

Human Rights Violations During Criminal Investigation: A Socio-Legal Analysis of Legal Safeguards, Investigative Practices, and Judicial Responses in India

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Abstract—The criminal investigation process stands out as one of the biggest interfaces between the individual and the State. This is because the exercise of coercive power directly interferes with the enjoyment of fundamental human rights by the person being investigated. While criminal investigation is necessary for maintaining law and order and giving justice to the victim, the investigative process becomes a breeding ground for the violation of human rights including custodial torture, illegal detention, fabrication of evidence, coercion of confessions, discriminatory policing, and encounter killings. The violation of human rights through the criminal investigation process compromises the exercise of constitutional morality, damages the trust of the citizens on the criminal justice system, and threatens the rule of law.

This paper seeks to conduct a socio-legal study of human rights violations during criminal investigations in India by looking into constitutional provisions, statutory safeguards contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), Bharatiya Sakshya Adhiniyam, 2023 (BSA), judicial decisions, and international human rights standards. Unlike any doctrinal paper, this paper will combine the legal analysis with the evidence gathered from National Crime Records Bureau (NCRB), National Human Rights Commission (NHRC), Law Commission Reports, and human rights violations cases.

The study critically examines landmark judicial interventions such as *D.K. Basu v. State of West Bengal*, *Nilabati Behera v. State of Orissa*, *Joginder Kumar v. State of Uttar Pradesh*, *Prakash Singh v. Union of India*, and *Paramvir Singh Saini v. Baljit Singh*, which collectively constitute India's constitutional jurisprudence on custodial rights and police accountability. It further analyses recent developments introduced through BNSS, 2023, including electronic documentation, videography of search and seizure, and revised arrest procedures, to determine whether these reforms meaningfully reduce opportunities for custodial abuse and investigative misconduct.

The paper also explores the structural causes of human rights violations, including inadequate police training, political interference, institutional culture, forensic deficiencies, excessive dependence on confessional evidence, and socio-economic inequalities affecting marginalized communities. Through detailed examination of contemporary incidents such as the Sathankulam custodial deaths, the Hathras investigation, the Vikas Dubey encounter, the Delhi Riots investigations, and the Bhima Koregaon prosecutions, the research humanizes statistical findings by highlighting the lived experiences of victims and their families.

The study concludes that despite a robust constitutional framework and progressive judicial pronouncements, implementation deficits continue to impede effective protection of human rights during criminal investigations. It recommends strengthening independent police accountability mechanisms, ensuring mandatory compliance with constitutional safeguards, expanding scientific investigation techniques, institutionalizing legal aid at the police station level, enhancing digital transparency under BNSS, and ratifying the United Nations Convention against Torture (UNCAT). Ultimately, the paper argues that an investigation conducted in violation of human dignity cannot

produce genuine justice, and that constitutional morality must remain the guiding principle of every investigative process.

The criminal investigation process stands out as one of the biggest interfaces between the individual and the State. This is because the exercise of coercive power directly interferes with the enjoyment of fundamental human rights by the person being investigated. While criminal investigation is necessary for maintaining law and order and giving justice to the victim, the investigative process becomes a breeding ground for the violation of human rights including custodial torture, illegal detention, fabrication of evidence, coercion of confessions, discriminatory policing, and encounter killings. The violation of human rights through the criminal investigation process compromises the exercise of constitutional morality, damages the trust of the citizens on the criminal justice system, and threatens the rule of law.

I. Introduction

The legitimacy of a democratic criminal justice system is measured not only by its ability to punish those who commit crimes but also by its commitment to conducting investigations in a manner that respects constitutional guarantees and human dignity. Criminal investigation represents the initial and one of the most decisive stages of the criminal justice process, as the quality and fairness of the investigation largely determine whether justice is ultimately delivered or denied. During this stage, investigative agencies are entrusted with extensive powers such as arrest, detention, interrogation, search, seizure, surveillance, and the collection of evidence. While these powers are essential for maintaining law and order and ensuring effective investigation, their misuse or arbitrary exercise may result in serious violations of individual rights if they are not subject to constitutional limitations and institutional accountability.

