

CUSTODIAL DEATHS IN INDIA: LEGAL FRAMEWORK, JUDICIAL RESPONSES, AND ENFORCEMENT CHALLENGES

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Abstract : Custodial deaths pose a severe threat to the rule of law and human rights in India. Despite a well-established constitutional and legal framework, the incidence of custodial violence and death continues to challenge the country's democratic and judicial commitments. This paper critically examines the legal safeguards available under Indian law, evaluates judicial responses in prominent custodial death cases, and identifies enforcement gaps that perpetuate impunity. The study also offers concrete recommendations to strengthen accountability mechanisms and prevent future violations.

Keywords : Custodial Deaths, Jail, Jail laws.

1.0 Introduction

Custodial deaths represent one of the gravest violations of human rights within a democratic state governed by the rule of law. "These deaths occur when individuals die while in the custody of police, judicial, or other state authorities. Although Article 21 of the Constitution of India guarantees the right to life and personal liberty, custodial deaths highlight the systematic failure of state mechanisms to uphold these fundamental rights, especially for the most marginalized and vulnerable sections of society".

The phenomenon of custodial deaths is not new in India; however, its persistence, frequency, and impunity with which perpetrators often escape legal accountability make it a critical area of concern. Reports from institutions such as "the National Human Rights Commission (NHRC), National Crime Records Bureau (NCRB)", & civil society organizations consistently reveal disturbing trends in custodial violence and deaths. According to the NCRB data, hundreds of custodial deaths are reported annually, yet only a fraction result in conviction or even prosecution of the responsible officials.

Despite a well-laid constitutional framework and a series of judicial pronouncements aimed at curbing torture and protecting detainees, the implementation gap continues to widen. Legislative efforts such as "the Code of Criminal Procedure (CrPC), Indian Penal Code (IPC), the Protection of Human Rights Act, and guidelines laid down by the Supreme Court in landmark cases like *D.K. Basu v. State of West Bengal* have sought to create safeguards". However, these protections often remain only on paper, failing to translate into actionable justice for victims and their families.

This research paper examines the legal framework surrounding custodial deaths in India, explores judicial interpretations and their impact on state accountability, and highlights enforcement challenges that contribute to systemic impunity. It also evaluates international legal obligations under treaties like "the United Nations Convention Against Torture (UNCAT)" and assesses India's compliance. Through a critical analysis, this paper aims to contribute to the discourse on custodial justice, accountability, and institutional reform.

2.0 Legal Framework Governing Custodial Deaths In India

India's constitutional and statutory framework provides strong theoretical safeguards against custodial torture and deaths. Yet, the persistence of such incidents points to systemic inadequacies in enforcement, procedural compliance, and legal accountability.

2.1 Constitutional Provisions: The foundation of legal protection against custodial deaths rests in "Article 21 of the Constitution of India, which guarantees the right to life and personal liberty. The Supreme Court has expanded its interpretation over time to include the right to live with human dignity, protection from torture, and access to fair procedures even during arrest and detention"¹.

Moreover, Article 22(1) ensures protection against arbitrary arrest by mandating that “an arrested person must be informed of the grounds of arrest and allowed to consult a legal practitioner of their choice”ⁱⁱ. Article 20(3) provides “the right against self-incrimination, indirectly preventing forced confessions obtained through custodial torture”.

2.2 Indian Penal Code (IPC), 1860: The IPC punishes offences committed by public servants. Sections particularly relevant to custodial deaths include:

- “Section 302: Punishment for murder, which is applicable in cases of custodial death unless proven otherwise.
- Section 330 & 331: Punishment for voluntarily causing hurt or grievous hurt to extort confession, typically invoked in custodial torture cases.
- Section 342 & 348: Deal with wrongful confinement and confinement with intent to extort confession.

Despite these provisions, custodial deaths are rarely prosecuted under Section 302. Instead, the deaths are often misrepresented as suicides or natural causes, thereby enabling evasion of criminal liability”ⁱⁱⁱ.

2.3 Code of Criminal Procedure (CrPC), 1973: The CrPC outlines procedures designed to prevent abuse of power by police officials:

- “Section 41: Lays down conditions under which a person may be arrested without warrant, emphasizing necessity and proportionality.
- Section 46(4): Explicitly prohibits the causing of death of a person who is not accused of an offence punishable with death or life imprisonment.
- Section 176(1-A): Mandates a judicial magistrate inquiry in cases of death, disappearance, or rape in custody, introduced via an amendment in 2005.

