disabilities going undiagnosed until they are incarcerated.<sup>14</sup> These findings, made possible only through dedicated data collection, have exposed a "predictable and preventable path" from systemic disadvantage to imprisonment.<sup>15</sup> India is likely masking a comparable or even greater crisis by failing to collect similar data.

Furthermore, international reports highlight the specific harms that this neglect perpetuates. A comprehensive report by the Irish Penal Reform Trust on the experiences of prisoners with disabilities found that the lack of awareness and data leads to inaccessible infrastructure (bathrooms, workshops, gyms), a failure to provide assistive devices, a lack of sign language interpreters, and the placement of inmates with mental health conditions in prolonged and damaging solitary confinement.<sup>16</sup> These findings paint a grim picture of daily life for prisoners with disabilities when their needs are not systematically identified and addressed. The starting point for any meaningful reform, therefore, must be data. The failure to count this invisible populace is the first and most fundamental gap that must be filled.

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<sup>14</sup> See Australian Law Reform Commission, *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133) (2018); “I Needed Help, Instead I Was Punished”: Abuse and Neglect of Prisoners with Disabilities in Australia, Human Rights Watch (2018).

<sup>15</sup> Eileen Baldry et al., *A Predictable and Preventable path: Aboriginal People with mental and cognitive disability in the criminal justice system*, UNSW (2015).

<sup>16</sup> Irish Penal Reform Trust, *Making Rights a Reality for People with Disabilities in Prison* (2020).

### III. THE INDIAN LEGAL CHASM: A CRITICAL ANALYSIS OF THE NEW SANHITAS

What happens when a nation's ambition for a modern justice system collides with its outdated practices? The result is the stark legal chasm at the heart of India's new criminal codes. These laws find themselves caught in a tug-of-war between two very different worlds. On one side, you've got the hopeful, rights-focused vision of the RPwD Act; on the other, the carceral system is still entrenched in the past. We will begin by exposing the deep-seated conflicts in the legal framework. From there, we shall shift the focus to the heartbreaking human fallout from this failure. The pain is not measured in rupees but in the suffering and the neglect faced by people who are often overlooked, trapped in the shadows of India's prisons. This isn't just a statistic, but it's a deeply troubling reality that affects lives in profound ways.

#### A. LEGISLATIVE FRAMEWORK: A PARADOX OF PROGRESS AND PERIL

When we take a closer look at these new criminal laws through the eyes of disability rights, it seems like a bit of a contradiction. On the one hand, they introduce some of the most advanced provisions for procedural accommodation in specific contexts. On the other hand, they fail to apply these principles universally, creating a fragmented legal landscape where rights feel conditional rather than absolute.

The most progressive measures are found where the law sees a person with a disability as a victim or a witness. For instance, the Bharatiya Nagarik Suraksha Sanhita (BNSS), under Section 173, mandates that if a woman with a “mental or physical disability” is the victim of certain crimes, her statement must be recorded at her residence or a place of her choosing, with the assistance of an interpreter or special educator, and the process must be video-graphed.<sup>17</sup> Similarly, the Bharatiya Sakshya Adhiniyam (BSA), under Section 125, requires interpreters, special educators, and

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<sup>17</sup> The Bharatiya Nagarik Suraksha Sanhita, 2023, § 173

videography for any witness unable to communicate verbally.<sup>18</sup> These provisions are laudable and directly align with the principles of the RPwD Act.

However, these protections vanish when the person with a disability is the accused. The BNSS lacks any overarching, explicit duty to provide reasonable accommodation during investigation, trial, or incarceration. This starkly contrasts with the RPwD Act, which under Section 3(5) explicitly requires the government to ensure reasonable accommodation, and Section 12 mandates that justice be made accessible.<sup>19</sup>

## THE SOCIAL VS. THE MEDICAL MODEL: A FOUNDATIONAL CONFLICT

This inconsistency stems from a fundamental philosophical conflict. The RPwD Act is built upon the social model of disability, which locates disability not in the individual's impairment, but in the societal barriers that prevent their equal participation.<sup>20</sup> This model gives rise to the enforceable rights of "reasonable accommodation" and "universal design." The new criminal codes, however, primarily operate on an outdated medical model, viewing disability as an individual deficit to be managed, rather than a right to be upheld.

This is most evident in the statutory language. The BNSS retains an entire chapter (Chapter XXVII) dedicated to persons of "unsound mind," a term that is not only medically archaic but dangerously narrow, ignoring the vast spectrum of the 21 disabilities recognised under the RPwD Act.<sup>21</sup> It fails to address the needs of a deaf person requiring a sign language interpreter to understand the charges, a person with autism needing a sensory-safe environment during interrogation, or an individual with a locomotor disability needing an accessible police van and courthouse. Even the forward-looking Model Prisons and Correctional Services Act, 2023, regresses to permissive language, stating in Section 5(3) that prisons "may be designed... for attending to special needs... of persons with disabilities,"<sup>22</sup> A stark contradiction to the mandatory,

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<sup>18</sup> The Bharatiya Sakshya Adhiniyam, 2023, § 125.