The constitutional framework of India attempts to maintain an appropriate balance between enabling the State to investigate offences effectively and safeguarding citizens against the arbitrary use of coercive powers. Fundamental rights guaranteed under Articles 20, 21, and 22 of the Constitution provide protection against self-incrimination, unlawful deprivation of personal liberty, arbitrary arrest, and prolonged detention without due process. These constitutional safeguards are further strengthened through statutory provisions contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and the Bharatiya Sakshya Adhiniyam, 2023 (BSA), as well as through judicially developed principles, particularly the *D.K. Basu* guidelines. Additionally, India's commitment to international human rights norms is reflected in instruments such as the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR), and the United Nations Convention against Torture (UNCAT), all of which reinforce the obligation to protect human rights during criminal investigations.

Notwithstanding the existence of this extensive legal and constitutional framework, instances of custodial torture, unlawful detention, encounter deaths, forced confessions, fabricated evidence, discriminatory investigative practices, and denial of access to legal representation continue to be reported across the country. Statistics released by the National Crime Records Bureau (NCRB), the National Human Rights Commission (NHRC), and various independent human rights organizations reveal that custodial violence and other investigative abuses remain persistent concerns despite sustained judicial intervention and legislative reforms. These violations disproportionately impact socially and economically marginalized groups, including Scheduled Castes, Scheduled Tribes, religious minorities, women, migrant workers, economically weaker sections, and undertrial prisoners, thereby highlighting the close relationship between criminal justice administration and broader patterns of social inequality.

The enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 represents one of the most significant reforms in India's criminal procedural law since Independence. The legislation introduces several modern investigative measures, including the recognition of electronic evidence, mandatory forensic investigation in specified offences, videography of searches and seizures, digital documentation, and greater reliance on technology in criminal investigations. These reforms aim to improve transparency, strengthen evidentiary reliability, and minimize procedural irregularities. Nevertheless, statutory reforms alone cannot ensure the effective protection of human rights unless they are supported by professional policing, adequate training, robust accountability mechanisms, and meaningful judicial supervision.

Against this backdrop, the present research adopts a socio-legal approach to examine both the legal framework governing criminal investigations and its practical implementation. Rather than viewing human rights violations during investigations as isolated acts of individual misconduct, the study analyses them as indicators of deeper institutional and structural deficiencies within the criminal justice system. By integrating doctrinal legal analysis with empirical data, judicial decisions, policy documents, official reports, and landmark case studies, the research critically evaluates whether India's contemporary investigative framework effectively safeguards constitutional rights and upholds human dignity throughout the criminal investigation process.

The research argues that effective investigation and protection of human rights are not competing objectives but complementary constitutional obligations. A criminal justice system that secures convictions through coercion, torture, or procedural illegality ultimately undermines both justice and public confidence in democratic institutions. The constitutional promise of fairness requires that the pursuit of truth must always remain subordinate to the rule of law and respect for human dignity.

Conceptual Framework of Human Rights and Criminal Investigation

The relationship between criminal investigation and human rights lies at the heart of every constitutional democracy. While the State has a legitimate obligation to investigate offences, prosecute offenders, and protect society, these powers must always be exercised within the limits imposed by constitutional principles and international human rights norms. A criminal investigation that disregards human dignity may secure convictions, but it weakens the legitimacy of the justice system itself. The Constitution of India recognizes that effective law enforcement and protection of fundamental rights are complementary rather than competing objectives.

Human rights become particularly vulnerable during the investigation stage because the police possess coercive powers of arrest, detention, interrogation, search, seizure, and surveillance. During this stage, suspects, witnesses, and victims often interact with the criminal justice system for the first time. The absence of transparency, unequal power relations, and inadequate accountability create opportunities for abuse, including custodial torture, illegal detention, fabricated evidence, coerced confessions, and discriminatory policing. Consequently, human rights protections during investigation are indispensable to preserving the rule of law and preventing miscarriages of justice.

Human rights are universally recognized as inherent rights that belong to every individual by virtue of being human. These rights are neither granted by the State nor dependent upon citizenship, religion, caste, gender, or economic status. They are founded on the principles of equality, dignity, liberty, and justice.

In India, human rights derive their legal foundation from the Constitution, particularly the Fundamental Rights contained in Part III and the Directive Principles of State Policy in Part IV. The Protection of Human

Rights Act, 1993 defines human rights as rights relating to life, liberty, equality, and dignity guaranteed by the Constitution or embodied in international covenants enforceable by Indian courts.

The judiciary has consistently interpreted Article 21 expansively, transforming it into a repository of procedural and substantive rights. The right to life is no longer confined to mere physical existence; it includes the right to live with dignity, fair treatment, legal assistance, privacy, speedy investigation, protection from torture, and access to justice. This judicial evolution has significantly strengthened the protection of individuals during criminal investigations.