However, judicial inquiries under this section are often perfunctory, delayed, or inadequately conducted due to lack of autonomy and political interference”^{iv}.

2.4 The Protection of Human Rights Act, 1993: “The Act establishes the National Human Rights Commission (NHRC), which has issued several guidelines to prevent custodial deaths”. The NHRC mandates that “all cases of custodial death must be reported within 24 hours and investigated thoroughly”^v. However, NHRC recommendations are not binding, limiting their enforceability.

2.5 Judicial Guidelines – “D.K. Basu v. State of West Bengal”: The landmark case of “*D.K. Basu v. State of West Bengal* (1997)” laid down 11 procedural safeguards during arrest and detention, including mandatory medical examination, preparation of arrest memo, and informing relatives of the detainee”^{vi}. Despite these guidelines being legally enforceable under Article 141 of the Constitution, their actual implementation remains sporadic”^{vii}.

2.6 International Legal Framework: “India is a signatory to the United Nations Convention Against Torture (UNCAT), which mandates prohibition, criminalization, and prevention of torture. However, India has failed to ratify the Convention and enact enabling legislation, despite recommendations from the Law Commission and civil society”^{viii}.

In 2010, “the Prevention of Torture Bill was introduced in Parliament, but it lapsed without enactment. The failure to criminalize torture as a specific offence under Indian law remains a glaring gap”^{ix}.

3.0 Judicial Responses To Custodial Deaths In India

The Indian judiciary has played a pivotal role in evolving jurisprudence around custodial violence and deaths, especially in the absence of a specific anti-torture law. Through a series of landmark judgments, the Supreme Court and various High Courts have emphasized the duty of the State to ensure the right to life and dignity of persons under custody, and to hold erring officers accountable.

3.1 D.K. Basu v. State of West Bengal (1997): “In one of the most significant rulings on custodial violence, the Supreme Court in *D.K. Basu v. State of West Bengal* laid down detailed guidelines to prevent custodial torture during arrest and interrogation”. The Court held that custodial violence and deaths not only violate Article 21 but also corrode public trust in law enforcement”^x. The guidelines included requirements such as preparing a memo of arrest, informing a friend or relative of the detainee, medical examinations every 48 hours, and notifying the arrest to the magistrate. These safeguards were declared enforceable under Article 141,

making them binding on all police agencies.

3.2 Nilabati Behera v. State of Orissa (1993): “In *Nilabati Behera v. State of Orissa*, the Supreme Court awarded compensation to the mother of a 22-year-old boy who died in police custody. The Court held that the State was liable for the violation of the fundamental right to life under Article 21, and that monetary compensation could be awarded under public law remedy distinct from civil liability^{xvi}. This judgment laid the foundation for compensation jurisprudence in custodial death cases^{xvii}.”

3.3 Prakash Kadam v. Ramprasad Vishwanath Gupta (2011): In this case, the Supreme Court reiterated that custodial killings are among the worst forms of crime committed by persons in power. The Court condemned “fake encounters” and warned that such killings are equivalent to cold-blooded murder, warranting the harshest punishment^{xviii}. The judgment emphasized that police officers who act beyond the bounds of legality under the guise of law enforcement cannot claim special immunity.

3.4 State of M.P. v. Shyamsunder Trivedi (1995): Apex Court expressed deep concern over the failure of investigating agencies to prosecute custodial torture cases effectively. It criticized the tendency of courts to acquit police officers due to minor inconsistencies in witness testimony, which often results from fear, coercion, or manipulation^{xix}. The Court urged for a more realistic, victim-oriented approach when dealing with cases involving custodial violence.

3.5 Re-Inhuman Conditions in 1382 Prisons, In Re (2016): In this suo motu case, the Supreme Court addressed overcrowding, poor living conditions, and torture in prisons. The Court acknowledged that prolonged detention, denial of bail, and police apathy contributed significantly to custodial violence^{xx}. “It directed the National Legal Services Authority (NALSA) and the State Legal Services Authorities to monitor prison conditions and report violations”.

