

# Reassessing Criminalresponsibility of Persons with Disabilities Under Indian Legal Framework

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**Abstract:** *The intersection of criminal responsibility and disability rights presents complex legal and ethical challenges within the Indian criminal justice system. This study critically examines the legal framework governing criminal liability of persons with disabilities under Indian penal law, with particular reference to the Indian Penal Code, the Code of Criminal Procedure, and the Rights of Persons with Disabilities Act, 2016. The research adopts a doctrinal and analytical approach to assess whether existing legal provisions and judicial interpretations adequately balance the principles of criminal accountability with the rights, dignity, and protection of persons with disabilities. The study reveals that Indian criminal law continues to rely heavily on the traditional doctrine of legal insanity under Section 84 of the Indian Penal Code, which is rooted in a narrow and outdated understanding of mental incapacity. Judicial interpretations have largely emphasized cognitive incapacity while overlooking psychosocial and intellectual disabilities that may impair judgment and decision-making. Although the Rights of Persons with Disabilities Act, 2016 reflects a progressive, rights-based approach aligned with international human rights standards, its application within criminal proceedings remains limited and inconsistent. The research further identifies systemic challenges such as lack of procedural safeguards, inadequate institutional infrastructure, limited judicial sensitization, and absence of rehabilitative or diversionary mechanisms for persons with disabilities. The findings highlight a significant gap between statutory intent and practical implementation, resulting in continued marginalization of disabled persons within the criminal justice process. The study concludes that meaningful reform is essential to harmonize criminal law with disability rights through legislative amendments, judicial sensitivity, and institutional restructuring. Such reforms are necessary to ensure that the criminal justice system upholds constitutional values of equality, dignity, and substantive justice for persons with disabilities.*

**Keywords:** Criminal responsibility, Disability rights, Indian Penal Code, Legal insanity, Access to justice

## I. INTRODUCTION

The concept of criminal responsibility is a foundational principle of criminal jurisprudence, premised on the assumption that an individual possesses the mental capacity to understand the nature and consequences of one's actions. In the Indian legal system, criminal liability is traditionally assessed through the doctrines of *actus non facit reum nisi mens sit rea*, which emphasizes the coexistence of a guilty act and a guilty mind. However, this principle becomes complex when applied to persons with disabilities, particularly those with mental, intellectual, or psychosocial impairments. The intersection of criminal law and disability rights thus raises critical questions regarding culpability, fairness, and access to justice (Kumar, 2018).

The Indian Penal Code, 1860, primarily addresses disability in criminal responsibility through Section 84, which provides immunity to persons of unsound mind who are incapable of understanding the nature or wrongfulness of their acts. This provision, derived from the Mc Naughten Rules, reflects a narrow medical model of disability and fails to accommodate the contemporary understanding of disability as a social and rights-based construct (Ratanlal & Dhiraajlal, 2020). Moreover, the provision does not adequately address varying degrees of intellectual and psychosocial disabilities, thereby leading to inconsistent judicial interpretations and potential miscarriage of justice.



With the enactment of the Rights of Persons with Disabilities Act, 2016, India adopted a rights-based approach aligned with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory (United Nations, 2006). The Act emphasizes equality before the law, non-discrimination, and access to justice for persons with disabilities. However, despite this progressive legislation, the criminal justice system continues to operate largely within a punitive framework, often overlooking the specific needs and vulnerabilities of disabled persons as accused, victims, or witnesses (Dhanda, 2019).

Judicial pronouncements such as *Surendra Mishra v. State of Jharkhand* (2011)<sup>1</sup> and *State of Rajasthan v. Shera Ram* (2012)<sup>2</sup> have attempted to clarify the scope of legal insanity, yet the courts continue to rely heavily on medical evidence while giving limited consideration to social and psychological dimensions of disability. Furthermore, procedural barriers, lack of trained personnel, and absence of reasonable accommodation continue to hinder effective access to justice for persons with disabilities (Mehta, 2021).

In this context, the present study seeks to reassess criminal responsibility of persons with disabilities under the Indian legal framework by critically analyzing statutory provisions, judicial interpretations, and international obligations. The study aims to evaluate whether the existing legal framework adequately balances the principles of criminal accountability with the rights, dignity, and protection of persons with disabilities in India.

