Custodial Torture and Human Rights Violation

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1. Abstract

This paper investigates the widespread issue of custodial torture and human rights violations in India, delving into the systemic and institutional changes and shortcomings that sustain these abuses. Despite India's international obligations, such as UNCAT, the country's hesitance to ratify these treaties reveals deeper challenges in enforcing protective measures. The study highlights the roles of NHRC and SHRC, pointing out their limitations in combating torture, particularly, within marginalized communities such as SC, ST, and minority groups. Through various case studies, the research illustrates how systemic discrimination and inadequate accountability mechanisms hinder access to justice. By drawing on successful global practices, the paper offers specific recommendations for reform, emphasizing the necessity for legal, educational, and procedural changes to improve institutional accountability and safeguard human dignity within the Indian custodial system.

2. Introduction

Custodial fatalities pose a serious concern across the nation. Instances of violence during police custody often lead to the deaths of detainees. Many prisoners experience severe mistreatment at the hands of law enforcement, which can include torture and coercion, sometimes resulting in suicides. There is an urgent need for reforms within police administration, and the issue of custodial deaths continues to spark heated debate. These fatalities create a climate of fear among detainees, who suffer both physical and psychological abuse while in police custody. Custodial violence primarily encompasses violence occurring in both police and judicial custody. In a democratic country like India, which is governed by the rule of law, incidents of custodial violence raise significant alarms within society. Torture leaves deep, often irreparable scars on the spirit, creating wounds that yet challenging to heal. Arwounds20, 21, and 22 of the Indian Constitution provide specific rights to detainees or individuals in custody. The Supreme Court of India acknowledges certain rights intrinsic to Article 21, including protections against handcuffing, the right to a fair and speedy trial, and free legal assistance. The prevalence of custodial violence is causing widespread distress in society.

A crucial aspect of preventing torture lies in the effective investigation of torture allegations and the prosecution of those responsible. The low conviction rate of police personnel for the heinous crime of torture has only served to embolden more officers to inflict such

abuses. Therefore, there is an urgent need to thoroughly examine and analyze the issue of custodial torture to enhance criminal jurisprudence and hold police officers accountable for their actions. Given the valuable role that health professionals can play in investigating human rights violations, particularly torture, the medical examination of such abuses becomes increasingly important. Considering a doctor's ethical responsibilities, it is essential for them to safeguard individuals from such mistreatment through effective investigations and documentation, providing evidence of torture and ill-treatment to ensure that the perpetrators are held accountable for their actions.

3. Constitutional and Legal Framework

India's legal and constitutional framework offers extensive protections designed to combat custodial violence. These safeguards are embedded in the Constitution, the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC), and various statutory provisions. However, custodial violence persists, highlighting the urgent need for more consistent enforcement and application of these laws.

a. Relevant Constitutional Provisions (Article 21, 22)

The Constitution of India includes essential safeguards against custodial violence:

i. Article 21 (Right to Life and Personal Liberty):
This article guarantees the right to life and personal liberty, stating that no one shall be deprived of these rights except through legal procedures. It mandates humane treatment in all custodial environments and serves as a basis for legal actions against unlawful detention or torture.

ii. Article 22 (Protection Against Arrest and Detention):
Article 22 outlines specific rights for individuals upon arrest, such as the right to be informed of the grounds for arrest, the right to consult legal counsel, and the requirement that detainees be presented before a magistrate within 24 hours of arrest. These provisions are designed to prevent arbitrary detention and safeguard detainees from custodial abuse.

b. IPC, CrPC, and Other Statutory Provisions

Indian Penal Code (IPC) Provisions

The IPC includes specific sections that criminalize acts pf torture and coercion by law enforcement officers:

i. Section 330 IPC: This section criminalises voluntarily causing hurt to export confessions or information. It directly addresses the use of force to extract information, penalising police officers who resort to physical abuse for confessions.

ii. Section 331 IPC: This section extends the section 330 by addressing grievous hurt caused to coerce information. It imposes harsher penalties for severe injury inflicted on detainnes, serving as a deterrent against extreme acts of custodial torture.

Code of Criminal Procedure (CrPC) Provisions

The CrPC contains procedural safeguards to ensure the humane treatment of detainees, aiming for transparency in law enforcement:

i. Section 176 CrPC: This section mandates judicial or magisterial inquiries into incidents of custodial death, rape, or disappearance. The involvement of judicial authorities in such cases aims to provide impartial assessments, thus enhancing accountability.
ii. Section 25 Indian Evidence Act: This section renders confessions made to police officers inadmissible in court, aiming to prevent the use of torture or coercion to obtain confessions. It serves as a deterrent to custodial violence by invalidating forced confessions in legal proceedings.

Some of the key provisions,

Indian Police Act, 1861: Section 29 provides disciplinary action for police misconduct. The act allows the government overreach and police misuse which leads to corruption and decreasing public trust. It lacks accountability and other professional standards which further results in ineffective law enforcement and frequent abuses. Replacing it with modern legislations would ensure transparent oversight, protecting citizens' rights and create a professional, accountable force aligning with indian democratic values.

Section 31-B, sub-section (2) of the Prisoners Act, 1900 states that if a prisoner is released on long-term parole, the State Government may require the prisoner to enter into a bond. The bond may be with or without surety, and it must ensure the prisoner abides by the conditions specified in the directions. The bond must also comply with the provisions of sections 446, 447, 448, and 449 of the Code of Criminal Procedure, 1973.

Human Rights Legislation and Reports: The NHRC and reports from the Law Commission (113rd, 152nd, and 273rd reports) and the ACHR underline the need for reforms and advocate for India to ratify the UN Convention Against Torture.

The Indian criminal justice system has been transformed by the newly introduced **Nyaya Sanhita, 2023; Nagarik Suraksha Sanhita, 2023; and Sakshya Adhiniyam, 2023.** The objective of these laws is to substitute the colonial-period Evidence Act of 1872, Penal Code of 1860, and Code of Criminal Procedure of 1973.
The **Nyaya Sanhita Bill of 2023 (BNS)** was endorsed after being resubmitted on December 12, 2023, and ratified by both the Rajya Sabha on December 21, 2023, and the Lok Sabha on December 20, 2024. On December 12, 2023, the Lok Sabha pulled back the initial BNS Bill in order to present updated versions that took into account certain suggestions from the Standing Committee.