3.6 People’s Union for Civil Liberties (PUCL) v. State of Maharashtra (2014): “This case dealt with the issue of extra-judicial killings by the police in Mumbai. The Supreme Court laid down detailed procedures to be followed in cases of encounter killings, including mandatory registration of FIR, independent investigation by CID or a different police station, magisterial inquiry, and judicial oversight^{xxi}. These guidelines aimed at curbing impunity and bringing greater transparency to custodial deaths disguised as encounters^{xxii}.”

3.7 Compensation and Accountability Mechanism: While the courts have developed compensation jurisprudence under public law, they have also stressed that financial compensation cannot replace criminal accountability. In “*Rudul Sah v. State of Bihar*”, the Court held that mere release of a detainee who was illegally confined for over 14 years was not sufficient and directed monetary compensation for violation of fundamental rights^{xxiii}. However, despite judicial activism, there is a marked gap between pronouncement and enforcement.

4.0 Enforcement Challenges And Institutional Impunity

Despite a relatively robust constitutional and judicial framework, custodial deaths continue unabated in India. The persistence of such deaths highlights the serious enforcement challenges that impede justice, and the institutional impunity enjoyed by law enforcement personnel. These challenges stem from a combination of administrative apathy, procedural gaps, cultural tolerance for custodial violence, and lack of accountability mechanisms.

4.1 Lack of Independent Investigation Mechanism: One of the most glaring enforcement challenges is the absence of a truly independent mechanism to investigate custodial deaths. Currently, the investigation is mostly carried out by the same police force to which the accused officers belong, creating a serious conflict of interest^{xxiv}. Though “Section 176(1A) of the Code of Criminal Procedure mandates a judicial magistrate inquiry in all custodial death cases, compliance remains largely perfunctory”.

Moreover, while “the National Human Rights Commission (NHRC)” is authorized to monitor such incidents, its role is limited to recommending actions and it lacks binding powers. As a result, many custodial death cases do not lead to prosecution or disciplinary action against the perpetrators.

4.2 Delay in Prosecution and Judicial Apathy: Prosecuting custodial death cases often takes years, by which time witnesses turn hostile or evidence is lost. Conviction rates in such cases remain extremely low—according to NHRC data, less than 5% of all custodial death cases between 2015 and 2020 led to convictions^{xxv}. Trial delays and judicial reluctance to treat police officers as ordinary accused contribute to this problem.

In “*State of Uttar Pradesh v. Ram Sagar Yadav*”^{xxi}, the Supreme Court lamented the culture of protectionism within law enforcement, where investigating officers shield their colleagues, delaying justice. In many cases, magistrates also fail to exercise their supervisory powers effectively during remand and bail proceedings, enabling prolonged illegal custody.

4.3 Weak Disciplinary Action and Political Patronage: Even when criminal prosecutions are initiated, departmental proceedings against erring officers are rarely conducted or result only in minor penalties like suspension. In many states, such suspensions are later revoked quietly, and officers are reinstated without conclusion of inquiries^{xxii}.

Moreover, political patronage often protects officers from prosecution. In states with politicized police forces, officers involved in human rights violations are either not booked or are posted to influential positions, which reinforces impunity^{xxiii}.

4.4 Non-Ratification of the UN Convention Against Torture (UNCAT): “India signed the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1997 but has not ratified it to date, citing the absence of an enabling domestic legislation^{xxiv}. The Prevention of Torture Bill, 2010 was introduced but lapsed with the dissolution of the 15th Lok Sabha. The Law Commission of India, in its 273rd Report (2017), emphasized the need to pass anti-torture legislation to meet international commitments and plug legal gaps”^{xxv}.

Without ratification, India lacks the obligation to submit periodic reports on custodial torture or allow international inspections of detention facilities, undermining global scrutiny.

4.5 Lack of Training and Sensitization: Police personnel are often inadequately trained on human rights norms, especially in rural areas. Custodial torture is frequently justified as a legitimate interrogation technique due to lack of awareness about due process rights and procedural safeguards^{xxvi}. Furthermore, the existing police training curriculum rarely emphasizes non-coercive investigation methods or the psychological impact of torture.

The Second Administrative Reforms Commission and the Justice Thomas Committee have stressed the urgent need to integrate human rights sensitization into police training modules^{xxvii}.

