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India: End Lifelong Warehousing of People with Disabilities

(New York) – Authorities in the [Delhi](#) government should act on recommendations of the governing board of a shelter for people with disabilities to end the lifelong institutionalization of its nearly 1,000 residents, Human Rights Watch said today. Most people languishing in the government-run shelter, Asha Kiran, which literally means “ray of hope,” have been abandoned by their families with no choice but to remain institutionalized. “They are here for a lifetime,” one staff member said. “There is no exit policy.”

The governing council of Asha Kiran, in its final meetings in 2023, adopted a landmark slate of recommendations including to create and implement a time-bound action plan for deinstitutionalization and to prevent further institutionalization of people with disabilities. This involves developing voluntary community-based assisted living services and other forms of support to enable people with intellectual and psychosocial disabilities to live independently in their communities. The Delhi government should ensure that these recommendations are swiftly implemented.

“Unless the authorities take steps to provide community-based independent living solutions, most people will languish in Asha Kiran for the rest of their lives, trapped in overcrowded, squalid conditions with no hope for a better life,” said [Shantha Rau Barriga](#), disability rights director at Human Rights Watch. “They are subjected to indefinite detention simply for having a disability. That’s no way for a person to live. The council’s recommendation to invest in community-based services is a step in the right direction.”

There are hundreds of custodial institutions for people with disabilities across India. On January 19, 2024, India's Supreme Court ordered all states to report on prevailing conditions across all homes for abandoned children and adults with intellectual or psychosocial disabilities within eight weeks and will then issue further directions in response to an ongoing petition asking for civil society monitoring of institutions.

Since 2013, Human Rights Watch has visited Asha Kiran many times, most recently in May 2023, and documented involuntary admission, arbitrary and indefinite detention, overcrowding, poor hygiene, denial of education, and a lack of adequately trained staff in a [2014 report](#) and subsequent [publications](#). In May, Human Rights Watch spoke with the male and female superintendents, several staff members, and some people with disabilities and subsequently had multiple exchanges with the chair of the governing council of Asha Kiran, Indu Prakash Singh, who ended his term on December 31, 2023.

At the start of January 2024, Asha Kiran was home to about 1,000 men, women, and children, nearly double its capacity of 570. Senior management acknowledged the "congestion" and explained that they were addressing the issue by demolishing the vacant staff quarters and building a new six-story structure, and identifying similar institutions in India where residents can be moved to. There are hundreds of custodial institutions for people with disabilities across India.

Human Rights Watch is concerned that investments are being made to build new institutions and for major refurbishments of existing institutions instead of diverting funds to community-based services to support the right to independent living for people with disabilities. This approach runs contrary to India's obligations under international law, including the Convention on the Rights of Persons with Disabilities.

Institutionalization of a person with a disability without their consent is a form of arbitrary detention. At Asha Kiran, residents are detained in wards with locked gates, with limited to no opportunity to go outside and move around the facility. At the time of the last visit, most residents did not even go outside for fresh air, in part because of the heat and due to security concerns with construction laborers throughout the facility. Several staff and senior management said that the conditions are like living in a prison.

During the May 2023 visit, staff members and senior management also raised concerns about the staff shortage with many vacant posts at the time, according to the female superintendent. Given the nature of their disabilities, many residents require individual support, which is not possible due to the shortage of staff. Senior management acknowledged

the need for occupational therapists, special educators, and music and craft teachers, among other staff.

Human Rights Watch also found that many staff members lacked a positive, empowering attitude toward the children and adults housed at Asha Kiran. Some used derogatory terms to refer to residents and deemed them uneducable or unable to reach developmental milestones. The senior management acknowledged that staff would benefit from additional training, in particular on the rights of people with disabilities and a rights-based approach to support. One staff member said, "We try to sensitize staff, but we need more training. We want to know where we are lagging behind."

Of the more than 200 children at the institution, as of May 2023, fewer than 40 boys and girls reportedly attended school, based on interviews with staff members.

The institution provides some vocational training, though people considered to have "severe or profound" intellectual disabilities and people who have seizures do not attend. Most wards at Asha Kiran had a television and board games. But Human Rights Watch observed that most residents were lying around or sitting idle, which can lead to a deterioration of their condition as well as a sense of profound boredom and uselessness.

Under international law as well as India's Right of Children to Free and Compulsory Education Act (2009), elementary education is to be free and mandatory for all children ages 6 to 14. Under international law, secondary education should be available and accessible without discrimination; the right to education also includes early childhood education. This rule should apply equally to all children with intellectual or psychosocial disabilities living in institutions like Asha Kiran.

The outgoing Chair of the Asha Kiran's governing council, Indu Prakash Singh, told Human Rights Watch that: "All people in Asha Kiran have rights and freedoms and every member of staff has a role to play in advancing the residents' rights and dignity. Disability doesn't mean it's an end to life."

In November 2023, the council agreed to sensitize staff to combat the existing stigma and prejudices and promote a shift in attitudes. They also agreed to staff training on how to care for residents, including strategies to appropriately respond to aggressive behavior. In December, a group of local children's rights and disability rights organizations provided a two-day training session, with a focus on raising awareness about disability among staff.

Further, the council agreed to provide appropriate and adequate access to education and vocational training for residents, including special

educators with technical expertise to create individual education plans for children and adults with high support needs.

Finally, the council decided to organize study visits for Asha Kiran senior management to learn about good practices on deinstitutionalization, family reunification, community integration and support systems, and prevention of further institutionalization within India, with the aim of applying what they learn at Asha Kiran.

“The Delhi government has an opportunity to lead by example by transforming its approach for the benefit of thousands of people with disabilities and in line with international legal obligations,” Barriga said. “Rather than locking up people with disabilities, they should invest in community services, adoption and family reunification, and build on good practices in other parts of India.”

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