The centralization of explanations within the BNS signifies an important update of India's legal system. By merging and modernising different legal definitions, the BNS improves understanding and availability for legal experts and the public. This more efficient method removes the uncertainties caused by definitions being scattered in various laws and past cases.

4. Judicial Declrations on Custodial Torture

a. D.K. Basu v. State of West Bengal[1] (1997) and Guidelines

The landmark case of D.K. Basu v. State of West Bengal began with a letter from D.K. Basu, the Executive Chairman of Legal Aid Services in West Bengal, addressed the Chief Justice of India on August 26, 1986. In his letter, Basu brought into light various reports of custodial deaths and police violence frequently seen in media.The SC recognized this as a Public Interest Litigation because of all the violating acts by police officers, mainly in custodial torture leading to casualties.

In response to all these alarming increases in the fatalities caused by brutality and deaths, a notice was issued by court to all the state governments and union territories, seeking their responses and urging measures and steps to prevent custodial violence. The central focus had to be the infringement of the detainees'

[1] AIR 1997 SC 610

fundamental rights especially the right to life as guaranteed under Article 21 of the Indian constitution.

In 1997, the Supreme Court imparted a significant judgement addressing the prevalent issue of custodial deaths and police misconduct.
The court determined that the state does not possess any sovereign immunity to such violations of the fundamental rights, particularly those mentioned in article 21. The ruling clarified that the state is accountable for all its actions taken by the public servants that lead to such violations of fundamental rights. The court also underscored that custodial violence, including torture and deaths occuring in police custody, constitutes a severe violation of human rights and undermines the rule of law.

To prevent custodial violence, There have been court establishment guidelines that must be adhered to in order to gain complete non violence in custody. Non-compliance with these guidelines could result in penal measures, including charges of contempt of court.

<u>Guidelines Issued by the Court:</u>

i. Police personnel involved in arrests must bear accurate, visible identification with name tags, and their details must be recorded in a register.
ii. A memo of arrest must be prepared at the time of arrest, attested by a witness (preferably a family member) and countersigned by the arrestee.
iii. The arrested person is entitled to have a relative or friend informed of their arrest and detention.
iv. The time and place of arrest, as well as the venue of custody, must be notified to the arrestee's family or friend within 8 to 12 hours.
v. The arrested individual must be made aware of their right to inform someone about their arrest.
vi. An entry regarding the arrest must be made in the station diary, noting the name of the person informed.
vii. The arrestee must be examined for injuries at the time of arrest, with a signed "Inspection Memo" documenting any injuries.
viii. The arrestee must undergo a medical examination by a trained doctor every 48 hours during detention.

ix. All documents, including the memo of arrest, must be sent to the nearest Magistrate for record-keeping.
x. The arrestee must be permitted to meet their lawyer during interrogation.
xi. Police control rooms must display information about all arrests within 12 hours of the arrest.

This ruling had a profound impact on policing and human rights in India. The guidelines established by the Supreme Court were ultimately integrated into the Code of Criminal Procedure through the amendment in 2008, which came into effect in 2010. This decision promoted increased accountability among police officers and empowered citizens to assert their rights during arrests.
The D.K Basu case has established a historic tale for promoting transparency and accountability in all police actions, thus strengthening the process of citizen protection of fundamental rights under article 21. This played a crucial part in police reforms, leaving a long lasting influence on the protection of human rights in India.

b. Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273

In the case of Arnesh Kumar v. State of Bihar, Arnesh Kumar faced allegations of dowry harassment from his wife, under Section 498A of the Indian Penal Code (IPC) and Section 4 of the Dowry Prohibition Act, 1961. The wife claimed that her in-laws demanded Rs. 8 lakhs, a car, and various household items. When these demands were unmet, she alleged that she was threatened and ultimately forced out of her marital home.
Arnesh approached the supreme court after his bail was denied by both, session court and high court. The central issue was whether to arrest individuals in such cases without sufficient justification, which was raising concerns about the potential misuse of section 498A.

The supreme court ruled in favour of Arnesh Kumar which highlighted the necessity of a balanced approach while addressing any issue of domestic violence under section 498A. The court expressed its stress about increasing misuse of this law, particularly the arbitrary arrests made by police in dowry harassment cases.
The section was meant to protect women from abuse but the misuse somehow resulted in unjust arrests affecting the innocent individuals including the elderly

and women in the family. This also led to humiliation and restricted personal liberty which should not be exploited.
It ordered that police officers musn't arrest solely because they possess an authority to do so under non bailable and cognizable offence like section 498A.

Guidelines issued by the court:

i. Police officers must ensure compliance with Section 41 of the CrPC, which mandates that arrests can only be made if necessary for purposes such as preventing further offences, ensuring proper investigation, or preventing the accused from tampering with evidence.
ii. A checklist must be maintained by the police as per Section 41, detailing the reasons for making an arrest. These reasons must be recorded and deemed valid.
iii. Magistrates must scrutinise the police report to verify the justification of an arrest before authorising any detention.
iv. If an arrest is not required, the police should issue a notice to the accused under Section 41A of the CrPC, asking them to appear before the authorities. An arrest may only be made if the accused fails to comply with the notice and the conditions of Section 41 are satisfied.
v. Any failure by the police or magistrates to adhere to these guidelines will result in disciplinary action against the concerned officers.

The judgement has profoundly influenced the handling of section 498A cases, aiming to prevent unnecessary arrests and ensuring personal liberty is not compromised during the process. This landmark ruling has prompted reforms in police procedures, fostering great accountability while protecting the rights of both the accused and the victim.
It finally increased judicial scrutiny in arrest cases prompting a fairer legal process.
The ruling in Arnesh Kumar v. State of Bihar, represented a pivotal change in all the arrest protocols in India., particularly the dowry harassment cases. It made it important to look at this section as a shield rather than a weapon , while balancing women 's rights at the same time.

c. Sunil Batra v. State (UT of Delhi), (1978) 4 SCC 409

In this case, Sunil Batra, a prisoner on death row, sent a letter to a judge of the Supreme Court, alleging the inhumane torture of a fellow inmate by a prison warder. The torture involved severe anal injuries inflicted by inserting a rod, allegedly to extort money from the inmate's relatives. The court converted this letter into a habeas corpus petition to investigate the matter.
An advisor to the court was appointed and granted permission to visit the prison, interview witnesses and gather all the evidence required for an investigation. The report confirmed the allegations of torture and highlighted the attempts by prison officials to conceal the crime. The inmate and the prison doctor were coerced to fabricate explanations about the injuries which had to keep out the investigators fault. The injuries were blamed on self reflection and medical conditions like piles. This thus exposed the malpractice in prison management prompting judicial intervention.

