

Custodial Torture in India: A Critical Study

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Abstract—Custodial torture is one of the world's most serious violations of human rights as well as constitutional rights in India. Custodial violence takes place even though there are constitutional rights, laws against torture, the judiciary can step in on behalf of people, and international laws say all individuals have the right to be treated with respect during arrests. The continued prevalence of custodial violence erodes the rule of law and may erode public confidence in the criminal justice system. The act of torturing someone in police or judicial custody is a blatant violation of the fundamental rights of the individual, and it is a fundamental threat to the democratic principles of dignity, equality, and justice that form the basis of the Constitution of India. The Supreme Court's development of tort law through its interpretation of treaties has been beneficial in large part through cases like *D.K. Basu v. State of West Bengal* and *Nilabati Behera v. State of Orissa*, but many of the anti-torture pledges made to international treaties have not yet been implemented as they lead to a lack of anti-torture legislation. This article examines and critiques the constitutional, statutory, judicial, and international frameworks that govern custodial violence in India. It also examines the causes of custodial torture, and reviews the efficacy of current legal protections against custodial torture; identifies areas of institutional failure; and makes recommendations for reform to guarantee an increase in public confidence in the integrity, accountability, and protection against custodial torture.

Index Terms—Human Rights, Police Custody, Prison Reforms, Constitutional Rights, Criminal Justice System

I. Introduction

Custodial torture is one of the most severe breaches of human dignity and constitutional order within any democratic society. The legitimacy of a country's criminal justice system relies not only on its ability to investigate crimes and sanction (punish) offenders, but also on its commitment to protecting the basic rights of individuals throughout the course of investigation, arrest, confinement and incarceration. The employment of torture, cruel and inhumane treatment, or degrading practices by law enforcement authorities is a flagrant violation of the tenets of justice, equality, and the rule of law as delineated in the Indian Constitution.¹

"Custodial torture" generally refers to the infliction of physical and/or mental pain, suffering, intimidation, or coercion on an individual while in police custody, judicial custody or any type of detention that is under the jurisdiction of public authorities. Physical assault, psychological abuse, being held unlawfully, being forced to confess, being denied medical treatment, humiliating treatment and other forms of inhumane or degrading treatment are examples of custodial torture. Beyond the immediate injury inflicted upon the victim of custodial violence, these types of actions also erode public confidence in law enforcement agencies and justice system.² Several protections are provided in the Constitution of India against arbitrary arrest, unlawful detention, and abuse while in custody. Articles 20(3), 21, and 22 together provide protection from self-incrimination, denial

¹ Upendra Baxi, *The Crisis of the Indian Legal System* 172 (Vikas Publishing House, New Delhi, 1982).

² K.I. Vibhute, *Criminal Justice* 289 (Eastern Book Company, Lucknow, 2014).

of freedom without lawful process, and arbitrary arrest. The Supreme Court has consistently interpreted the Constitution to recognize the right to life and dignity as a right granted to everyone, including those charged or convicted of crimes. The legal protection of life and personal liberty continues even when someone is arrested and/or in police or judicial custody.

Through judicial activism, the Indian judiciary has successfully addressed police violence against those in custody. Important cases like *Sunil Batra v. Delhi Administration*,³ have greatly expanded the constitutional protections that apply to people in custodial settings. The rulings of the courts have created procedural protections for arrest, detention, payment of damages for wrongful arrest or detention, medical attention, and accountability of police officers. Through judicial action, the judiciary has become a vital tool for promoting human rights in the criminal justice system.

International human rights law has helped shape Indian law on custodial torture, which was recently recognized in two cases decided by the Indian Supreme Court. Instruments like the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, as well as the UN Convention against Torture have prohibited torture and require states to prevent cruel, inhumane or degrading treatment. Although India has ratified the Convention against Torture, there has not been any substantive domestic legislation directly criminalizing torture that has been passed into law. This absence of legislation continues to pose significant barriers to addressing custodial violence.