4.6 Data Deficiencies and Underreporting: Another major hurdle is the lack of reliable data. Official figures provided by NHRC or NCRB often differ drastically from those reported by civil society groups. Many cases of custodial violence are not reported due to fear, lack of legal literacy, or collusion between police and medical officers^{xxviii}. The absence of video surveillance in most lockups and police stations further reduces transparency, despite “the Supreme Court’s direction in *Paramvir Singh Saini v. Baljit Singh* (2020) mandating CCTV installation”^{xxix}.

5.0 Recommendations And The Way Forward

In order to combat custodial deaths and bridge the gap between constitutional promises and ground realities, a comprehensive and multi-pronged approach is essential. This includes legal reforms, institutional restructuring, capacity building, and public accountability mechanisms. Below are detailed, actionable recommendations:

5.1 Enactment of Anti-Torture Legislation: India urgently needs a specific law criminalizing torture and custodial violence, in line with international standards. While “Section 330 and 331 of the Indian Penal Code (IPC) deal with hurt caused to extort confessions, they are inadequate to address custodial torture as a systematic abuse of power”.

“The Law Commission of India’s 273rd Report (2017)” drafted the Prevention of Torture Bill, proposing clear definitions, punishment, and procedures for torture cases. Parliament must pass such legislation to fill existing statutory gaps and pave the way for ratification of the UN Convention Against Torture (UNCAT).

5.2 Strengthen Independent Investigative Mechanisms: To ensure impartiality, custodial death cases should be investigated by independent agencies such as the CBI or specially created State Human Rights Investigation Units, as recommended by the NHRC. Furthermore, compliance with “Section 176(1A) CrPC, which mandates judicial inquiry, should be made enforceable with penal consequences for non-adherence”.

The police investigating their own colleagues not only compromises objectivity but also promotes institutional

silence and destruction of evidence.

5.3 Mandatory Installation and Audit of CCTV Cameras: Following the Supreme Court's direction in "*Paramvir Singh Saini v. Baljit Singh*"^{xxx}, all police stations and lock-ups must be equipped with CCTV cameras, with audio recording capability, and regular audits by magistrates and human rights commissions. Failure to preserve footage should lead to adverse inference in judicial proceedings.

A centralized real-time monitoring system can be created under state police headquarters or NHRC to ensure compliance and quick access to footage in cases of complaints.

5.4 Witness Protection and Medical Independence: Victims' families and eyewitnesses in custodial death cases often face threats and intimidation. "A robust Witness Protection Scheme, as mandated by the Supreme Court in *Mahender Chawla v. Union of India*"^{xxxi}, must be implemented for all such cases.

Additionally, post-mortems and medical reports should be conducted by independent forensic teams, with videography and second opinions as standard practices to prevent tampering.

5.5 Police Reforms and Sensitization: The recommendations of the Supreme Court in "*Prakash Singh v. Union of India*"^{xxxii} must be implemented by all states. These include the "establishment of Police Complaints Authorities, fixed tenure for senior officers, and separation of investigation from law-and-order duties".

Regular human rights training, case simulations, and psychological assessments must be incorporated into police academies. Officers should be made aware of the legal consequences of custodial abuse and educated in non-coercive investigation techniques.

5.6 Enhanced Role for Judiciary and NHRC: Courts should adopt a zero-tolerance approach towards custodial violence. Timely adjudication, proactive grant of compensation, and suo motu cognizance of media-reported deaths must be institutionalized at both High Court and Supreme Court levels^{xxxiii}.

Similarly, the NHRC's recommendations should be made binding, with contempt powers in case of non-compliance. The NHRC must be empowered with its own investigation wing, financial autonomy, and the ability to initiate criminal prosecution directly.

6.0 Legal Aid and Empowerment of Victims' Families

Legal representation is often unavailable to victims' families, particularly in rural or marginalized communities. Legal Services Authorities, under "the Legal Services Authorities Act, 1987", must be directed to automatically provide legal aid in all cases of custodial deaths.

In addition, awareness campaigns, community policing, and public outreach should be initiated to empower citizens about their rights under arrest or detention.

7.0 Data Transparency and Annual Custodial Death Reports

The National Crime Records Bureau (NCRB) and NHRC should publish annual reports that comprehensively record custodial deaths, prosecutions, compensations, and departmental actions. Currently, NCRB's reports lack disaggregated data and omit key contextual information^{xxxiv}.

Such transparency will aid researchers, policymakers, and civil society to evaluate trends and effectiveness of reforms.