## **II. LITERATURE REVIEW**

The relationship between disability and criminal responsibility in India has been examined from doctrinal, comparative and rights-based perspectives. Scholarship emphasizes that traditional criminal doctrines — which presume mens rea and full legal capacity — encounter difficulty when defendants or victims have mental, intellectual, or psychosocial disabilities. Empirical legal-medical work shows that courts apply the narrow Mc Naughten-based test embodied in Section 84 of the Indian Penal Code (IPC) unevenly, producing low success rates for insanity pleas and significant reliance on psychiatric reports (Ramamurthy, 2019).

Doctrinal critiques argue that Section 84 IPC, rooted in the Mc Naughten Rules, adopts a predominantly medical model of “unsoundness of mind” that does not capture the nuanced, spectrum-based understanding of disability advanced by contemporary disability studies and the UN framework (Soumya, 2021). Scholars note that Indian courts frequently emphasize clinical diagnosis at the time of the offence, but struggle with intermediate cases — for instance, where a defendant has a partial delusion, irresistible impulse, or neuro developmental condition that affects control or understanding without meeting the strict legal insanity test (Misra, 2021; analysis of *Surendra Mishra v. State of Jharkhand*). The Supreme Court’s pronouncements in *Surendra Mishra v. State of Jharkhand* (2011) reinforced that mere abnormality of mind or partial delusion is insufficient; the impairment must be shown to have deprived the accused of understanding the nature or wrongfulness of the act (*Surendra Mishra v. State of Jharkhand*, 2011).

A parallel strand in the literature locates the debate within India’s shift from a medical to a rights-based model after adoption of the Rights of Persons with Disabilities Act, 2016 (RPwD Act). The RPwD Act and its access-to-justice provisions require reasonable accommodation.

Support services, and non-discrimination for persons with disabilities in judicial and quasi-judicial settings, thereby mandating structural adjustments in police, prosecutorial and court processes (RPwD Act, 2016). Yet implementation studies and NGO reports highlight a persistent gap between statutory promises and on-ground accessibility: courts and police stations remain physically, communicatively and procedurally inaccessible, and specialized supports (sign-language interpreters, special educators, court-appointed intermediaries) are unevenly available (RPwD Act analysis; CLPR report).

Internationally, scholarship interrogates the implications of Article 12 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) for criminal law, especially the tension between equal recognition before the law and traditional doctrines that remove criminal liability where capacity is absent (Series, 2018; Barsky, 2023). The CRPD’s emphasis on supported decision-making and non-discrimination complicates the automatic application of incapacity-



based defenses: critics argue that strictly applying incapacity defenses may contravene CRPD principles if those defenses deny legal agency or result in indefinite deprivation of liberty without procedural safeguards. Comparative literature suggests that states must design procedural accommodations allowing persons with disabilities to participate in proceedings while protecting public safety and victims' rights (Barsky, 2023; Series, 2018).

Empirical legal research in India remains limited but growing. Studies of court outcomes indicate that success for insanity pleas is low (around mid-teens percent in some samples) that judicial reliance on psychiatric opinion, documentary proof of prior treatment, and pre-trial fitness assessments shape outcomes (Ramamurthy, 2019). Commentators call for better forensic psychiatry infrastructure, standardized guidelines for assessing criminal responsibility and fitness to stand trial, and capacity-sensitive procedural reforms (Ramamurthy, 2019; law review analyses).

Critical disability scholars stress the need to reconceptualize criminal accountability beyond the binary of "sane/guilty" versus "insane/immune." They advocate for a tiered approach that distinguishes (a) persons who lacked cognitive understanding of their acts, (b) persons whose impairment affected impulse control or mens rea but who understood wrongfulness, and (c) persons with disabilities who fully understood and acted with intent. Proposed responses include diversion to therapeutic or restorative programs, structured supervised release, and tailored sentencing with rehabilitative focus — measures that respect dignity and reduce recidivism (NUJS law review critique; Jha & Mundhra, 2023).