The enactment of the Bharatiya Nyaya Sanhita 2023, the Bharatiya Nagarik Suraksha Sanhita 2023 and the Bharatiya Sakshya Adhiniyam 2023 introduce key reforms in the criminal law and process, with an apparent focus on enhancing the procedural safeguards relating to the arrest, investigation, evidences, and safeguarding the accused. However, despite the intention, effective implementation of the aforementioned procedural safeguards largely depends on institutional accountability, professionalize the policing practices and having independent investigations performed that adhere to constitutional values.

In India, constitutional protections, statutory provisions, judicial interpretations and international obligations related to human rights provide the legal basis of their laws surrounding custodial torture. Currently, there is no law in place to specifically criminalize torture however there are many constitutional rights and obligations dealt with through legislation to prevent arbitrary arrests, illegal detention, custodial violence and abuse of police powers. Additionally, through the expansion of the fundamental right to equality under Article 14, along with the establishment of other procedural safeguards to protect persons who are detained or arrested, the judiciary has helped to strengthen many of the protections established in these laws.

II. Constitutional and Legal Framework Governing Custodial Torture in India

In India, constitutional protections, statutory provisions, judicial interpretations and international obligations related to human rights provide the legal basis of their laws surrounding custodial torture. Currently, there is no law in place to specifically criminalize torture however there are many constitutional rights and obligations dealt with through legislation to prevent arbitrary arrests, illegal detention, custodial violence and abuse of police powers.⁴ Additionally, through the expansion of the fundamental right to equality under Article 14, along with the establishment of other procedural safeguards to protect persons who are detained or arrested, the judiciary has helped to strengthen many of the protections established in these laws.

³ (1978) 4 SCC 494;

⁴ K.I. Vibhute, *Criminal Justice* 293(Eastern Book Company, Lucknow, 2014).

The Constitution of India, particularly as articulated in Article 20(3), provides for the prohibition against custodial torture and affords individuals protection against being forced to testify against themselves as a result of being charged with an offence. Moreover, through this prohibition, individuals have been prevented from being coerced into providing confessions or using any form of unlawful or coercive interrogation techniques against themselves and from being subjected to any form of involuntary self-incrimination. Finally, Article 21 provides that no person shall be deprived of life or personal liberty except in accordance with the provisions of an established procedure under law. Through its interpretation of Article 21 of the Constitution of India, the judiciary has expanded the meaning of that provision to include strong constitutional protections against the use of force by police against persons in custody or at any time thereafter through custodial violence. The Supreme Court has held, consistently, in cases concerning the right to life that it comprises the right to die/eat/drink in dignity, not being subjected to torture, having access to treatment and medical care, not being subjected to cruel inhumane or degrading conditions while imprisoned/detained without charge or trial, having a lawyer represent you at no cost if you cannot afford an attorney, and having your matter investigated fairly.

All persons who are incarcerated whether they are prisoners, detainees, awaiting trial, or under sentence of a criminal conviction have the same Fundamental rights in accordance with our Constitution that do not cease to exist because they have been found guilty or committed an offence. Article 22 of the Constitution of India further establishes a procedural framework for protection against persons being arrested and/or detained without lawful justification.⁵ The Constitution requires that every person arrested and/or detained shall be informed of the reason for the arrest/detention, the arrested/detainee has the right to consult with and have access to an attorney of his/her choice, and the arrested/detainee must be presented before the nearest Magistrate within twenty-four (24) hours of the arrest/detention. These protections and rights established in Article 22 prevent unlawful arrests and/or detentions, arbitrary police conduct, and non-custodial abuse of individuals, by law enforcement while in custody and/or being detained.

The Bharatiya Nagarik Suraksha Sanhita (2023) provides strict procedural safeguards for arresting, detaining, and investigating suspected criminals. The new law governs how an arrest is made, how an arrested person is sent to court, how an arrested person is medically examined, how an arrest is recorded, and how police actions are transparent. All of these provisions are designed to reduce the chance of a prisoner being abused by police while in custody and to hold police officers accountable for acting improperly while investigating an adult.