The Supreme Court reaffirmed its jurisdiction under Article 32 to protect the fundamental rights of prisoners. The court ruled that the rights enshrined in Articles 14, 19, and 21 of the Constitution extend even to convicted prisoners, asserting that inmates are entitled to the right to life and liberty, even while incarcerated.

The Court also examined the legality of **Section 30(2) of the Prisons Act, 1894,** which allowed solitary confinement of death row prisoners. It ruled that solitary confinement could not be applied arbitrarily or used as a means to torture prisoners.
The court emphasised that the prisoners awaiting appeal or whose death sentence was not yet final shouldn't be left in confinement. This provision was not entirely unconstitutional but required oversight to prevent misuse.
Additionally, the Court clarified the role of prison authorities under **Section 56 of the Prisons Act, which permitted restraint for prison discipline.**
However such actions could only be taken with proper authorization and should never be abusive. The ruling called for humane treatment of prisoners and demanded accountability in prison management.

<u>Guidelines Issued by the Court:</u>

i. Prisoners must not be subjected to arbitrary solitary confinement, especially those awaiting final appeals.
ii. Torture or cruel treatment of inmates violates Article 21 and is prohibited.

iii. The jail manual must be accessible to all prisoners, and any punitive measures should follow due process, with regular oversight by sessions judges.
iv. Free legal aid should be made available to all prisoners to ensure their fundamental rights are protected.
v. The court directed that grievance boxes be installed in prisons, and officials regularly inspect prison conditions to prevent future abuses.
vi. District magistrates were ordered to visit jails weekly to monitor conditions and ensure humane treatment.

This landmark case emphasised the protection of prisoner rights and contributed significantly to prison reforms. It also ensured that the fundamental rights of prisoners under articles 14,19, 21 were upheld, leading to significant scrutiny and reforms in the prison system in india.

d. People's Union for Civil Liberties v. State of Maharashtra (2014) 10 SCC 635

The People's Union for Civil Liberties (PUCL) filed writ petitions in the Supreme Court questioning the authenticity of 99 encounter killings by the Mumbai Police that occurred between 1995 and 1997, resulting in the deaths of 135 alleged criminals. These petitions arose amid allegations that the police were staging encounters as a means of extrajudicial killings rather than engaging in legitimate law enforcement activities. Concerns were raised about the lack of accountability in such police actions and the implications for human rights.

The case attracted significant public attention as it was set as a backdrop of increasing reports of police encounters being used to eliminate suspected criminals without due process. The court's decision was crucial in determining the legal framework surrounding police encounters and their investigation.

The supreme court acknowledged the vital importance of maintaining a Rule of Law, even while dealing with the police actions against all the alleged criminals. The court emphasised that the use of force by police must be justified and that all the killings must be investigated thoroughly to ensure accountability.
The justices recognized the legitimacy of police must not be taken for granted and there must be safeguards to prevent abuse of power.

To this end, the court laid down a comprehensive set of guidelines to ensure that all incidents of police encounters are subject to rigorous scrutiny. All the guidelines were designed to promote transparency and protect the rights of individuals, thereby reaffirming the necessity of adhering to the legal and ethical standards in law enforcement.

The guidelines established in the Peoples Union for Civil Liberties v. State of Maharashtra case have had a significant impact on policing practices in india. They reinforced the principle that extrajudicial killings cannot be tolerated within a system governed by the Rule of Law. The court's directives promoted accountability, emphasising the need for investigations into police encounters, thereby fostering greater transparency in law enforcement practices.

This landmark ruling underscored the upholding human rights and due process is essential, even when addressing issues of crime and public safety.

5. Incidents of Custodial Deaths and Violence

a. High Profile Cases

Custodial death and violence represents an unapproachable facet of law enforcement in india. It shows the vulnerability of individuals in police custody and raises serious issues and questions about the abuse of power.

There are two significant cases - the Tutuicorin case in TamilNadu (2020) and the Hyderabad case (2019) which basically underscored the complexities and issues surrounding such incidents and their repercussions can be seen across the country.

i. Tuticorin Custodial Deaths (2020)- Thoothukudi[2]

In June 2020, Jayaraj and Benniks, a father-son duo, were arrested in Tamil Nadu's Sathankulam town for allegedly violating COVID-19 lockdown regulations. Their minor breach led to a severe and fatal custodial violence at Sathankulam police station. The CBI conducted an inquiry and found overwhelming evidence of brutal torture. The CBI chargesheet along with forensic evidence revealed that both men were subjected to hours of continuous beating with lathis. The injuries were noticed on buttocks and backs, which were so severe that they led to internal bleeding and eventually death. The police officers involved reportedly skipped Jayaraj and Benniks and tied them down to beat mercilessly.

The post mortem report confirmed the extent of the torture, documenting 18 serious injuries and attributing their deaths to the blunt trauma they

[2]https://www.indiatoday.in/india/story/tuticorin-custodial-deaths-father-son-jayaraj-benniks-brutally-tortured-blood-walls-cbi-forensic-report-1735390-2020-10-27

endured. The CBI further detailed that the victims were even forced to clean the blood on the floor with their own clothes which was a stark reminder of the dehumanisation and power imbalance in custodial settings. Despite their plea of mercy, Jayraj and Bennik were tortured relentlessly with the police ignoring Bennik's warnings about his father's deteriorating health due to pre existing medical conditions.

This case caused an outcry not only in Tamil Nadu but also across India, reigniting the conversation about custodial torture and the impunity often enjoyed by the police officers. Nationwide protests demanded justice and systemic reforms in law enforcement. The gravity of the situation led to the arrest of police officers involved in the crime, though one sub inspector later died in COVID-19. Despite the arrests, this case remains a harsh reminder of how custodial violence can lead to tragic consequences and the systematic flaws in holding law enforcement accountable.

ii. Hyderabad Encounter (2019)[3]

In December 2019, another controversial case of police action unfolded when four men accused of raping and murdering a veterinarian in Hyderabad were killed in an alleged "encounter" by the police. The incident occurred after the accused were arrested for the gruesome crime of smothering the woman, setting her body on fire, and attempting to dispose of it. The crime itself triggered massive outrage across India, reminiscent of the 2012 Delhi gang rape case, and there was an overwhelming public demand for swift justice.