<sup>19</sup> The Rights of Persons with Disabilities Act, 2016, § 3(5), § 12.

<sup>20</sup> Michael Oliver, *Understanding Disability: From Theory to Practice* (Palgrave Macmillan, 2nd ed., 2009).

<sup>21</sup> The Bharatiya Nagarik Suraksha Sanhita, 2023, Chapter XXVII; The Rights of Persons with Disabilities Act, 2016, Schedule (listing 21 disabilities).

<sup>22</sup> The Model Prisons and Correctional Services Act, 2023, § 5(3).



rights-based language of the RPwD Act. This creates a legal reality where only the most egregious violations are recognised, while the slow, grinding, and equally dehumanising denial of daily support and dignity goes unaddressed.

## **B. THE HUMAN COST OF THE GAP: FROM JUDICIAL CLARITY TO LEGISLATIVE OMISSION**

This legislative silence is particularly jarring given the judicial clarity that preceded the new codes. In *Vikash Kumar v. UPSC*, the Supreme Court had already cemented the principle that reasonable accommodation is not charity but an enforceable right, and its denial constitutes discrimination.<sup>23</sup> The failure to embed this principle as an overarching duty within the BNSS means the procedural law was already out of sync with established constitutional doctrine on the day it was passed.

The devastating consequences of this legal chasm are no longer theoretical. The Supreme Court's decision in *L. Muruganantham v. State of Tamil Nadu* has laid them bare. The appellant, an advocate with Becker Muscular Dystrophy, autism, and 80% disability, was illegally arrested in a false case instigated by his uncle to usurp his property.<sup>24</sup> The Court found he was denied the most basic accommodations during his incarceration. His undisputed medical records showed a “progressive deterioration of his health during custody”<sup>25</sup>. He was dismissed from physiotherapy, psychotherapy, accessible toilets, and critical protein-rich food. The Court specifically noted that the “hostile environment worsened his Avoidant / Restrictive Food Intake Disorder (ARFID)”.<sup>26</sup>

The suffering detailed in *Muruganantham* is reflective of a wider, systemic problem. Reports by Human Rights Watch have documented how prisoners with disabilities are perceived as “easy targets” for bullying, harassment, and violence from both staff and fellow inmates.<sup>27</sup> Physical infrastructure is often a primary barrier; inaccessible bathrooms, workshops, and recreational areas

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<sup>23</sup> *Vikash Kumar v. Union Public Service Commission*, AIR 2021 SC 2447.

<sup>24</sup> *L. Muruganantham v. State of Tamil Nadu & Ors.*, CDJ 2025 SC 1129, ¶ 3-4.

<sup>25</sup> *Id.* at ¶ 21.3.

<sup>26</sup> *Id.* at ¶ 11.3.

<sup>27</sup> “I Needed Help, Instead I Was Punished”: Abuse and Neglect of Prisoners with Disabilities in Australia, Human Rights Watch (2018).

effectively confine inmates with mobility impairments to their cells, leading to social isolation and a denial of rehabilitative opportunities.<sup>28</sup>

The psychological toll is staggering. When inmates who are struggling with mental health issues are put into solitary confinement for long stretches, often called "safety observation", it takes a toll on them. It's not just a minor issue; it can make their existing problems much worse, and sadly, it heightens the chances of them hurting themselves or even taking their own lives. It's a challenging situation that needs to be addressed.<sup>29,30</sup>

The denial of simple assistive devices becomes a form of torture. The case of 84-year-old Father Stan Swamy, a Parkinson's patient who died in custody after a prolonged and publicised struggle to obtain a sipper cup, is a national shame.<sup>31</sup> Similarly, Dalit labour activist Shiv Kumar, after being illegally detained and tortured, had his glasses broken and was denied a replacement, a cruel act against a person with low vision.<sup>32</sup> The inquiry report by a Sessions Judge in Kumar's case confirmed the allegations of illegal confinement and custodial torture, noting that doctors at the government hospital appeared to have "danced to the tunes of the police officials" and failed to document his injuries properly.<sup>33</sup> This points to a chilling complicity within the medical system, a concern echoed in international medical journals like *The Lancet*, which have reported on medical professionals falsifying records to cover up abuse of detainees.<sup>34</sup>

These are not isolated incidents of cruelty but predictable outcomes of a legal system that fails to see persons with disabilities as rights-bearing individuals. The case of *Muruganantham* and the tragic deaths of Father Stan Swamy and the suffering of G.N. Saibaba are stark testaments to a brutal fact. When people don't have a guaranteed right to accommodation, they are often denied it. And that can lead to some pretty dire and dehumanising outcomes.