Like the Bharatiya Nagarik Suraksha Sanhita (2023), the Bharatiya Nyaya Sanhita (2023) contains provisions naming crimes, including crimes against persons committed by public officials, unlawful imprisonment, causing bodily harm, causing serious bodily harm, intimidation, and misuse of power. A public official can be held criminally liable for committing one of the listed crimes against an arrested person if the official's actions also violate the law. The Bharatiya Sakshya Adhinyam (2023) prevents custodial torture by determining when confessions or statements made by an arrested person can be used as evidence in court. The law prohibits use of a confession or statement obtained through coercion or force to charge or convict a defendant in a criminal case, thereby preventing law enforcement from coercing or torturing an arrested person to obtain a confession or a statement from that person.⁶

The Human Rights Protection Act of 1993 established the National Human Rights Commission (NHRC) and State Human Rights Commissions to receive and investigate complaints of custodial torture or cruelty and

⁵ Id., art. 22

⁶ The Bharatiya Sakshya Adhinyam, 2023 (Act 47 of 2023), ss. 22, 23, 24 and 25.

order payment for damages suffered. There is no time limit on how long a victim of custodial torture or abuse can wait to file a complaint under the Human Rights Protection Act.⁹ The NHRC has issued comprehensive guidelines on issues such as custodial death, medical examination of persons detained, videography of the post-mortem examinations, compliance with reporting requirements will relate to the way that the independent investigations must be performed. It has strengthened the police accountability measures through strengthening the legal regime of the jurisdiction for custodial torture through judicial interpretation. In *D.K. Basu v. State of West Bengal*,⁷ The Supreme Court established detailed guidelines for arrests and detentions in *D.K. Basu v. S.W.B.*, which include that the officers must have identifiable badges, they must prepare a memorandum of arrest, they must notify the family of the arrested person, they must conduct periodic medical examinations on persons in their custody, and that they must not refuse the right to have legal counsel present during interrogations. These requirements remain the basis for the procedural safeguards against custodial violence in India. In addition, in *Nilabati Behera v. S.O.*, the Supreme Court recognized the right to constitutional entitlement for compensation due to custodial murders or violations of Fundamental Rights. It was also further established that the State has a duty to ensure the life and dignity of persons who were in their custody and that the State can be held liable for damages to the victims of, or the family of a victim of, State violations of constitutional right.

Indian courts have been influenced by international human rights law in their decisions. In particular, the right against torture and inhuman or degrading treatment can be found in: (1) Article 5 of the Universal Declaration of Human Rights.⁸ (2) Article 7 of the International Covenant on Civil and Political Rights (ICCPR); (3) The United Nations Convention against Torture (UNCAT), which requires States to criminalize torture and provide effective remedies for victims.⁹ and (4) The ICCPR's requirement that states respect human dignity while someone is detained. While India is a signatory to the UNCAT as of 1997, it has yet to pass a comprehensive anti-torture law that implements its obligations under the Convention.

Despite the existence of constitutional protections and procedural guidelines, there are still major challenges to effective implementation of these protections. For example, reports of people being tortured in police custody, being subjected to illegal detentions, and having their authority abused by police show that, by themselves, procedural safeguards will not eliminate torture; institutional accountability, professional police conduct, independent oversight, and the prosecution of offending police officers must also be in place. Therefore, legislative reform to end torture must be complemented by administrative, judicial, and social measures that enhance respect for human rights. India's Constitution and laws uphold the idea of human dignity and forbid the State from abusing its powers when it comes to custodial torture. However, there is still a significant gap in the implementation of legal protections against custodial violence. The continued occurrence of custodial violence means that legal protections are in place but that they are not adequately enforced or supported by appropriate institutional mechanisms. The enforcement of the guarantees given by the Constitution ultimately depends on the willingness of law enforcement agencies, the judiciary, and society to uphold the rule of law and to hold accountable those who have violated the human rights of individuals.

⁷ (1997) 1 SCC 416.

⁸ Universal Declaration of Human Rights, 1948, art. 5.

⁹ United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, arts. 1, 2, 4 and 12.