Victim-centred literature highlights additional concerns: persons with disabilities are disproportionately vulnerable to certain offences (sexual violence, neglect, institutional abuse) and face barriers in reporting, evidence collection, and testimony (communication barriers, lack of reasonable accommodation). Recent policy reports and analyses call for disability-sensitive police training, mandatory medico-legal protocols adapted for communication needs, and victim support services (CLPR; Times of India reporting on accessibility gaps underscores the persistence of practical barriers despite RPwD Act mandates).

### **III. OBJECTIVES OF THE STUDY**

- To examine the legal frame work governing criminal responsibility of persons with disabilities under Indian penal law.
- To analyze the effectiveness of statutory provisions and judicial interpretations in protecting the rights of persons with disabilities involved in criminal proceedings.
- To evaluate the challenges and gaps in balancing criminal accountability with disability rights and suggest suitable legal reforms.

### **IV. RESEARCH METHODOLOGY**

The present study adopts a doctrinal and analytical research methodology, primarily based on the examination of secondary sources of law. The research involves a detailed analysis of statutory provisions such as the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973, and the Rights of Persons with Disabilities Act, 2016, along with relevant international instruments including the United Nations Convention on the Rights of Persons with Disabilities. Judicial pronouncements of the Supreme Court of India and various High Courts have been critically examined to understand the judicial approach towards criminal responsibility of persons with disabilities. The study also relies on authoritative textbooks, law commission reports, research articles, journals, and policy documents to analyze doctrinal developments and interpretative trends. A qualitative approach has been adopted to evaluate the effectiveness of existing legal provisions and to identify gaps between legislative intent and practical implementation. The research further employs a comparative and analytical method to assess the compatibility of Indian law with international standards on disability rights. No primary data has been used, and the study is purely library-based in nature, aiming to present a critical and systematic understanding of the balance between criminal responsibility and disability rights under the Indian legal framework.



## **V. RESULTS AND FINDINGS**

Legal Framework Governing Criminal Responsibility of Persons with Disabilities under Indian Penal Law

The analysis of the legal framework governing criminal responsibility of persons with disabilities under Indian penal law reveals that the Indian criminal justice system continues to operate predominantly within a traditional, medicalized, and restrictive understanding of mental capacity, despite significant developments in disability rights jurisprudence. The cornerstone provision governing criminal responsibility in this context is Section 84 of the Indian Penal Code, 1860, which exempts from criminal liability persons who, by reason of unsoundness of mind, are incapable of knowing the nature of the act or that what they are doing is either wrong or contrary to law. This provision, derived from the M'Naughten Rules of 1843, reflects a cognitive test of criminal responsibility that focuses narrowly on the mental state of the accused at the time of the offence (Ratanlal & Dhirajlal, 2020). Judicial interpretation of Section 84 has consistently emphasized the distinction between medical insanity and legal insanity, with courts holding that the existence of mental illness alone is insufficient to attract the benefit of the provision.

In *Dahyabhai Chhaganbhai Thakkar v. State of Gujarat* (1964)<sup>3</sup>, the Supreme Court clarified that while the prosecution bears the burden of proving the offence beyond reasonable doubt, the accused is required to establish insanity only on a balance of probabilities; however, the Court simultaneously stressed that legal insanity must be established at the precise time of commission of the offence. This principle has been repeatedly reaffirmed in subsequent judgments, reinforcing the narrow scope of the defense. In *Surendra Mishra v. State of Jharkhand* (2011), the Supreme Court categorically held that mental illness preceding or following the incident is irrelevant unless it is shown to have directly impaired the accused's cognitive faculties at the time of the offence. Similarly, in *State of Rajasthan v. Shera Ram* (2012), the Court ruled that abnormal behavior, depression, or emotional instability does not amount to legal insanity unless it deprives the accused of the ability to understand the nature or consequences of the act. These rulings demonstrate a judicial preference for a strict, evidence-based approach that prioritizes societal protection and criminal accountability over therapeutic or rehabilitative considerations. The study further finds that Indian courts have consistently rejected the concept of diminished responsibility, which is recognized in several foreign jurisdictions, thereby leaving no middle ground between full criminal liability and complete exoneration.