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<sup>28</sup> Irish Penal Reform Trust, *Making Rights a Reality for People with Disabilities in Prison* (2020), 6.

<sup>29</sup> *Id.* at 7.

<sup>30</sup> L.C. Barry et al., *Disability in prison activities of daily living and likelihood of depression and suicidal ideation in older prisoners*, 32(10) *Int J Geriatr Psychiatry* 1141 (2017).

<sup>31</sup> *Activist Stan Swamy Has Parkinson's, Has Been Asking For Straw, Sipper In Jail*, NDTV (Nov. 27, 2020).

<sup>32</sup> *The Hindu*, *Haryana Police guilty of torturing labour rights activist: probe* (Dec. 23, 2022).

<sup>33</sup> *Court Inquiry report confirms Dalit labour activist Shiv Kumar's allegations of custodial torture*, *SabrangIndia* (Dec. 22, 2022).

<sup>34</sup> Editorial, *How complicit are doctors in abuses of detainees?*, 364(9435) *The Lancet* 637 (2004).

## **IV. A FRAMEWORK FOR REFORM: FROM JUDICIAL DIRECTIVES TO LEGISLATIVE ACTION**

The systemic failures identified in the preceding sections demand a well-rounded and thorough approach to reform. The solution does not require inventing a new legal philosophy. What's needed is to apply the principles that are already part of Indian law, such as those principles that the Supreme Court has laid out. This section outlines a framework for such reform, such as administrative actions that follow judicial precedents. Additionally, it is also crucial to implement legislative changes to close the gap between what India promises in terms of disability rights and the actual situation in the prison system.

### **A. LEGISLATIVE REFORM: EMBEDDING RIGHTS INTO THE CODES**

The most critical and enduring reform must be legislative. The current "islands of progress" for victims and witnesses must be expanded into a continent of rights for all persons with disabilities within the criminal justice system. The blueprint for this reform lies within the new codes themselves. The provisions in BSA Section 125 and BNSS Section 173, which mandate videography, accessible communication, and the assistance of interpreters or special educators for disabled victims and witnesses, are the gold standard.<sup>35</sup> The central recommendation of this article is that these protections must be extended, as a non-negotiable right, to the accused at every stage of the criminal justice process.

To achieve this, the Bharatiya Nagarik Suraksha Sanhita (BNSS) must be amended to include a new, dedicated chapter on the rights of persons with disabilities as accused and as prisoners. This chapter must:

1. Explicitly incorporate the definitions of "disability," "reasonable accommodation," and "universal design" from the RPwD Act, 2016.

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<sup>35</sup> The Bharatiya Sakshya Adhiniyam, 2023, § 125; The Bharatiya Nagarik Suraksha Sanhita, 2023, § 173.

2. It is essential to make reasonable accommodation an enforceable right from the moment someone is arrested, through the investigation, the trial, and incarceration. This means the police and prison authorities would be required by law to provide essential adjustments, which include accessible transport, interpreters, and assistive devices.

3. Establish a precise mechanism for needs assessment, requiring authorities to identify a person's disability at the time of arrest and conduct a formal evaluation to determine the specific accommodations required.

4. A legal framework must be established to handle accommodation requests denied by implementing specific timelines and holding authorities responsible.

The proposed amendment would establish accommodation as an essential part of legal due process, thus replacing administrative discretion in the legal framework.

## **B. ADMINISTRATIVE REFORM: LEARNING FROM INTERNATIONAL BEST PRACTICES**

Even though legislative adjustments remain necessary, guiding immediate administrative reforms can be achieved through successful international models. The objective should be to establish a prison administration that takes initiative while maintaining expertise and responsibility in disability rights matters.

The United Kingdom has established a productive framework that assigns Disability Liaison Officers to work as Equalities Officers inside its correctional facilities. The prison system assigns specific personnel as the primary contact point for prisoners with disabilities. Their responsibilities include identifying prisoner needs, collaborating with healthcare departments to establish accommodations, and teaching prisoners about their rights while working as a bridge between problems and critical situations.<sup>36</sup> Adopting this model in India is crucial. The detailed staffing cadres outlined in Chapter IV of the Model Prison Manual, 2016, include executive, medical, and welfare personnel, but conspicuously lack any dedicated role for ensuring disability compliance.<sup>37</sup>

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<sup>36</sup> Prison Reform Trust, Information for prisoners with disabilities (2017), 12-13.

<sup>37</sup> See Model Prison Manual, 2016, Chapter IV (Institutional Personnel).

A Disability Liaison Officer established in each central prison would address the critical gap by creating an official point of contact and knowledgeable resource person within the prison system.