III. Judicial Approach Towards Custodial Torture and Human Rights Protection

The courts have played a crucial role in the fight against custodial torture as well as in promoting and protecting human rights in India. Because there is no comprehensive anti-torture legislation, the constitutional courts have developed a large body of jurisprudence that affirms the dignity of all persons, including those arrested, detained or imprisoned. The Supreme Court has been consistent in its use of a progressive interpretation of the rights granted by Articles 20, 21 and 22 of the Constitution, and it has repeatedly stated that custodial violence and the rule of law cannot coexist, and that the State has a constitutional duty to protect all persons from torture, unlawful detention or degrading treatment.

Judicial protection against custodial torture evolved with the case in *Sunil Batra v. Delhi Administration*.¹⁰ The Supreme Court decided that even though prisoners are confined in prison, they do not lose any of their fundamental rights. The court noted that it is a constitutional obligation of prison authorities to provide humane treatment to prisoners and that any form of torture, solitary confinement or inhumane treatment which is inconsistent with constitutional values would constitute a violation of Article 21. This decision greatly expanded the scope of the rights of prisoners and provided the foundation for the growth of custodial jurisprudence. In *Sheela Barse v. State of Maharashtra*,¹¹ the Supreme Court dealt with custodial violence against women prisoners. The Court stressed that there was a critical need for legal assistance for female prisoners, to have periodic medical checks, to have reasonable safety for women in detention and that there should be an independent investigation into allegations regarding custodial violence. The decision underscored the vulnerability of women in police custody and the need for the authorities to put into place appropriate measures to ensure the safety and dignity of women in police custody.

The decision in *Joginder Kumar v. State of U.P.*¹², fortifies the constitutionally protected rights relating to arrest and detention. The Supreme Court held that the arrest power is not an unlimited authority to hold people arbitrarily. The ruling by the court determined that when a person is being arrested, their family or friends shall be notified without delay; and in all cases, the basis for the arrest must be justified through necessity as opposed to mere suspicion. Therefore, this ruling limited the opportunities available for arbitrary detention and abuse during detention.

One of the leading cases relating to torture while in custody was *D.K. Basu v. State of West Bengal*¹³, where the Supreme Court determined that violence committed against persons while in custody was one of the most serious obstacles to the rule of law and further developed specific procedural safeguards relating to the procedures for arrest and detention. The safeguards put in place by the Court include the requirement for all police officers who make arrests to display their identification, complete and retain an arrest log, notify the family of the arrested person, conduct regular medical examinations of any person being detained, maintain adequate custody records of all persons in custody, and permit the detained person to have access to legal representation during any interrogation. The failure of any police officer to comply with the above procedures will subject the officer to a penalty from their department as well as to civil actions arising as a result of the police officer's actions or inactions. Even though many of these same procedures were eventually incorporated into the Code of Criminal Procedure, the D.K. Basu guidelines still serve as the foundation for the development of the law concerning custodial rights in India today.

¹⁰ (1978) 4 SCC 494.

¹¹ (1983) 2 SCC 96.

¹² (1994) 4 SCC 260.

¹³ (1997) 1 SCC 416.

The Supreme Court of India expanded the range of remedies available for constitutional violations through the issuance of its ruling in *Nilabati Behera v. State of Orissa*¹⁴, which clarified that where harmful acts committed by government agents violate an individual's fundamental rights, the courts could require the State to pay money damages through public law remedies. This judgment established a new standard for constitutional compensation, distinct from private law damages, that can be used to enforce an individual's fundamental rights. This ruling reaffirmed the obligation of the State to protect the safety and dignity of individuals in custody.

In *People's Union for Civil Liberties v. State of Maharashtra*,¹⁵ the Supreme Court addressed claims against the police concerning deaths associated with police encounters. Regarding police encounters resulting in death, the Court recommended the establishment of guidelines for independent investigation, registration of the first information (FIR), magisterial inquiries, forensic examinations, and judicial supervision. The principles of this ruling are primarily meant to enhance existing mechanisms for holding unlawful conduct by police accountable rather than specifically addressing deaths caused by police encounters.