Human rights operate throughout the criminal justice system from the registration of the First Information Report (FIR) to investigation, trial, sentencing, imprisonment, and rehabilitation. However, the investigation stage is especially sensitive because evidence is collected, statements are recorded, arrests are made, and the foundation of the prosecution case is established.

The Supreme Court has repeatedly emphasized that fairness in investigation is an essential component of a fair trial. An unfair investigation can irreparably prejudice the rights of the accused and undermine the interests of victims seeking justice.

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The criminal justice system must balance two equally important objectives:

- protecting society by effectively investigating crime; and
- safeguarding the constitutional rights of individuals against arbitrary state action.

When investigative agencies prioritize convictions over legality, the risk of human rights violations increases. Conversely, adherence to constitutional safeguards enhances the credibility of investigations and strengthens public trust in law enforcement.

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The Rule of Law is one of the foundational principles of the Indian Constitution. It requires that every exercise of governmental power must be authorized by law, subject to judicial review, and consistent with constitutional values.

Constitutional morality extends beyond strict legal compliance. It requires public authorities, including police officers, to respect equality, dignity, liberty, accountability, and fairness in every official action. Investigative agencies therefore have not only statutory duties but also constitutional obligations.

The Supreme Court has repeatedly observed that the police cannot become judges or executioners. Encounter killings, custodial torture, fabricated evidence, and illegal detention violate both statutory law and constitutional morality because they substitute arbitrary power for legal process.

Human Dignity During Criminal Investigation

Human dignity is the central value underlying all human rights protections. Even an accused person retains constitutional dignity despite allegations of criminal conduct.

The Supreme Court has consistently held that no individual loses fundamental rights merely because he or she is arrested or detained. The constitutional guarantee of dignity includes:

- protection from torture;
- freedom from degrading treatment;
- access to legal representation;
- communication with family members;
- medical examination during detention;
- protection against self-incrimination;
- fair and impartial investigation.

Custodial torture not only violates the rights of the accused but also damages public confidence in democratic institutions. Investigations based upon fear rather than evidence often produce false confessions and wrongful convictions, allowing actual offenders to escape punishment.

International Human Rights Framework

International human rights law significantly influences Indian constitutional jurisprudence.

The Universal Declaration of Human Rights recognizes that every individual possesses the rights to life, liberty, security, equality before law, and protection against torture and arbitrary detention. Although not legally binding, it forms the foundation of modern human rights law.

The International Covenant on Civil and Political Rights obligates States to protect individuals from arbitrary arrest, unlawful detention, torture, and unfair criminal proceedings. India is a State Party to the ICCPR, and Indian courts have frequently relied upon its provisions while interpreting constitutional rights.

The United Nations Convention against Torture requires States to criminalize torture, investigate allegations independently, prosecute offenders, and provide remedies to victims. Although India has signed the Convention, it has not yet ratified it, resulting in the absence of a comprehensive anti-torture statute.

The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) establish internationally accepted standards regarding detention conditions, medical care, legal access, and protection against cruel, inhuman, or degrading treatment. These principles remain relevant during police custody and subsequent detention.

The Istanbul Protocol provides internationally recognized guidelines for documenting torture and ill-treatment. Adoption of these standards can improve accountability and strengthen the evidentiary value of medical examinations in custodial violence cases.

Human Rights under the BNSS, 2023

The enactment of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) represents a significant procedural shift in India's criminal justice system. The legislation introduces technology-driven mechanisms aimed at improving transparency, efficiency, and accountability during investigation.

Important reforms include:

- electronic registration and transmission of information;
- mandatory forensic investigation for specified offences;
- videography of search and seizure in appropriate cases;
- greater use of digital evidence;
- provisions intended to reduce procedural delays.

These reforms have the potential to reduce manipulation of evidence and improve transparency. However, technology alone cannot eliminate custodial violence or investigative abuse. Effective implementation requires trained investigators, independent oversight, judicial monitoring, and strict enforcement of constitutional safeguard.

D.K. Basu v. State of West Bengal

Facts

The case arose from repeated incidents of custodial deaths and torture across India. A public interest litigation sought guidelines to prevent abuse during arrest and detention.

Issues

- Whether custodial torture violates Fundamental Rights.
- Whether procedural safeguards should be mandatory during arrest.