The Hyderabad police claimed that during an evidence-gathering visit to the crime scene, the accused attempted to escape by snatching police weapons, leading to an exchange of fire in which all four men were killed. While many praised the police for delivering what appeared to be instant justice, concerns were raised about the veracity of the police's version of events. Human rights groups accused the police of carrying out extrajudicial killings, bypassing the legal process.

The Supreme Court intervened and appointed a three-member inquiry commission, headed by retired Justice V S Sirpurkar. The commission's

[3]https://www.hindustantimes.com/india-news/all-4-accused-in-rape-murder-of-telangana-vet-killed-in-encounter-while-trying-to-flee-police/story-IqeIVpoCCKtcOGr772WvvO.html

report, submitted in 2022, revealed that the accused were deliberately shot with the intent to kill. The inquiry found no evidence to support the police's claim that the accused had attacked them. It recommended criminal action against the police officers involved, noting that the accused were not given a fair chance to defend themselves in a court of law.

What impact did it make on India?
Both these cases brought significant attention to the issue of police misconduct in India. The Tuticorin case highlighted the rampant issue of custodial violence, where individuals in police custody are often subjected to brutal treatment. This case exposed deep-rooted flaws in India's law enforcement system, including the lack of accountability, inadequate training, and a culture of impunity that allows police officers to use excessive force with little fear of punishment.

Hyderabad encounter shed light on the dangers of public demands of instant justice, particularly in cases involving heinous crimes like rape.
Many people viewed the police action as justified given the brutal nature of the crime,the case raised concerns about the rule of law and dangers of extrajudicial killings. The inquiry commission's findings emphasised the need for the justice system to function within legal boundaries, ensuring that accused individuals are fairly in court.

iii. Soni Sori[4]

The situation surrounding Soni sori, a dedicated adivasi rights activist, symbolises a pivotal moment in India's ongoing battle against custodial violence and police impunity, particularly in conflict-affected regions such as chhattisgarh. Sori's ordeal brought to light significant issues relating to police misconduct, judicial delays and the precarious position of activists within India's legal framework. Her case,characterized by extreme custodial torture, serves as a stark example of the widespread use od violence to stifle dissent and dominate marginalized groups including adivasi communities entangled in the Maoist conflict zone.

The supreme court engagement in Sori's case was pivotal, as it introduced judicial scrutiny into situations of custodial abuse. This

[4] https://main.sci.gov.in/jonew/judis/41210.pdf

case was crucial as it needed medical evaluations in custodial torture holding the authorities accountable. The intervention by court brought it to national attention and underscored the judiciary's role in safegaurding human rights , pressing for greater protections against custodial violence. This highlighted the judiciary's essential function in ensuring police accountability in india. Sori's case sparked discussions around police reforms, advocating for the establishment of strict guidelines regarding prisoner treatment and improving judicial oversight of custodial practices. Her situation became a rallying point for advocates demanding transparency and accountability measures, including mandatory CCTV installations in police stations, independent forensic examinations and timely judicial action on torture allegations.

Her situation galvanised civil society and attracted significant media coverage, turning custodial violence into a topic of national discussion. Human rights organisations highlighted her experience to stress the necessity for legislative reforms, resulting in changes like the National Human Rights Commission (NHRC) requiring timely investigations into police misconduct. Sori's struggle has since been cited in cases concerning activists and detainees, establishing a benchmark for documenting custodial abuse and promoting reforms to protect fundamental human rights in conflict zones. Sori's narrative sheds light on the oppression endured by India's tribal communities, who often find themselves trapped between state authorities and insurgent factions.

The sori case significantly influenced Indian policy and society by highlighting the need for stronger protections against custodial violence and advocating for independent human rights bodies to investigate abuses. It has prompted ongoing efforts to monitor detainee treatment and protect activists, emphasising the importance of safeguarding human rights, especially in insurgency-prone areas.

iv. Shetye - mumbai[5]

The tragic custodial death of Manjula Shetye in Mumbai's Byculla Women's Jail on June 23, 2017, brought to light the severe conditions and abuses faced by prisoners, especially women, in India. Shetye, a convict serving time for murder, was allegedly tortured by jail staff, leading to her

[5]https://timesofindia.indiatimes.com/city/mumbai/blow-by-blow-account-of-jail-inmates-killing/articleshow/67067663.cms

death at the state-run JJ Hospital. This incident marked one of the most brutal instances of custodial violence and sparked public outrage, leading to demands for better protections and reforms in the prison system.

Shetye's death reportedly followed an argument over the distribution of food items in the prison. Witnesses, primarily other inmates, claimed that jail staff assaulted her with lathis , hitting her across the body and head. Some even testified that she was stripped and suffered severe sexual abuse, with a lathi allegedly inserted into her private parts, Shetye succumbed to her injuries hours later in the hospital.

Following her death, violence erupted in Byculla Jail, with inmates protesting the alleged torture. This led to a prompt response from authorities, and six prison officials, including a jailor, were charged with murder and sexual assault. An investigation by the Maharashtra State Commission for Women (MSCW) was initiated, and a Special Investigation Team (SIT) was appointed to examine not only Shetye's death but also the living conditions in Maharashtra's women's jails.

The court proceedings in shetye's case revealed the systemic failures in addressing prisoner's rights and managing grievances in overcrowded prisons. The SIT report highlighted that jails in Maharashtra often housed inmates at more than 400 percent capacity, exacerbating tensions and leading to substandard living conditions.

The visibility of the shetye's case has led to calls for independent oversight bodies to monitor custodial conditions and regularly audit prison facilities to prevent future abuses.

Manjula's case underscored the need for a national overhaul of India's prison system and highlighted the importance of humane treatment within detention facilities. Although structural change has been slow, her death has become emblematic of the urgent need for justice and reform, impacting policy discourse on custodial rights and emphasising the human rights of prisoners. This case continues to remind India of its responsibility to ensure the dignity and safety of all individuals, regardless of their status in society.

b. NCRB Data and Trends in Custodial Violence

The National Human Rights Commission (NHRC) had recorded a total of 914 deaths in police and judicial custody in the year 2020, while according to the 'India: Annual Report on Torture 2019, over five persons were killed every day in police custody in the year 2019 with total of 1731 people losing their life in custody. Further, the Status of Policing in India Report 2019 showed that 427 persons died in police custody during the period (2016-2019), and the report published by the Asian Centre for Human Rights (ACHR) in June 2018, claimed that around 1674 custodial deaths were witnessed from 1st April 2017 to 28th February 2018. [6]

Custodial violence in India remains a significant human rights issue, impeding democratic values and well-being. According to National Crime Records Bureau (NCRB) data from 2001 to 2018, only 26 convictions were made against police personnel for custodial violence, despite a reported 1,727 custodial deaths. This lack of accountability is further illustrated by data from the National Human Rights Commission (NHRC), which shows hundreds of custodial death cases, with many remaining unresolved. For instance, in April 2021, 178 cases of judicial custodial deaths were reported, of which 3029 cases remain pending, underscoring a backlog and systemic inertia.