The judiciary has also highlighted the continuing necessity for accountability and transparency in criminal investigations. It has repeatedly opined that confessions attained by coercive means or through intimidation or torture, etc., have no evidentiary value and severely affect the legitimacy of the criminal justice system as a whole. The fact that judicial insistence upon voluntary confessions only demonstrates the constitutional safeguard against self-incrimination as well as the larger principle of procedural fairness. The principle of human dignity—being treated with dignity and respect—is also a significant element of Indian custodial law. When an individual is accused of a crime, is under trial, has already been convicted, or is still being detained in some other way, he is still entitled to constitutional safeguards while being held in custody. Thus, while the courts have consistently rejected any argument that the efficiency or effectiveness of police work or investigative techniques justifies using torture/inhumane treatment to gain confessions from suspects, the courts are continuing to experience difficulties in enforcing the progressive growth and expansion of judicial safeguards against the use of torture, inhumane treatment, and/or racist discriminatory practices. Furthermore, the continued existence of reports regarding custodial deaths, wrongful detention/illegal detentions, police brutality, etc. make it clear that, despite having established judicial guidelines prohibiting this type of activity, guidelines alone will never eliminate the occurrence of custodial violence unless those guidelines are enforced by an accountable police force, through professional policing practices, and/or effective enforcement mechanisms. The courts have repeatedly voiced concern regarding the lack of compliance with existing legally established safeguards and have called for ongoing monitoring of, and reform to, police organizations.

In summary, the judicial attitude toward the use of custodial torture reflects an unwavering commitment to constitutional governance and human rights. The progressive interpretation of the Constitution to provide individuals with protection from abuse during arrest, detention, and investigation, has significantly increased the accountability of law enforcement organizations, and reaffirmed that there can be no justification for the type of conduct described above by police officers.

IV. Socio-Legal Dimensions and Challenges in Preventing Custodial Torture

Custodial torture is not only an issue of law, but also an issue of society. This phenomenon is a result of different factors—culture of the institution, social attitudes, and the inability to successfully handle the problems of the criminal justice system. Although constitutional and judicial changes have improved legal protection against custodial torture, there are still significant social and structural issues that continue to

¹⁴ (1993) 2 SCC 746.

¹⁵ . (2014) 10 SCC 635.

promote custodial torture. To explain why custodial torture still exists, a socio-legal analysis is essential to understanding the underlying reasons that continue to allow custodial torture within police and judicial custody.

Institutional pressure to obtain quick confessions and solve crimes within specified timelines, is a major contributor to custodial torture. Many investigators still measure their investigative success through the amount of cases that result in a conviction or the amount of time to complete an investigation, instead of how thoroughly or in compliance with constitutional protections, they may complete an investigation. Because of this pressure, some investigators will resort to coercive interrogation methods to meet these performance markers, even though these practices are against the law.¹⁶ Another contributory factor to custodial torture is the insufficient level of police training and police professional development. Many police officers have not been adequately trained on how to conduct a scientific investigation, collect forensic evidence, understand and abide by human rights, or use modern-day interrogation techniques. The absence of ongoing professional education may result in police using outdated coercive techniques instead of legal investigative methods.

Institutions that are responsible for holding people accountable for custodial violence often fall short of doing so due to weak accountability systems, such as lengthy departmental investigations, a lack of independence, and a lack of transparency regarding the results. Additionally, victims of custodial violence and their families face practical difficulties with making complaints against police personnel, such as the fear of retaliation, limited access to legal assistance, and institutional resistance to their complaints. Consequently, there is a lack of public trust in mechanisms that should hold police officers accountable for their misconduct; therefore, a culture of impunity has been created as a result of the above-mentioned issues.¹⁷ Socio-economic factors also contribute to the incidence of custodial torture. Persons who are members of the economically disadvantaged; members of marginalized communities; migrants; and members of socially disadvantaged groups tend to be arrested arbitrarily and subjected to custodial violence due to their lack of legal awareness and limited access to legal representation. Such inequalities violate the provisions of the Constitution that provide for equal protection of the law and effective access to justice for all persons.