Judgment

The Supreme Court held that custodial torture is a direct violation of Articles 21 and 22 of the Constitution and laid down 11 mandatory arrest guidelines, including:

- Identification of police officers.
- Arrest memo signed by witnesses.
- Informing a relative or friend.
- Medical examination.
- Production before a Magistrate within 24 hours.
- Maintenance of arrest records.

Significance

This remains the cornerstone of custodial rights jurisprudence in India and has influenced later legislative reforms under the BNSS.

Nilabati Behera v. State of Orissa

Facts

A young man died while in police custody. The State claimed he escaped and later died, but evidence established custodial violence.

Judgment

- The Supreme Court held that:
- Article 21 had been violated.

- Constitutional courts can award monetary compensation for custodial deaths.
- Public law compensation is independent of criminal prosecution.

Significance

The decision established the principle of constitutional compensation for victims of police misconduct.

Joginder Kumar v. State of Uttar Pradesh

Facts

A lawyer was detained without formal arrest or intimation to his family.

Judgment

The Court ruled:

- Arrest should not be routine.
- Police must justify the necessity of arrest.
- Family members must be informed.
- Personal liberty cannot be sacrificed merely because police possess arrest powers.

Significance

The judgment emphasized that power to arrest does not imply a duty to arrest, strengthening protection against arbitrary detention.

Prakash Singh v. Union of India

Facts

The petition sought structural reforms to insulate police from political interference.

Judgment

- The Supreme Court directed all States to implement police reforms, including:
- State Security Commissions.
- Police Establishment Boards.
- Fixed tenure for senior police officers.
- Police Complaints Authorities.
- Separation of investigation from law-and-order functions.

Significance

This is the leading case on police accountability and institutional reform, recognizing that systemic reforms are essential to prevent human rights violations.

Paramvir Singh Saini v. Baljit Singh

Facts

The Court examined recurring complaints of custodial torture and non-compliance with earlier safeguards.

Judgment

- The Supreme Court directed:
- Installation of CCTV cameras in all police stations and investigative agencies.
- Preservation of recordings.
- Independent monitoring to enhance transparency.

Significance

The judgment acknowledged that technological monitoring can deter custodial abuse and improve accountability during investigations.

II. Research Objectives

1. To examine the constitutional, statutory, and international legal safeguards available for protecting human rights during criminal investigation in India.
2. To analyse the nature and extent of human rights violations committed during police investigations.
3. To evaluate the effectiveness of judicial interventions in ensuring police accountability.
4. To assess the impact of the BNSS, 2023 on investigative practices and protection of accused persons.
5. To identify socio-economic and institutional factors contributing to investigative abuse.
6. To propose legal and policy reforms for strengthening human rights protection during criminal investigations.

III. Research Questions

1. What legal safeguards protect human rights during criminal investigation in India?
2. Why do custodial violence and investigative abuses persist despite constitutional protections?
3. Has the judiciary effectively enforced police accountability?
4. Does the BNSS, 2023 adequately strengthen human rights safeguards?
5. What reforms are necessary to reconcile effective policing with constitutional rights?

IV. Research Hypothesis

The research hypothesizes that although India possesses an extensive constitutional and statutory framework safeguarding human rights during criminal investigations, ineffective implementation, institutional weaknesses, inadequate accountability, political interference, and systemic socio-economic inequalities continue to facilitate widespread violations.

Reforms of the BNSS, 2023 introduces procedural innovations and technology-based safeguards, these reforms alone are insufficient to eliminate investigative abuses unless accompanied by structural police reforms, independent oversight, enhanced judicial monitoring, and a rights-oriented policing culture.

V. Research Methodology

This study adopts a mixed doctrinal and socio-legal research methodology to critically examine human rights violations during criminal investigations in India. The doctrinal component analyses constitutional provisions, statutory enactments, judicial precedents, and international human rights instruments, while the socio-legal component examines the practical implementation of these legal norms through empirical reports, institutional data, and case studies. The combination of these approaches enables the study to bridge the gap between law in books and law in action.

The doctrinal analysis focuses on Articles 20, 21, and 22 of the Constitution of India, the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the Bharatiya Sakshya Adhiniyam, 2023 (BSA), the Protection of Human Rights Act, 1993, and relevant provisions of the Police Act, 1861. It also examines landmark judgments of the Supreme Court and various High Courts relating to custodial violence, illegal detention, arrest procedures, police accountability, compensation jurisprudence, and procedural safeguards.