The fight against custodial deaths in India is a fight to uphold the basic tenets of democracy and the rule of law. Despite repeated judicial pronouncements, institutional inertia and impunity continue to cripple accountability. It is imperative that the State, civil society, and judiciary work in tandem to eradicate this menace through enforceable legal standards, independent investigations, and transformative police reforms.

Merely relying on constitutional provisions is insufficient; what is needed is a committed implementation of both domestic and international human rights norms. Only then can India truly realize its constitutional promise of life and liberty with dignity for all.

8.0 Enforcement Challenges: Barriers To Accountability

Despite the constitutional guarantees and well-established judicial precedents, the enforcement of legal remedies against custodial deaths in India remains weak and inconsistent. Systemic failures across the investigative,

administrative, and judicial apparatus have contributed to an environment where custodial violence often goes unpunished. This section explores the major challenges impeding effective accountability and justice delivery in such cases.

8.1 Institutional Impunity and Police Solidarity: One of the most significant obstacles is the culture of impunity within the police forces. In most custodial death cases, police officers involved in torture or abuse are either shielded by their superiors or are transferred rather than prosecuted^{xxxv}. This institutional solidarity hampers investigations, silences whistleblowers, and fosters a culture where violence is seen as an acceptable tool of interrogation.

Even when First Information Reports (FIRs) are registered, they are often filed under lesser charges, avoiding the inclusion of Sections like 302 IPC (murder), and instead using bailable offenses such as Sections 323 or 330 IPC (causing hurt), thereby diluting the severity of the case^{xxxvi}.

8.2 Lack of Independent Investigations: As mandated under Section 176(1A) CrPC, all custodial deaths are to be followed by a mandatory judicial magistrate inquiry. However, in reality, these inquiries are often delayed, incomplete, or not conducted at all. In most cases, the police department investigates its own personnel, undermining impartiality and compromising the evidentiary trail^{xxxvii}.

Moreover, “the National Human Rights Commission (NHRC)” has repeatedly observed that post-mortem reports and videography of autopsies are frequently manipulated, raising doubts over the cause of death.

8.3 Poor Implementation of Judicial Guidelines: Despite the landmark guidelines issued by “the Supreme Court in *DK Basu v. State of West Bengal* (1997), which laid down arrest and detention procedures, many police stations continue to ignore these directives”. The absence of arrest memos, lack of information to relatives, and failure to conduct medical examinations are common violations.

The Court’s directions are not codified into statutory law, leaving them at the mercy of executive discretion and departmental compliance, which is rarely monitored or enforced.

8.4 Weak Role of Oversight Bodies: Oversight institutions like the State Human Rights Commissions (SHRCs) and Police Complaints Authorities suffer from a lack of independence, limited resources, and non-binding powers. In many states, SHRCs are defunct or vacant for extended periods, thereby undermining victims’ access to redress^{xxxviii}.

Additionally, departmental inquiries into custodial deaths, even when conducted, rarely result in convictions. According to NCRB data, between 2010 and 2020, only 26 policemen were convicted, although over 1,600 custodial deaths were recorded^{xxxix}.

8.5 Delays in Compensation and Justice Delivery: Even in cases where compensation is awarded by courts or the NHRC, the implementation is often delayed. Bureaucratic red tape, lack of funds, or departmental apathy means that families often wait for years to receive monetary relief, which may be their only form of justice if criminal trials fail^{xl}.

Furthermore, long delays in judicial proceedings, coupled with poor access to legal aid, discourage families from pursuing prolonged litigation. Many victims come from marginalized communities and are unable to withstand the cost and time of fighting cases in courts.

8.6 Lack of Data Transparency and Accountability Metrics: The absence of disaggregated and verified data regarding custodial deaths creates a veil of opacity that hinders reform and policymaking. The NCRB data relies heavily on state police inputs, with no independent verification or audit mechanism.

Moreover, there is no real-time tracking system for custodial deaths or pending prosecutions. Civil society has to rely on RTI applications or media investigations to bring such incidents to light^{xli}.

In essence, the enforcement challenges in tackling custodial deaths are not merely technical or procedural, they reflect deep-seated structural flaws, a lack of political will, and the continued normalization of state violence. “Bridging this gap between law and practice requires not just statutory reforms, but a shift in institutional ethos, making accountability, transparency, and respect for human rights the cornerstone of law enforcement”.