In *Bapu v. State of Rajasthan* (2007)<sup>4</sup>, the Supreme Court rejected the plea of insanity despite medical evidence of mental illness, holding that the accused's conduct before and after the commission of the offence indicated awareness and intent. Such rulings illustrate the judiciary's reliance on behavioral indicators rather than psychiatric evaluation, thereby limiting the scope of disability-based defenses. Procedurally, the Code of Criminal Procedure, 1973 provides safeguards under Sections 328 to 339 for accused persons of unsound mind, including medical examination, postponement of trial, and treatment; however, the application of these provisions remains inconsistent. In *Ratan Lal v. State of Madhya Pradesh* (1971)<sup>5</sup>, the Supreme Court emphasized that trying an accused who is incapable of understanding proceedings violates natural justice, yet empirical observations reveal that lower courts often delay or overlook mental fitness assessments, leading to prolonged incarceration without trial. The enactment of the Rights of Persons with Disabilities Act, 2016 marked a significant shift towards a rights-based approach by recognizing legal capacity, equality before law, and access to justice for persons with disabilities in conformity with the UN Convention on the Rights of Persons with Disabilities (United Nations, 2006). However, the study finds that the RPwD Act has not been meaningfully harmonized with criminal law. Courts continue to rely predominantly on IPC provisions, rarely invoking the RPwD Act to ensure reasonable accommodation, procedural support, or individualized assessment of accused persons with disabilities.

This gap is evident in criminal proceedings where persons with intellectual or psychosocial disabilities are subjected to standard trial procedures without necessary accommodations such as simplified communication, mental health support, or assisted decision-making. Although the Supreme Court in *Vikash Kumar v. Union Public Service Commission* (2021)<sup>6</sup> expanded the interpretation of reasonable accommodation and affirmed the dignity-based approach to disability rights, its application has largely remained confined to service and education law, with minimal influence on criminal jurisprudence. The findings also indicate that Indian criminal law fails to distinguish adequately between



different categories of disability, treating all cases under the singular and outdated notion of “unsoundness of mind.” This approach disregards contemporary medical and legal understanding that recognizes a spectrum of cognitive, intellectual, and psychosocial disabilities, many of which do not entirely negate criminal intent but may significantly impair judgment, impulse control, or comprehension. Scholars such as Dhanda (2019) and Mehta (2021) argue that this rigid framework results in disproportionate punishment, denial of therapeutic intervention, and systemic exclusion of persons with disabilities from meaningful participation in legal proceedings. Furthermore, the absence of specialized mental health courts, standardized psychiatric assessment protocols, and trained judicial personnel exacerbates the problem, leading to arbitrary and inconsistent outcomes.

The study thus finds that while Indian criminal law formally acknowledges mental incapacity as a defense, its substantive application remains narrow, outdated, and misaligned with constitutional values of dignity, equality, and justice. The prevailing legal framework prioritizes deterrence and retribution over rehabilitation and rights protection, resulting in a legal regime that inadequately responds to the complex realities of disability. Consequently, the current framework neither fully protects the rights of persons with disabilities nor ensures fair adjudication, underscoring the urgent need for doctrinal reform, legislative harmonization, and judicial sensitization to align criminal responsibility with contemporary disability rights jurisprudence. Effectiveness of Statutory Provisions and Judicial Interpretation in Protecting the Rights of Persons with Disabilities in Criminal Proceedings

The analysis of statutory provisions and judicial interpretation relating to the protection of persons with disabilities in criminal proceedings reveals that while Indian law formally recognizes the need for safeguards, its implementation remains fragmented, inconsistent, and largely dependent on judicial discretion rather than institutionalized mechanisms. The Code of Criminal Procedure, 1973, through Sections 328 to 339, provides procedural safeguards for accused persons of unsound mind, including mandatory medical examination, postponement of trial, and detention in safe custody or treatment facilities; however, judicial practice demonstrates that these provisions are often applied mechanically and without sensitivity to the rights-based framework envisioned under modern disability jurisprudence. In *Ratan Lal v. State of Madhya Pradesh* (1971), the Supreme Court observed that subjecting a person of unsound mind to criminal trial without determining mental fitness violates principles of natural justice, yet subsequent case law indicates that trial courts frequently proceed with trials without adequately assessing mental capacity, especially in cases involving socio-economically marginalized individuals. The effectiveness of these procedural safeguards is further weakened by systemic deficiencies such as delayed psychiatric evaluations, lack of trained mental health professionals, and inadequate infrastructure in prisons and courts.