The socio-legal component relies on secondary empirical data obtained from the National Crime Records Bureau (NCRB), the National Human Rights Commission (NHRC), Prison Statistics India, Law Commission Reports, the Second Administrative Reforms Commission, the Malimath Committee Report, and reports published by organizations such as the Commonwealth Human Rights Initiative (CHRI), Human Rights Watch, People's Union for Civil Liberties (PUCL), and Amnesty International. These sources provide

valuable insights into the prevalence and causes of custodial torture, illegal detention, encounter killings, and other investigative abuses.

To humanize the legal analysis, the study adopts the case study method by examining significant instances of custodial violence and controversial criminal investigations. Each case study analyses the factual background, procedural lapses, judicial response, institutional accountability, and broader implications for human rights protection.

The research further employs a comparative legal approach by examining safeguards available in selected jurisdictions such as the United Kingdom and the United States, together with international standards contained in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the United Nations Convention against Torture (UNCAT), and the Nelson Mandela Rules. Comparative analysis facilitates identification of best practices that may strengthen the Indian criminal justice system.

The study is primarily qualitative in nature. Quantitative information derived from official reports is used to supplement legal analysis and identify trends relating to custodial deaths, arrests, undertrial detention, and police accountability. The scope of the research extends from constitutional jurisprudence developed after 1950 to developments under the BNSS, 2023, with particular emphasis on contemporary judicial and institutional responses up to 2026.

VI. Review of Literature

Human rights during criminal investigations have attracted considerable attention from constitutional scholars, criminologists, police reform commissions, and international human rights organizations. Existing scholarship has significantly contributed to understanding custodial violence, police accountability, constitutional safeguards, and investigative reforms. However, there remains a notable gap in integrating recent legislative developments under the BNSS, 2023 with socio-legal realities. This study attempts to bridge that gap.

Upendra Baxi in *The Crisis of the Indian Legal System* argues that criminal justice institutions frequently privilege institutional power over individual liberty, resulting in systematic denial of constitutional rights. Baxi emphasizes that procedural fairness is the essence of democratic governance and that custodial violence reflects a structural failure of the rule of law rather than isolated instances of misconduct.

K. G. Kannabiran, in *The Wages of Impunity*, critically examines state violence and police excesses in India. He argues that the absence of effective accountability mechanisms has fostered a culture of impunity within law enforcement agencies, where constitutional safeguards are routinely ignored without meaningful consequences.

Ved Kumari has extensively examined police powers, criminal procedure, and the rights of accused persons. Her scholarship highlights the importance of balancing effective criminal investigation with procedural fairness and emphasizes that constitutional safeguards are indispensable for maintaining public confidence in the justice system.

M. P. Jain, in his work on constitutional law, explains the expansive interpretation of Article 21 by the Supreme Court. He demonstrates how judicial creativity transformed the right to life and personal liberty into a source of numerous procedural protections during arrest, detention, interrogation, and trial.

V. N. Shukla similarly emphasizes that Articles 20, 21, and 22 collectively establish a constitutional shield against arbitrary exercise of police power. His analysis illustrates the evolution of procedural due process within Indian constitutional jurisprudence.

The Law Commission of India, particularly in its 177th, 273rd, and 277th Reports, has repeatedly recommended reforms concerning arrest procedures, witness protection, forensic investigation, and police accountability. These reports collectively recognize that ineffective investigation often results in both wrongful prosecution and denial of justice to victims.

The Malimath Committee Report (2003) recommended modernization of criminal investigation through scientific evidence and improved forensic capacity. Although some recommendations generated debate regarding the rights of accused persons, the report underscored the urgent need to reduce dependence on confession-based investigations.

The Second Administrative Reforms Commission (Fifth Report on Public Order) identified political interference, inadequate training, shortage of personnel, poor forensic infrastructure, and weak accountability mechanisms as major obstacles to professional policing in India. It advocated independent complaints authorities and greater operational autonomy for police institutions.

Reports published by the National Human Rights Commission (NHRC) consistently highlight recurring violations involving custodial deaths, torture, illegal detention, and encounter killings. The Commission has repeatedly emphasized strict compliance with arrest guidelines, prompt reporting of custodial deaths, medical examinations, videography, and independent investigations.