A closer look at custodial deaths between 2015 and 2019 reveals troubling patterns: suicides constitute 36% of deaths in police custody, while only 6% of cases acknowledge physical assault. Additionally, 40% of custodial deaths are attributed to "hospitalisation, illness, or natural causes," raising concerns over the quality of detainee care and potential cover-ups.

India's legal framework has provisions aimed at curbing custodial torture, including IPC Sections 330 and 348, and safeguards introduced in the Criminal Procedure Code (CrPC) with amendments such as 41A-41D, emphasizing documented arrests, detainee transparency, and access to legal representation. However, despite these protections, persistent custodial violence indicates challenges in implementation, a lack of stringent punitive measures for perpetrators, and issues in maintaining judicial independence from police influence.

Ultimately, NCRB data points to systemic challenges: a failure in the timely processing of complaints, and recurring custodial deaths signal inadequacies in

6 https://www.livelaw.in/law-firms/law-firm-articles-/custodial-violence-rule-of-law-indian-evidence-act-national-human-rights-commission-184197

accountability, detainee protection, and systemic compliance. This study suggests that while India's legislative framework provides a foundation for custodial rights, effective enforcement, improved transparency, and training are imperative to address and mitigate custodial violence comprehensively.

6. Institutional Failures and Lack of Accountability

a. National Human Rights Commission (NHRC) and Guidelines

The National Human Rights Commission (NHRC), established under the Protection of Human Rights Act (1993), is committed to protecting and promoting human rights in India. Although it functions as an independent body, its main role is to provide recommendations, lacking the power to enforce them, which limits its ability to offer actionable solutions.

The NHRC has investigated numerous cases of custodial deaths, including significant incidents related to the godhra violence. While it has made recommendations and suggested compensation, its enforcement capabilities are restricted, depending heavily on government action for implementation.

In tackling the socioeconomic issues that contribute to human rights violations, the NHRC's inititaives regarding farmer suicides in maharashtra highlights its dedication to broader societal concerns beyond just custodial issues. however , the persistently high suicide rates reflect the commision's limited ability to effect systemic change.

The NHRC's reliance on cooperation from both state and central governments hinders its capacity to enforce guidelines or hold accountable those responsible for custodial torture and deaths. Additionally, it often faces challenges in securing full support from local authorities during investigations, which can undermine the thoroughness and effectiveness of its inquiries.
To address accountability gaps, it would be advantageous to enhance the NHRC's powers to make its recommendations binding in cases of custodial torture and human rights violations. Improving custodial oversight protocols, including regular inspections and ensuring that video recordings of custodial interactions are accessible to the NHRC, could significantly increase transparency.

<u>Key Incidents Highlighting Failures and Impact:</u>

i. Kalinganagar and Nandigram Violence: The NHRC has been criticized for its inadequate response to custodial torture in incidents like the Kalinganagar and Nandigram violence. Despite acknowledging these events and recommending monetary compensation for victims, the NHRC has often failed to ensure accountability for police misconduct or to pursue prosecution for custodial torture.
Victim's families have faced intimidation , exacerbating feelings of injustice, while ongoing trauma and financial hardships underscore the long term impacts of these incidents.

ii. Punjab Mass Cremation Case (1984-94): This case highlights severe human rights violations during counter-insurgency efforts, characterised by the unlawful cremation of thousands of suspected militants without adequate information and documentation.
Human rights activist Jaswant Singh Khalra revealed 6,000 secret cremations leading to SC ordered NHRC investigation in 1996. Although the NHRC confirmed 2097 illegal cremations, its inquiry was limited to specific locations, overlooking the broader issues of extrajudicial killings and enforced disappearances.
While some families received partial compensation, they continue to seek justice, facing psychological trauma and strong desire for accountability. This situation emphasises the urgent need for comprehensive reforms to uphold justice and human rights.

In conclusion, although the NHRC;s efforts to combat custodial torture and human rights abuses demonstrate its dedication to addressing these issues, its effectiveness is limited by its advisory capacity, reliance on state cooperation, and challenges in investigations. To more effectively tackle custodial torture and safegaurd human rights in india, it is crucial to enhance the NHRC's authority and establish clearer accountability frameworks.

b. State Human Rights Commissions (SHRCs)

State Human Rights Commissions (SHRCs), formed under the 1993 Protection of Human Rights Act, are tasked with investigating human rights violations at the state level. Although they have a comprehensive mandate, SHRCs encounter significant challenges due to their non-binding recommendations, which limits their ability to hold violators accountable.

The madras high court recently highlighted that making SHRC recommendations legally binding could enhance justice for victims. However, many SHRCs struggle with high vacancy rates reaching as much as 44.3% leading to delays and unresolved cases , especially those related to custodial tortures. These issues are further aggravated by inconsistent state funding, which hampers SHRC operations, resulting in insufficient staff outdated technology and limited public engagement. As a result SHRC often find it difficult to manage their caseloads, with eight commissions resolving less than 60% of complaints in 2020-21 and over 33,000 cases still pending at the end of 2021.

The reliance on state support and constrained legal authority compromises the objectivity of SHRCs , particularly in high profile cases involving law enforcement.

This lack of enforcement power allows state agencies to overlook SHRCs findings, enabling continued custodial torture and other violations. Furthermore, insufficient gender representation and diversity within SHRCs can lead to biases hindering their advocacy for marginalised communities. While there have been some positive developments such as recent compensations awarded for custodial torture in Tamil Nadu and the structural limitations of SHRCs often prevent them from making a significant impact.

These challenges highlight the urgent need for binding powers, adequate resources and systemic reform to enhance the effectiveness of SHRCs in safeguarding human rights in india.

c. Police Impunity and Abuse of Power

The problem of custodial torture in india is deeply rooted in police impunity and a persuasive culture of power misuse. Despite the presence of various reforms and human rights protections, law enforcement often operates with little accountability. The lack of oversight enables police officers to act without repercussions, resulting in severe human rights violations including torture and extrajudicial killings.