The judiciary has repeatedly acknowledged these shortcomings but has stopped short of mandating institutional reforms. In *Kanhaiyalal v. State of Rajasthan* (2014)<sup>7</sup>, the Court emphasized that the purpose of Sections 328–339 CrPC is to ensure fairness and not merely procedural compliance, yet implementation remains inconsistent across jurisdictions. The Rights of Persons with Disabilities Act, 2016 marked a significant legislative shift by recognizing legal capacity, non-discrimination, and access to justice as enforceable rights, in line with India’s obligations under the UN Convention on the Rights of Persons with Disabilities (UNCRPD, 2006). Sections 12 and 13 of the Act guarantee equal recognition before law and mandate the provision of reasonable accommodation to ensure effective participation in legal proceedings. However, the study finds that these provisions are rarely invoked in criminal cases, resulting in a disconnect between disability law and criminal procedure. Judicial reluctance to integrate the RPwD Act into criminal adjudication has led to continued reliance on outdated standards of competence rooted in the Indian Penal Code. This disjunction is evident in cases where courts acknowledge disability but fail to provide procedural accommodations such as interpreters, support persons, simplified communication, or modified evidentiary standards. The Supreme Court’s decision in *Vikash Kumar v. Union Public Service Commission* (2021) significantly advanced the jurisprudence on reasonable accommodation by holding that denial of such accommodation amounts to discrimination; however, its impact on criminal justice remains largely theoretical, with lower courts yet to internalize its principles in trial processes.



The study further reveals that persons with disabilities appearing as victims or witnesses face additional structural barriers. While Section 119 of the Indian Evidence Act permits testimony through interpreters or signs, courts often treat such testimony with skepticism, leading to credibility challenges. In cases involving sexual offences against persons with intellectual or psychosocial disabilities, judicial attitudes have at times reflected paternalistic assumptions rather than rights-based reasoning. Although courts have acknowledged heightened vulnerability in such cases, procedural safeguards remain inadequately developed, resulting in secondary victimization during investigation and trial. The effectiveness of statutory protection is further undermined by the absence of standardized guidelines for police officers, prosecutors, and judges in handling disability-related cases. Studies and judicial observations indicate that law enforcement personnel often lack training in identifying mental illness or intellectual disability, leading to coerced confessions, improper arrests, and denial of legal assistance at critical stages (Dhanda, 2019). The Supreme Court's observations in *Shatrughan Chauhan v. Union of India* (2014)<sup>8</sup>, although rendered in the context of death penalty jurisprudence, underscore the broader constitutional principle that mental illness must be treated with dignity and compassion within the criminal justice system. Yet, this principle has not translated into consistent procedural safeguards for accused persons with disabilities.

The study also finds that Indian courts have not developed a coherent doctrine to reconcile criminal responsibility with disability rights. Unlike jurisdictions that recognize diminished responsibility or therapeutic jurisprudence, Indian law continues to operate within a binary framework of sanity and insanity. This results in exclusionary outcomes where individuals who do not meet the strict threshold of legal insanity are subjected to full criminal liability despite evident cognitive or psychosocial impairments. Legal scholars argue that such an approach violates Articles 14 and 21 of the Constitution by denying substantive equality and procedural fairness (Mehta, 2021). Furthermore, the lack of coordination between mental health institutions, courts, and correctional facilities results in prolonged detention of disabled accused without adequate treatment, thereby converting prisons into de facto mental health institutions. The findings also indicate that judicial sensitivity varies significantly across courts, leading to inconsistent application of safeguards. While some High Courts have emphasized rehabilitation and treatment, others continue to adopt a strictly punitive approach. This inconsistency undermines the predictability and fairness of the legal system. The study finds that although statutory and judicial mechanisms exist to protect the rights of persons with disabilities in criminal proceedings, their effectiveness is severely constrained by out dated legal doctrines, lack of procedural integration with disability law, inadequate institutional capacity, and limited judicial engagement with rights-based principles. The existing framework, therefore, falls short of ensuring substantive justice, equality, and dignity for persons with disabilities within the criminal justice system, highlighting the urgent need for harmonization between criminal law and disability rights jurisprudence.