Furthermore, the United States provides a powerful example of legislating affirmative duties. The Americans with Disabilities Act (ADA), which the U.S. Supreme Court, in the landmark case of *Pennsylvania Dept. of Corrections v. Yeskey*, unanimously held applies to state prisons and prisoners,<sup>38</sup> Places a proactive duty on public entities to ensure non-discrimination. This means that prison authorities and public entities are actively responsible for preventing discrimination through proactive measures. The obligation for prison authorities requires them to take initiative in providing equal access to all programs and services, together with their activities, from medical facilities and educational programs to recreational areas. Indian prison reform establishes that the institution must take responsibility for individual prisoners regarding accessibility.

### **C. THE JUDICIAL MANDATE: IMPLEMENTING THE MURUGANANTHAM DIRECTIVES**

The Supreme Court's directives in *Muruganantham* deliver the strongest immediate path toward change during legislative and administrative reform implementation. The Court created a complete set of mandatory orders that serve as a rights-based framework for a carceral system because they function as judicial mandates rather than recommendations. These directives establish the essential baseline standards that all states must follow immediately. The primary directives consist of the following points:<sup>39</sup>

1. All prison authorities shall promptly identify prisoners with disabilities at admission. Each prisoner shall be allowed to declare any disability and provide information about their specific needs.

- 1.1) All rules, regulations, and essential information about prison life shall be provided to such prisoners in accessible and understandable formats (e.g., Braille, large print, sign language, or simplified language).

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<sup>38</sup> *Pennsylvania Dept. of Corrections v. Yeskey*, 524 U.S. 206 (1998).

<sup>39</sup> *L. Muruganantham v. State of Tamil Nadu & Ors.*, CDJ 2025 SC 1129, ¶ 35.

2. All prison premises shall be equipped with wheelchair-friendly spaces, accessible toilets, ramps, and sensory-safe environments to ensure universal accessibility.
3. A State-level access audit of all prisons in Tamil Nadu shall be completed within six months...
4. All prison staff shall undergo comprehensive training on the rights of persons with disabilities...
5. The State Prison Manual shall be reviewed and appropriately amended within six months to ensure conformity with the RPwD Act, 2016, and the UNCRPD.
6. The State must keep and refresh detailed information regarding disability status of prisoners alongside their accessibility needs and medical requirements.

The directives directly implement the fundamental principles that this article endorses. The directives establish links between prison conditions and the theoretical requirements of the RPwD Act. The state and union territory governments need to apply these directives nationwide immediately.

## V. CONCLUSION

India's new criminal laws were meant to be a turning point, a chance to finally build a humane justice system and leave the colonial-era's punitive legacy behind. But in one crucial respect, this was a profoundly missed opportunity. While the laws offer some welcome protections for victims and witnesses with disabilities, they fail to build the necessary bridge to the core principles of the Rights of Persons with Disabilities Act, 2016.

The result is a deep and persistent chasm. On one side, the RPwD Act is a landmark law that sees disability through a social lens and demands "reasonable accommodation" as a fundamental right. On the other hand, we have a prison system stuck in the past, treating disability as a medical problem to be managed, not a right to be upheld. We see the evidence of this failure everywhere: in the official data that makes disabled prisoners invisible, in the vague and discretionary language of the new codes, and in the shocking absence of a clear duty to accommodate those it holds captive.

The issue extends beyond theory and has an immediate impact on human lives. These problems result in actual human suffering and reduced life expectancy. Father Stan Swamy's death and Shiv Kumar's torture in prison, together with L. Muruganantham's declining health, demonstrate a pattern of systemic abuse. People must understand that these problems exist in the real world and have tangible effects on human lives. They are the predictable outcomes of a system that treats the most basic human needs as discretionary afterthoughts. As long as this gap between law and reality persists, our prisons will remain places of profound indignity for their most vulnerable people.

But there is a clear path forward. In the *L. Muruganantham* case, the Supreme Court did more than expose this chasm; it handed us the blueprint to build the bridge. The Court's directives and proven legislative and administrative reforms provide a clear, actionable framework for change. Our government and legislatures are responsible for acting with the urgency this crisis demands.

To ensure the promise of our new laws is not broken for the unseen prisoner, these four steps are imperative:

1. The Supreme Court's directives in the *L. Muruganantham* case must be implemented nationwide, serving as the non-negotiable minimum standard for all prisons.
2. The Bharatiya Nagarik Suraksha Sanhita must be amended to include a dedicated chapter on the rights of the accused and prisoners with disabilities, making reasonable accommodation an enforceable right at every stage.
3. The National Crime Records Bureau must be directed to immediately begin collecting and publishing data on all 21 recognised disabilities, finally making this invisible population visible.
4. All central prisons must establish a dedicated Disability Liaison Officer position to identify needs and provide appropriate accommodations. The nation's latest criminal laws represent India's pursuit of establishing a progressive and compassionate justice framework. This new era will become a reality through essential steps, establishing dignity as the defining feature instead of neglect.