A significant example is the case of 2017, a man named Shahbaz was allegedly tortured to death while in police custody in Meerut, UP. the police initially claimed that shahbaz died of heart attack; however autopsy reports indicated that he sustained severe injuries consistent with torture. Activists and family accused the local police of misconduct leading to a loss of life.

The struggle against custodial torture is intricately linked to the larger fight against police impunity and abuse of power. Without fundamental reforms that foster accountability and transparency, victims will continue to suffer, and public trust in law enforcement will wane. While a robust legal framework is essential, it must be actively enforced to create a police force that genuinely upholds the rule of law and protects the rights of all citizens. Only then can we aspire to develop a justice system that fulfils its critical role: safeguarding human dignity and preventing abuse.

The National Police Commission (NPC) had previously proposed mandatory judicial inquiries for custodial deaths and torture, yet these recommendations remain largely ignored. Victims seeking justice frequently encounter institutional barriers that discourage reporting and lead to victim-blaming.

Judicial oversight is crucial in curbing police excesses, however there have been instances where courts have undermined the efforts of human rights organisations.

Police impunity and abuse of power in India highlights systemic issues undermining accountability, human rights, and public trust. Legal protections such as section 197 of the criminal procedure code, shield officers from prosecution, enabling misconduct like excessive force and custodial violence to go unpunished. Ineffective internal disciplinary processes further discourage victims from reporting abuse, perpetuating a cycle of unchecked power.

7. Police Accountability and Reforms

a. Status of Police Reforms (Prakash Singh Case)[7]

The status of police reforms in India, especially following the landmark prakash singh case, highlights ongoing efforts to enhance accountability and minimise political interference in law enforcement. In 2006, the supreme court of india responded to the prakash singh petition by issuing directives that outlined essential reforms aimed at creating a more accountable , transparent and community oriented police force. These reforms sought to prevent abuses of power and set up oversight mechanisms to hold police officers accountable for any misconduct. Notable recommendations included reorganising police structures to promote professionalism and limit political influence, thereby allowing police to operate with greater independence and impartiality.

[7] Prakash Singh & Ors v. Union of India (Writ Petition (civil) 310 of 1996)

Nevertheless, the implementation of these reforms face considerable challenges. Political resistance poses a significant hurdle,as a police force is frequently employed to further political agendas, complicating the pursuit of law enforcement autonomy. The internal cultural resistance within the police organisations also slows down reform efforts, eliminating practices and hierarchical norms often hinder necessary changes in training and misconduct for effective reform.

Public doubtfulness is widespread, with many communities viewing the police as fundamentally flawed institutions, which can obstruct initiatives aimed at building trust and improving accountability.

Some regions have made progress towards reforms. For example, the Khyber Pakhtunkhwa Police act 2017 sought to align procedural reforms with international standards, emphasising transparency and accountability. On a global scale, incidents like Eric Gartner's case in the US have underscored the need for clear, transparent protocols in instances of police-involved fatalities, igniting calls for systemic change.

While advancements have been made, the path to meaningful police reform in India remains ongoing. Addressing political resistance, organisational culture and public distrust will be vital in integrating accountability principles into police practices, ensuring that law enforcement truly serves as a guardian of citizens' rights.

b. Challenges in Implementation and Structural Issues

Implementing meaningful reforms across various sectors in India faces numerous challenges, ranging from limited resources to structural and governance issues. For example, in law enforcement, the push for an accountable and independent police force, as highlighted by the prakash singh case, has encountered significant obstacles. Political interference is a major barrier, as state governments continue to influence police transfers, appointments and promotions, despite supreme court directives advocating for independent oversight. This political involvement undermines the establishment of merit based systems, negatively affecting police morale and fostering a culture of compliance with political entities, which in turn hampers objective law enforcement.

Resource constraints including tight budgets, inadequate training and outdated technology, further impede effective implementation. Police officers often operate with minimal resources, work long hours and lack access to ongoing training in

ethics, modern policing techniques and community relations. These deficiencies hinder their ability to engage proactively with communities, leading to the continuation of outdated, reactive practices rather than a community focused policing model.

Custodial torture in india highlights ongoing challenges related to police accountability and systemic issues, despite the reforms suggested in the Prakash Singh case. Legal and institutional shortcomings lead to uncertainty, as there are no explicit laws prohibiting torture, which complicates enforcement efforts.

Political interference often hampers impartial investigations into custodial violence, and insufficient training leaves many officers ill-equipped to uphold human rights standards, resulting in violations during detentions. Structural weaknesses, including outdated legal systems, a lack of independent oversight, and ineffective reporting mechanisms, foster a culture of impunity within police forces.
The Prakash Singh case established a crucial foundation for police accountability, advocating for independence from political pressure, the establishment of police complaints authorities, and enhanced training programs. However, advancements have been a bit inactive, necessitating continuous monitoring , engagement from civil society and committed political will to create comprehensive accountability and eradicate custodial torture.

8. Impact on Marginalised Communities

a. Custodial Violence against SC/ST and Minorities

India's criminal justice system (CJS) often falls short in safeguarding the rights of minority groups, plagued by entrenched biases, outdated legislation and inadequate accountability. This leads to widespread discrimination, particularly against Muslims, Christians, Sikhs and indigenous communities. Rooted in colonial era laws, India's CJS has maintained oppressive powers through regulations like the criminal procedural code(CrCP) and police act, which frequently facilitate police overreach, disproportionately affecting minorities and protestors.

The 2005 Sachar Committee brought attention to police brutality and institutional biases, indicating that muslims often face increased surveillance and profiling. Additional reports, such as the Vohra committee's findings on the "criminalization of politics", reveal the connection between political power and law enforcement, hindering vital reforms and perpetuating discrimination.

Historical events further illustrate these systemic failures. Notable incidents include the 1984 anti sikh riots, the 2002 Gujarat riots targeting muslims and the 2008 Kandhamal violence against Christians, all of which demonstrates the CJS's inability to protect minorities. Despite recommendations from both national and international organisations, essential reforms remain largely unaddressed.