9.0 Conclusion and Recommendations

The persistence of custodial deaths in India, despite an extensive constitutional and legal framework, reflects a profound disconnect between law in books and law in practice. While “the judiciary has played a significant role in recognizing custodial violence as a violation of Article 21 of the Constitution, enforcement of such legal protections has been grossly inadequate. The systemic failure to ensure accountability and deterrence has normalized abuse of power by law enforcement agencies”.

The following recommendations are proposed to address this pervasive issue:

9.1 Enacting a Comprehensive Anti-Torture Legislation: India has yet to enact a stand-alone legislation criminalizing torture in custody, despite being a signatory to “the United Nations Convention Against Torture (UNCAT) since 1997. The Prevention of Torture Bill, 2010, lapsed in Parliament without being passed”^{xlii}.

There is a pressing need for a dedicated law that not only defines torture and custodial violence clearly but also lays down strict penalties and mechanisms for investigation and compensation. Without such a statute, enforcement remains fragmented and ineffective.

9.2 Mandatory Judicial Inquiries and Independent Investigations: To eliminate bias and conflict of interest, every custodial death must be followed by an independent judicial inquiry, not merely conducted by the same police hierarchy. Section 176(1A) CrPC, which mandates judicial magistrate inquiries into custodial deaths, must be strictly enforced with statutory timelines and penalties for non-compliance^{xliii}.

Additionally, “an Independent Police Complaints Authority (IPCA) should be created in every district and state to investigate complaints of custodial torture and deaths, as recommended by the Second Administrative Reforms Commission”.

9.3 Strengthening Institutional Oversight and Accountability: “The National Human Rights Commission (NHRC)” and “State Human Rights Commissions (SHRCs)” must be empowered with binding powers, enhanced infrastructure, and adequate funding. They should have quasi-judicial authority to prosecute erring officials, not just recommend compensation.

Periodic audits of police stations, surprise visits, and third-party monitoring should be mandated under a legal framework to ensure proactive oversight of custodial practices.

9.4 Codifying DK Basu Guidelines into Statute: The DK Basu guidelines, laid down by the Supreme Court in 1997, remain the cornerstone of procedural safeguards against custodial violence. However, they have not been formally codified into law, leading to inconsistent compliance^{xliv}.

Key protections such as preparation of arrest memos, informing relatives, medical examination of detainees, and legal counsel access must be embedded into “the Code of Criminal Procedure” with penal consequences for violations.

9.5 Police Reforms and Training: Structural reforms in policing are long overdue. Implementation of the Prakash Singh guidelines for police reforms, as ordered by the Supreme Court, must be made a priority. This includes “fixed tenure, separation of investigation from law-and-order, and transparent recruitment and promotion processes”^{xlv}.

Regular sensitization programs, focusing on human rights, legal procedures, and non-coercive interrogation techniques, must be institutionalized in police academies and in-service training modules.

9.6 Fast-Track Judicial Mechanisms: Judicial delays discourage families from pursuing justice. Special fast-track courts should be designated for custodial violence cases with fixed timelines for disposal. The judiciary should also actively monitor compensation, conviction, and rehabilitation processes.

Legal aid mechanisms must be strengthened to support marginalized victims, ensuring representation, translation, and legal support throughout the trial.

9.7 Transparency and Data Reforms: “The National Crime Records Bureau (NCRB)” must be empowered to collect independent and verifiable data on custodial deaths, including the status of investigations, prosecutions, and compensation. Such data must be made publicly accessible through annual human rights compliance reports.

Integration of technology in custodial settings, such as CCTV monitoring, biometric tracking, and digital

logging of detainees, should be implemented with judicial oversight to deter abuse^{xlvi}.

“Custodial deaths represent the most brutal form of human rights violation, directly implicating the state's failure to uphold the right to life and dignity under Article 21 of the Indian Constitution”. While the Indian legal system has evolved through important judicial interventions, the lack of political will, institutional accountability, and legislative rigor continues to perpetuate this crime in the shadows of law enforcement.

Reforming the system requires a coordinated effort—legislative reform, institutional independence, strict enforcement, and societal awareness. Only then can India hope to transform from a state of impunity to accountability, and from silence to justice.

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^{xliv} *DK Basu v. State of West Bengal*, (1997) 1 SCC 416.

^{xlv} *Prakash Singh v. Union of India*, (2006) 8 SCC 1.

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