The National Crime Records Bureau (NCRB) provides valuable statistical data on arrests, custodial deaths, prison populations, and undertrial prisoners. These datasets reveal persistent structural challenges, particularly the disproportionate representation of economically and socially marginalized communities within the criminal justice system.

International organizations such as Human Rights Watch, Amnesty International, and the Commonwealth Human Rights Initiative (CHRI) have documented patterns of custodial torture, excessive use of force, prolonged detention, and deficiencies in police accountability. Their reports argue that legislative safeguards alone are insufficient without institutional independence and effective enforcement.

Below is a detailed, research-oriented discussion of the five landmark judgments. The language is suitable for a Ph.D. thesis, research dissertation, or journal article.

Landmark Cases-

1. D.K. Basu v. State of West Bengal

Facts-The case of *D.K. Basu v. State of West Bengal* originated from increasing incidents of custodial deaths, police torture, and illegal detention reported across various parts of India. The petitioner, D.K. Basu, addressed a letter to the Chief Justice of the Supreme Court highlighting newspaper reports concerning custodial violence and deaths occurring during police investigations. Recognizing the gravity of the issue, the Supreme Court treated the letter as a Public Interest Litigation (PIL) under Article 32 of the Constitution. The petition emphasized that custodial torture had become a widespread phenomenon that threatened the rule of law and violated the fundamental rights guaranteed to every individual. The Court observed that while police authorities possess powers to investigate crimes and arrest suspects, such powers cannot be exercised arbitrarily or through violence. The case thus became a landmark opportunity for the Court to formulate safeguards ensuring that arrest and detention procedures remain consistent with constitutional guarantees and international human rights standards.

Issues

The principal legal issues before the Court were whether custodial torture and deaths in police custody violate the Fundamental Rights guaranteed under Articles 21 and 22 of the Constitution of India, and whether it was necessary for the Supreme Court to prescribe mandatory procedural safeguards to regulate arrests and custodial detention in the absence of adequate statutory provisions.

Judgment

The Supreme Court held that custodial torture, violence, and deaths constitute a direct infringement of the right to life and personal liberty guaranteed under Article 21 and violate the procedural safeguards embodied in Article 22 of the Constitution. The Court emphasized that no individual, irrespective of the allegations against them, can be deprived of dignity or subjected to cruel, inhuman, or degrading treatment while in police custody. To ensure accountability and transparency, the Court issued eleven mandatory guidelines governing arrests and detention. These included the compulsory identification of police officers involved in arrest, preparation of an arrest memo signed by independent witnesses and the arrested person, immediate communication of the arrest to a relative or friend, medical examination of the detainee at prescribed intervals, maintenance of detailed arrest records, production of the arrested person before the nearest Magistrate within twenty-four hours, and maintenance of inspection registers and case diaries. The Court further declared that any violation of these guidelines would invite departmental action and contempt proceedings against the erring officials.

Significance

The decision in *D.K. Basu* is regarded as the foundation of custodial rights jurisprudence in India. It transformed constitutional guarantees into practical procedural safeguards governing police conduct during investigation and arrest. The judgment strengthened the protection of human dignity, promoted transparency in criminal investigations, and established judicial oversight over police powers. Many of the safeguards laid down by the Court were subsequently incorporated into statutory law and continue to influence procedural reforms under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. The case remains the most authoritative precedent for preventing custodial torture and ensuring accountability of investigating agencies.

2. Nilabati Behera v. State of Orissa

Facts-The case arose when the twenty-two-year-old son of the petitioner, Nilabati Behera, was taken into police custody in connection with a criminal investigation. Shortly thereafter, his body was discovered on a railway track bearing multiple injuries that clearly suggested custodial violence. The State attempted to defend itself by claiming that the deceased had escaped from police custody and later died accidentally. However, the evidence presented before the Court established that the injuries were sustained while the victim was under police control. The incident raised serious constitutional questions regarding the responsibility of the State for custodial deaths and the remedies available to victims' families.

Judgment

The Supreme Court unequivocally held that the custodial death constituted a violation of Article 21 of the Constitution, which guarantees the right to life and personal liberty. The Court rejected the argument that constitutional remedies are unavailable merely because criminal proceedings or civil suits may also be initiated. It ruled that constitutional courts possess the authority to award monetary compensation under public law as an effective remedy for violations of fundamental rights by State authorities. The Court emphasized that compensation awarded under constitutional jurisdiction is distinct from damages available under private law or punishment imposed through criminal prosecution. Accordingly, the State was directed to compensate the victim's mother for the violation of her son's fundamental rights.