Some of the examples are as follows:

i. Anti-Sikh Riots (1984): Following the assassination of Prime Minister Indira Gandhi by her sikh bodyguards, widespread violence erupted against the Sikh community. Thousands of Sikhs were killed, businesses and homes destroyed and countless others displaced. The government's response was criticised for allowing the violence to escalate, with many officials allegedly complicit. This episode exemplified the failures of the CJS to protect minorities during communal crises.

ii. Gujarat Riots (2002): The violence targeting Muslims in Gujarat in 2002 following the Godhra train incident became one of India's most notorious examples of state complicity in communal violence. Reports indicated police inaction , biassed investigations, and political interference in curbing the violence, which led to over a thousand deaths, widespread displacement, and destruction of property. Investigations pointed to systemic flaws in the CJS that prevented timely justice for victims.

iii. Kandhamal Riots (2008): In Orissa's Kandhamal district, violence against Christians led to the destruction of homes, places of worship and the displacement of thousands. The violence was largely ignored by law enforcement, with authorities accused of turning a blind eye to mob attacks and failing to protect vulnerable minority groups in conflict ridden regions.

b. Intersection of Caste, Class, and Policing

The convergence of caste, class and policing in India creates a troubling environment for custodial torture and systemic violence against marginalized communities , particularly Scheduled castes, Schedule tribes and minorities. The historical legacies of caste discrimination and socio-economics hierarchies perpetuate cycles of injustice, resulting in a law enforcement system that disproportionately targets and brutalises those at the lower ends of social and economic strata.

The caste system, a deeply ingrained social structure, shapes how police perceive and engage with marginalized groups, casteist biases within law enforcement often make dalits and adivasis more vulnerable to violence, arbitrary detention and custodial torture. For example, in the case of the 2020 custodial death of a dalit man in uttar pradesh, caste based discrimination is evident in policing practices, fostering mistrust and fear among marginalised groups who lack protection and recourse. Class further exacerbates these vulnerabilities, as individuals from economically disadvantaged backgrounds encounter additional obstacles when seeking justice or challenging abuses.

Limited access to resources and legal options isolates these communities, complicating their ability to resist state-sanctioned violence or demand accountability. Policing practices in India, shaped by colonial legacies, often function with unchecked authority over marginalised communities, extrajudicial actions such as encounter killings frequently target lower caste and economically disenfranchised individuals under the pretext of maintaining law and order. This socio-economics marginalisation increases vulnerability, as these communities lack the political power and social capital to hold law enforcement accountable.

Additionally , for marginalised women, the intersection of caste,class, and gender intensifies vulnerability, as those face both caste-based and gender-based violence. The interplay of these factors creates a repressive environment where law enforcement acts as an extension of social hierarchies rather than a source of protection. To address this issue, systemic reforms are crucial, focusing on dismantling casteist and classist biases in policing and ensuring legal access to legal resources for marginalised communities. Establishing an equitable and just system necessitates policy reforms, judicial oversight, and a cultural shift toward recognizing the rights and dignity of all citizens, aiming to dismantle the deeply rooted structures of caste and class that perpetuate abuse in India's law enforcement practices.

9. India's Position on International Treaties

a. UN Convention Against Torture (UNCAT) and Non-Ratification

The UN convention Against Torture and other Cruel, inhuman or Degrading Treatment or Punishment (UNCAT) is a key international human rights treaty adopted in 1984 and effective from 1987, aiming to prevent torture globally. India signed the convention in 1997 but has not yet ratified.

The Indian government cites several reasons for this non-ratification, primarily focusing on implications for internal security and legal frameworks. There are concerns that ratification could affect law enforcement practices, particularly in regions facing conflict. Furthermore, the absence of specific laws defining torture within the indian legal system raises apprehensions about compatibility with UNCAT provisions.

Despite not ratifying UNCAT, india has laws addressing torture and custodial violence, such as Indian Penal Code(IPC), which includes sections on wrongful confinement and causing hurt although no specific provision criminalizes torture. The supreme court has acknowledged custodial torture as a violation of fundamental rights under article 21 (right to life and personal liberty) of the constitution, deeming it unacceptable.

However, various challenges hinder ratification, including political resistance, particularly from law enforcement agencies and concerns regarding potential hindrances to counter-terrorism efforts. Additionally , a lack of public awareness about the implications of torture and human rights can lead to insufficient pressure for ratification. India's non ratification has significant consequences, including international criticism, which affects diplomatic relations and perpetuates a culture of impunity for custodial torture and other violations.
To align with international norms, India could criminalize torture through specific legislation, engage in dialogue to address concerns regarding UNCAT, and implement public awareness campaigns about the importance of human rights protections.

b. India's Commitments under Universal Human Rights Frameworks

Universal human rights frameworks encompass international treaties and agreements aimed at promoting and safeguarding human rights across the globe. The Universal Declaration of Human Rights (UDHR), established in 1948, serves as the foundation of these frameworks, india has ratified several important international human rights treaties, such as the international covenant on civil and political rights (ICCPR), which addresses civil and political rights like the right to life and freedom of speech. It has also ratified the International Covenant on Economic, Social and Cultural Rights(ICESCR), which highlights rights related to work, education, health and decent standard of living. Furthermore, India is a signatory to the convention on the Elimination of all forms of Discrimination

Against Women (CEDAW) ,which strives to eradicate discrimination against women.

To align its domestic laws with international human rights standards, India has enacted various legislations, including the RTI, which fosters transparency and accountability, and the Protection of Human Rights act , which creates the NHRC to investigate violations. The SC and ST (Prevention of atrocities) Act works to shield marginalised communities from discrimination and violence.

Despite these commitments, India faces considerable challenges in effectively implementing the human rights framework. Institutional weaknesses often limit the efficacy of human right bodies , which frequently lack the necessary resources and authority. Social and economic disparities rooted in caste, gender and religion further obstruct the realisation of universal human rights. Additionally, political resistance may favour security measures over human rights, resulting in violations. India's human rights record has drawn criticism from both national and international observers, particularly concerning freedom of expression, as media restrictions and limitations on dissent raise alarms about free speech. Reports of custodial violence reflect an inadequate protection of citizens' rights.

To bolster its commitments, India should enhance human rights institutions like the NHRC by providing sufficient resources and authority, involve civil society organisations to foster awareness and accountability for violations, and create comprehensive policies that specifically address the rights of marginalised groups, ensuring their voices are amplified and their rights are safeguarded.