Additional difficulties arise from shortcomings in custodial infrastructure and overcrowded penal facilities. Inadequate medical care, insufficient sanitation, poor detention facilities, and the lack of trained staff may contribute to the violation of human dignity in custodial institutions and increase the possibility of people being abused. As a result, adequate administration in prisons plays a crucial role in the wider context of protecting human rights.

One of India's most serious legal deficiencies is the absence of a comprehensive anti-torture law. Constitutional guarantees and criminal statutes provide some level of indirect protection against torture, but there is no law specifically addressing torture in India that provides an exact definition, punishment, or independent mechanisms for investigation of incidents of torture and compensation for the victims of torture. In addition to drawing criticism from human rights groups and international oversight agencies, the absence of a complete and comprehensive anti-torture law has left an enormous hole in India's legal system.

Another major challenge is the implementation of the guidelines given by the courts. There remain severe inconsistencies in compliance with judicial directives given in D.K. Basu and in later cases throughout the

¹⁶ supra note 1, at 312

¹⁷ National Human Rights Commission, *Annual Report 2022–23* 108 (Government of India, New Delhi, 2023).

country. Guidelines for evidence gathering, medical evaluations, videography of arrests, and legal representation are often not carried out in rural or low-resource regions.

The increasing use of technology provides both advantages and disadvantages for improving accountability. CCTV cameras in police facilities, body-worn cameras, electronic arrest records, and forensic science can offer greater transparency and decrease the likelihood of custodial abuse. However, technological measures require effective Limited understanding by the public about their constitutional rights is still prevalent today. There's a lack of awareness about a person's rights during an arrest, the right to legal representation, the right to a medical examination, and the right to not be tortured. Therefore, enhancing legal literacy and educating people on human rights is critical to help empower citizens and to curtail abuse of power.

Preventing custodial torture is not simply about reforming laws but involves many interrelated socio-legal aspects. A comprehensive approach must apply institutional accountability, policemen who are trained to work professionally, an independent agency with the authority to oversee policing operations, an updated technology system, a society that understands its legal rights, and an emphasis on upholding all aspects of the Constitution; by employing all of these methods together, a state can successfully establish a system that preserves human dignity and prevents custodial abuse.

V. Conclusion and Suggestions

Conclusion

The prevalence of custodial torture is one of the most significant issues within India's criminal justice system and continues to violate the constitutional commitment to human dignity, freedom from arbitrary arrest and illegal detention, freedom from self-incrimination, and the right to life and freedom from the infringement of law, when all of the above crimes are committed without due process of law. As indicated by the continued occurrence of custodial torture or abuse in both police and judicial custody, the establishment of legal safeguards alone will not adequately address violations of an individual's human rights without the positive operation of institutional accountability in maintaining such safeguards in practice.

Through analysis of the data available in the reports, we determined that the Indian Judiciary has been instrumental in strengthening the laws against custodial torture by interpreting the fundamental rights so as to expand and protect these rights under the Constitution of India . Their landmark ruling in the matter of Sunil Batra v/s The Delhi Administration (1981) has resulted in the interpretation of Articles 21 of the Constitution of India as being applicable to those persons who are being held in a civil capacity by the State (Article 21 (1)). The rulings made in the matters of Joginder Kumar v/s State of Uttar Pradesh (1994); Nilabati Behera v/s State of Orissa (1993); D.K. Basu v/s State of West Bengal (1997) and People's Union for Civil Liberties v/s State of Maharashtra (1996) have provided the courts with constitutional guidelines on what constitutes an unjust arrest, and have expanded the constitutional rights of individuals who are arrested through including the following: (1) a compensation for wrongful arrest (2) the establishment of procedures for police accountability (3) establishing the principle of non-refoulement (4) the principle of habeas corpus.