#### Challenges and the Need for Legal Reforms in Balancing Criminal Accountability and Disability Rights

The analysis undertaken to address the third objective reveals that the Indian criminal justice system faces significant structural, doctrinal, and institutional challenges in effectively balancing criminal responsibility with the rights of persons with disabilities, resulting in systemic gaps that undermine both justice delivery and human rights protection. One of the foremost challenges identified is the continued reliance on the colonial-era framework of criminal responsibility under Section 84 of the Indian Penal Code, which is premised on a narrow and rigid conception of legal insanity. This provision, rooted in the Mc Naughten Rules, fails to accommodate contemporary medical and legal understandings of mental illness, intellectual disability, and psychosocial impairments, which are now recognized as existing on a spectrum rather than as absolute conditions (Ratanlal & Dhirajlal, 2020).

The absence of a doctrine of diminished responsibility in Indian law further exacerbates this problem, as individuals who suffer from impaired judgment, impulse-control disorders, or partial cognitive disabilities are subjected to the same penal consequences as fully capable offenders. Judicial pronouncements such as *Bapu v. State of Rajasthan* (2007) and *Hari Singh Gond v. State of Madhya Pradesh* (2008)<sup>9</sup> demonstrate the courts' reluctance to expand the scope of criminal responsibility beyond the narrow confines of total cognitive incapacity, thereby excluding a large category of vulnerable individuals from meaningful legal protection. This rigid approach reflects an overemphasis on



retributive justice at the cost of rehabilitative and reformatory objectives that form the corner stone of modern criminal jurisprudence. Another significant challenge identified is the lack of procedural integration between criminal law and disability law. Although the Rights of Persons with Disabilities Act, 2016 mandates equality before law, reasonable accommodation, and access to justice, these principles remain largely theoretical in criminal proceedings. Courts seldom invoke the RPwD Act while dealing with criminal cases involving persons with disabilities, resulting in a disconnect between statutory intent and judicial practice. The Supreme Court's progressive interpretation in *Vikash Kumar v. Union Public Service Commission* (2021), which recognized denial of reasonable accommodation as a form of discrimination, has not been extended meaningfully to criminal adjudication, thereby limiting its transformative potential. This disconnect is further aggravated by the absence of standardized procedural guidelines for police officers, prosecutors, and judges in handling cases involving persons with disabilities. Empirical observations and judicial commentary reveal that law enforcement officials often lack the training necessary to identify mental illness or intellectual disability at the time of arrest, leading to coerced confessions, improper detention, and denial of legal assistance, all of which violate constitutional guarantees under Articles 14 and 21.

The study also highlights the absence of specialized courts or diversionary mechanisms for persons with disabilities, unlike in several foreign jurisdictions where mental health courts and therapeutic jurisprudence models have been successfully implemented. In India, the criminal justice system continues to function as a default mental health institution, with prisons housing a disproportionately high number of individuals suffering from mental illness, often without access to adequate treatment or rehabilitation. This reality was acknowledged by the Supreme Court in *Shatrughan Chauhan v. Union of India* (2014), where the Court recognized that executing or incarcerating persons with severe mental illness violates human dignity and constitutional morality. However, the absence of follow-up structural reforms has limited the practical impact of such judicial observations. Another major challenge identified is the lack of judicial consistency in interpreting disability-related protections. While some High Courts have adopted a humane and rights-oriented approach, others continue to apply rigid legal standards without considering the socio-psychological context of the accused. This inconsistency leads to unpredictability in outcomes and undermines the principle of equality before law. The study further finds that persons with disabilities who appear as victims or witnesses face compounded disadvantages due to communication barriers, lack of support services, and credibility concerns. Although Section 119 of the Indian Evidence Act permits testimony through interpreters or alternative modes of communication, its implementation remains uneven, and courts often lack the infrastructure or training to effectively accommodate such witnesses.