10. Recommendations

a. India's **ratification of the UNCAT**, accompanied by a tailored approach to address security concerns, would bring the country in the line with international human rights standards and enhance legal protections against torture. Alongside this ratification, India could **implement a National Preventive Mechanism (NPM) within the UNCAT framework** similar to initiatives taken by countries like Argentina and Germany and set up a **commission for inmates**. These mechanisms conduct **surprise inspections of detention facilities** to identify and report conditions that may lead to custodial violence. By aligning domestic legislation with UNCAT standards and establishing effective inspection mechanisms, India would demonstrate its commitment to fighting custodial torture while strengthening deterrent measures at institutional levels.

b. Implementing mandatory legal representation from the moment of arrest, similar to practices in the United States and certain EU countries, can offer detainees essential support to prevent coercive practices. **For instance, in France, individuals in custody are assured the right to legal representation within horse of their arrest.**

c. Local legal aid lawyers could get listed on a local panel of the court in a particular jurisdiction for representing inmates during initial interrogations. The police shall not interrogate any individual without the presence of an advocate unless otherwise mandated by a provision of law. This right could be extended to marginalised communities by establishing **a national network on call**. Furthermore, detainees should undergo **independent medical evaluations** shortly after their arrest, as exemplified in Norway, where medical assessments **record injuries upon entering police custody**. These protective measures would foster a transparent process, significantly reducing the potential for abuse.

d. Mandatory installation of CCTV Cameras in police stations, lock ups, and interrogation rooms, ensuring secure, **real-time monitoring** by an independent body could assist the prosecution and prevention of custodial violence cases. This strategy draws from best practices in Japan and South Korea, where real-time surveillance is utilised in custodial environments to **oversee interrogations and prevent misconduct.** Additionally, the implementing **body-worn cameras for officers during arrests and interrogations**, similar to practices in Australia, would enhance accountability. In India, these recordings should be stored using tamper proof technology, such as blockchain,and undergo regular audits to avoid manipulation. Non-compliance or tampering with surveillance footage should incur penalties, establishing a strong deterrent.

e. An independent custodial oversight mechanism, free from police influence, is essential for conducting impartial investigations into cases of custodial torture. In the UK, the **Independent Office for Police Conduct (IOPC)** manages complaints against the police, maintaining its autonomy from law enforcement agencies. Similarly, Brazil has established **state-level ombudsman offices** that operate independently of the police to address complaints of abuse. India could adopt these models by creating state-level Custodial Oversight Commissions that function separately from local police forces and report to a central, independent National Custodial Oversight Commission. These entities would investigate

custodial deaths, allegations of torture, and patterns of misconduct, thereby enhancing accountability and discouraging abuse.

f. **In-Depth Training for Special Executive Magistrates (SEMs)**, focused on evaluating all the cases for judicial or magisterial custody to prevent any automatic remand practices. This assessment can be prioritized by **personalized assessments** and highlights the impacts of the custodial trauma. Increasing the frequency of soft skills sessions regularly to handle inmates is crucial.

g. All the magistrates may be directed to **thoroughly scrutinize the case diary entries** and the review records on detainees to detect any of the custodial abuse.

11. Conclusion

In conclusion, this paper emphasizes the urgent necessity for India to address custodial torture and enhance human rights protections within its justice system, particularly for marginalized communities. The findings uncover deep-rooted issues of accountability, institutional inertia, and obstacles to justice that compromise India's commitment to international human rights norms. To address these challenges, India can adopt global best practices to implement significant reform, such as establishing transparent oversight mechanisms, bolstering human rights commissions, and requiring specialised training for law enforcement to prevent misconduct. If these measures are sincerely enacted, they hold the potential to foster a culture of accountability and respect for human rights in the justice system. By advocating for these reforms, India can strengthen its democratic values, serve as a regional model, and promote a more equitable and compassionate approach to law enforcement that genuinely protects the dignity and rights of all citizens.

References

1. Singh, K. (n.d.). *Shri D.K. Basu,Ashok K. Johri vs State Of West Bengal,State Of U.P on 18 December, 1996*. Indian Kanoon. Retrieved November 5, 2024, from https://indiankanoon.org/doc/501198/

2. *Custodial Violence Indian Perspective*. (n.d.). Legal Service India. Retrieved October 30, 2024,from https://www.legalserviceindia.com/legal/article-55-custodial-violence-indian-perspective.html

3. *Custodial Violence | Status of Custodial Violence in India - UPSC Notes*. (n.d.). BYJU'S. Retrieved October 30, 2024, from https://byjus.com/free-ias-prep/custodial-violence/

4. Deshmukh, K. (n.d.). *Custodial Deaths and the Underprivileged- A Lone Voice in the Wilderness - LEX ERUDITES*. LEX ERUDITES -. Retrieved October 29, 2024, from https://lexerudites.com/custodial-deaths-and-the-underprivileged-a-lone-voice-in-the-wilderness/

5. *India - United States Department of State*. (n.d.). State Department. Retrieved October 29, 2024, from https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/india/

6. Indulia, B. (2024, March 23). *Custodial Torture in India: Intersection of Criminal Law and Constitutional Rights*. SCC Online. Retrieved October 29, 2024, from https://www.scconline.com/blog/post/2024/03/23/custodial-torture-in-india-intersection-of-criminal-law-and-constitutional-rights

7. Kapoor, V. (2024, July 18). *Critical study on custodial violence and role of magistrate*. iPleaders. Retrieved October 29, 2024, from https://blog.ipleaders.in/critical-study-on-custodial-violence-and-role-of-magistrate/

8. *LOCATING NATIONAL HUMAN RIGHTS COMMISSION WITHIN THE HUMAN RIGHTS DISCOURSE AT THE GRASSROOTS IN RURAL INDIA*. (n.d.). National Human Rights Commission India. Retrieved October 29, 2024, from https://nhrc.nic.in/sites/default/files/Locating%20NHRC%20within%20the%20human%20rights%20discourse%20at%20grassroots%20Final%20%281%29.pdf

9. *NHRC's recommendations on Custodial Justice*. (n.d.). National Human Rights Commission India. Retrieved October 30, 2024, from https://nhrc.nic.in/press-release/nhrcs-recommendations-custodial-justice

10. *Study Relating to Custodial Violence by Police In India*. (n.d.). International Journal of Advanced Research in Science, Communication and Technology. Retrieved October 30, 2024, from https://ijarsct.co.in/Paper17091.pdf

11. *VIOLATION OF HUMAN RIGHTS BY STATE: A CASE STUDY OF CUSTODIAL VIOLENCE IN DELHI*. (n.d.). Jamia Millia Islamia. Retrieved October 29, 2024, from https://jmi.ac.in/upload/Research/ab2003_polscience_poojatalwar.pdf