This research has established that custodial torture is not simply a legal issue; rather it is a symptomatic social/legal problem, created by poor institutional culture, lack of adequate training, the pressure to investigate crimes, limited accountability mechanisms, and large socio-economic disparities between the different classes of people. The introduction of the Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhiniyam have all brought about changes to the procedure of criminal law in India, which will establish robust criminal law enforcement. However, the fact that there continues to be no comprehensive anti-torture legislation within the prevailing Indian legal system is a significant burden to the Indian legal

system. Torture cannot be justified for any reason according to international human rights conventions, including those found in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Convention against Torture. An established nation that is based on a system of democratically governed constitutionalism with respect for human rights like India has a duty to strengthen their legal systems and provide for institutional mechanisms to prevent custodial violence and ensure accountability for violations of these laws.

Therefore, eliminating custodial torture will require a multi-faceted method of addressing issues of legislation, court oversight, police modernization, institutional accountability, technological advancement, legal awareness and constitutional values. The humane treatment of incarcerated persons will not only be an obligation under the law but will provide a standard for civilized democracies under the rule of law.

Ultimately, strengthening safeguards against custodial torture will improve public confidence in the administration of justice and promote constitutional values of justice, liberty, equality and human dignity.

Suggestions

1. Enactment of a Comprehensive Anti-Torture Law

Parliament should consider the enactment of a comprehensive legislation addressing the criminalization of custodial torture alone in accordance with UNCAT. This will include definitions of torture, sufficient penalties for those guilty of committing this act, and remedies for the victims; establishing independent bodies to investigate and prosecute these crimes.

2. Strengthening Police Accountability

Empowering independent oversight organizations is essential so they may quickly and impartially investigate claims of custodial violence. The department's internal investigations often don't provide adequate accountability. Independent investigations will increase public trust in the justice system and help to minimize coercive abuse by government officials.

3. Strict Implementation of Judicial Guidelines

The procedural safeguards of *D.K. Basu vs. State of West Bengal*, as articulated by the Supreme Court, must be implemented equally at all police stations and detention facilities across the country. Failure to comply with the procedure in *D.K. Basu* will have severe disciplinary and/or criminal repercussions.

4. Mandatory Use of Technology

There shall be functional CCTV, video and audio recording systems, and digital custody registers in all police stations, interrogation rooms, and detention facilities. Such technology shall increase transparency, allow for judicial review, and substantially reduce likelihood of abuse of persons held in custody.

5. Capacity Building and Human Rights Training

Police, prison, and investigative personnel shall receive regular training in constitutional values, human rights, forensic science, scientific method of investigation, and ethical policing. Regular professional training will decrease negative reliance upon coercive methods of investigation.

6. Strengthening Legal Aid and Access to Counsel

All persons arrested shall have immediate and effective access to legal assistance from the time of arrest. Legal assistance for economically disadvantaged individuals shall be enhanced in order to ensure the adequate representation of economically disadvantaged individuals during the criminal justice process.

7. Medical Examination and Independent Monitoring

It is essential that the medical examination of people who are detained should always be performed in accordance with the law. In addition, independent medical practitioners and other organisations committed to the protection of human rights must be allowed to monitor the operation of detention facilities and report any violations they observe without being obstructed in any way.

8. Protection of Vulnerable Groups

The protection of especially vulnerable groups, including women, children, the elderly, disabled persons, and members of marginalised communities ought to be specifically protected in custody by the adoption of special safeguards. Procedures that are sensitive to gender and child-friendly mechanisms should be utilised in order to prevent the abuse and exploitation of vulnerable persons during detaining and arrest.

9. Public Awareness and Legal Literacy

Government bodies, educational institutions, and civil society should provide education and public awareness initiatives regarding constitutional rights to help to empower citizens to seek effective and timely legal remedies to unlawful practices of detention and arrest.

10. Institutional Reforms and Police Modernization

Long-term efforts should be made to develop institutions designed to improve police infrastructure, reduce workload, support scientific investigation, enhance the quality of forensic services, and promote transparency in law enforcement agencies. Effective reform of institutions is necessary to rid society of custodial violence and to build confidence in the rule of law.