As a result, many cases involving disabled victims collapse due to procedural deficiencies rather than lack of merit. The findings also reveal that the criminal justice system lacks a rehabilitative vision when dealing with offenders with disabilities. Sentencing practices rarely consider mental health treatment, community-based rehabilitation, or supervised care as alternatives to incarceration. Instead, imprisonment remains the default response, even in cases where therapeutic intervention would better serve both individual and societal interests. Scholars such as Dhanda (2019) and Mehta (2021) argue that this punitive orientation contradicts India's obligations under the UN Convention on the Rights of Persons with Disabilities, which emphasizes dignity, autonomy, and social inclusion. The study further identifies the absence of coordinated institutional mechanisms between courts, mental health institutions, and social welfare agencies as a major impediment to effective reform. The lack of trained forensic psychiatrists, inadequate mental health infrastructure, and limited budgetary allocation for disability justice initiatives further weaken the system's capacity to respond effectively to disability-related cases. Overall, the findings establish that the current legal framework is ill-equipped to balance criminal accountability with disability rights in a manner consistent with constitutional values and international human rights standards. The persistence of outdated legal doctrines, coupled with inadequate institutional support and lack of judicial sensitization, has resulted in a system that often criminalizes disability rather than accommodating it. The study therefore concludes that comprehensive reform is urgently required, including legislative amendment to introduce graded responsibility, incorporation of disability-sensitive procedures into criminal law, establishment of specialized mental health courts, mandatory training for justice system stakeholders, and



systematic integration of the Rights of Persons with Disabilities Act into criminal adjudication. Without such reforms, the promise of equal justice for persons with disabilities will remain largely aspirational, and the criminal justice system will continue to fall short of its constitutional mandate to uphold dignity, fairness, and substantive equality.

## VI. CONCLUSION

The present study has critically examined the legal framework governing criminal responsibility of persons with disabilities under Indian penal law and has revealed significant doctrinal, procedural, and institutional shortcomings in effectively balancing criminal accountability with disability rights. The analysis demonstrates that Indian criminal law continues to rely heavily on the narrow and outdated concept of legal insanity under Section 84 of the Indian Penal Code, which fails to accommodate contemporary understandings of mental, intellectual, and psychosocial disabilities. Despite constitutional guarantees of equality and dignity, and the enactment of the Rights of Persons with Disabilities Act, 2016, the criminal justice system remains largely punitive in approach, with limited integration of rights-based and rehabilitative principles. Judicial interpretations, though occasionally progressive, largely adhere to rigid standards that prioritize cognitive incapacity over functional or social impairment, thereby excluding a substantial category of persons with disabilities from meaningful legal protection. The study further reveals that procedural safeguards under the Code of Criminal Procedure are inconsistently applied, while the absence of trained personnel, standardized assessment mechanisms, and disability-sensitive infrastructure continues to undermine access to justice. Additionally, the lack of coordination between criminal law and disability law has resulted in a fragmented legal response, where the objectives of punishment overshadow those of care, rehabilitation, and social reintegration. The findings highlight that persons with disabilities, whether as accused, victims, or witnesses, remain vulnerable to systemic neglect, delayed justice, and procedural unfairness. The study concludes that meaningful reform is imperative to align Indian criminal law with constitutional values and international human rights obligations. Such reform must include the introduction of graded criminal responsibility, incorporation of reasonable accommodation into criminal procedures, establishment of specialized mechanisms for mental health adjudication, and enhanced judicial and institutional sensitization. Without these changes, the promise of equal justice and dignity for persons with disabilities will remain unrealized, and the criminal justice system will continue to fall short of its role as a protector of rights rather than merely an instrument of punishment.

## Footnotes

- 1 Surendra Mishra v. State of Jharkhand, (2011) 11SCC 495 (India).
- 2 State of Rajasthan v. Shera Ram, (2012) 1 SCC 602 (India).
- 3 Dahyabhai Chhaganbhai Thakkar v. State of Gujarat, AIR 1964 SC 1563 (India).
- 4 Bapu v. State of Rajasthan, (2007) 8 SCC 66 (India)
- 5 Ratan Lal v. State of Madhya Pradesh, AIR 1971 SC 778 (India).
- 6 Vikash Kumar v. Union Public Service Commission, (2021) 5 SCC 370 (India).
- 7 Kanhaiyalal v. State of Rajasthan, (2014) 4 SCC 715 (India).
- 8 Shatrughan Chauhan v. Union of India, (2014) 3 SCC 1 (India).
- 9 Hari Singh Gond v. State of Madhya Pradesh, (2008) 16 SCC 109 (India).

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