Significance

The judgment established the doctrine of constitutional compensation as an effective public law remedy for victims of custodial violence and abuse of State power. It reaffirmed the principle that the State bears strict responsibility for protecting individuals while they remain in its custody. The decision significantly

expanded the remedial jurisdiction of constitutional courts and strengthened governmental accountability for human rights violations committed by law enforcement agencies.

3. Joginder Kumar v. State of Uttar Pradesh

Facts

The petitioner, Joginder Kumar, was a practising advocate who was summoned by the police for questioning in relation to an investigation. Although he voluntarily appeared before the police authorities, he was detained for several days without any formal arrest being recorded or any information being communicated to his family members. His relatives remained unaware of his whereabouts, raising concerns regarding arbitrary detention and misuse of police powers. The case highlighted the growing tendency of investigative agencies to detain individuals without following established legal procedures.

Judgment

The Supreme Court ruled that the power to arrest conferred upon the police cannot be exercised arbitrarily or routinely. The Court observed that arrest should be made only when it is genuinely necessary for the purposes of investigation, prevention of further offences, protection of evidence, or ensuring the accused's presence before the court. The police must record and justify the reasons for arrest in every case. Additionally, the Court held that the arrested person's relatives or friends must be informed promptly regarding the arrest and place of detention. It further emphasized that the constitutional guarantee of personal liberty under Article 21 requires strict judicial scrutiny of police actions affecting individual freedom.

Significance

The judgment introduced the important principle that the existence of legal authority to arrest does not automatically justify its exercise. By insisting upon necessity, reasonableness, and accountability, the Court substantially strengthened protection against arbitrary arrest and unlawful detention. The principles laid down in this case later influenced statutory safeguards incorporated into criminal procedural law, including the BNSS.

4. Prakash Singh v. Union of India

Facts-The petition was filed by former Prakash Singh and other police officials seeking comprehensive reforms in the policing system of India. The petition highlighted that political interference, lack of institutional independence, inadequate accountability mechanisms, and outdated administrative structures had severely affected the functioning of police organizations. It was argued that these systemic deficiencies encouraged abuse of power, arbitrary investigations, custodial violence, and violations of human rights.

Judgment

Recognizing the urgent need for institutional reform, the Supreme Court issued a series of binding directions applicable to all States and Union Territories. The Court directed the establishment of State Security Commissions to insulate police administration from political interference, constitution of Police Establishment Boards to regulate transfers and postings, provision of a fixed minimum tenure for senior police officers to ensure professional independence, creation of Police Complaints Authorities at the State and district levels to investigate allegations of police misconduct, and separation of investigation functions from law-and-order duties to improve professionalism and efficiency. These directions were intended to modernize policing while enhancing accountability and public confidence in law enforcement institutions.

Significance

The judgment is widely regarded as the most significant judicial intervention concerning police reforms in independent India. It recognized that human rights violations during criminal investigations are often rooted in institutional and structural deficiencies rather than isolated instances of misconduct. By advocating independent oversight, transparency, and professional autonomy, the Court sought to create a policing system consistent with democratic governance and constitutional values.

5. Paramvir Singh Saini v. Baljit Singh

Facts

The case came before the Supreme Court against the backdrop of recurring complaints of custodial torture, deaths in police custody, and widespread non-compliance with the safeguards previously laid down in *D.K. Basu* and other landmark judgments. Despite judicial directions, allegations of abuse during police interrogation continued to surface across the country. The Court therefore examined whether technological measures could strengthen transparency, improve evidence collection, and deter custodial violence.

Judgment

The Supreme Court directed all States, Union Territories, and central investigative agencies to install Closed-Circuit Television (CCTV) cameras equipped with audio and video recording facilities in every police station, interrogation room, lock-up, and other areas where detainees may be held. The Court further directed that recordings must be securely preserved for a specified period and made available whenever allegations of custodial abuse arise. It also required the establishment of independent oversight committees to monitor compliance, ensure maintenance of surveillance systems, and periodically review their functioning. These directions were intended to enhance transparency and create objective evidence regarding police conduct during investigations.

Significance

The judgment represents a significant advancement in the use of technology for protecting human rights during criminal investigations. By mandating continuous electronic surveillance in police stations, the Court introduced a preventive mechanism aimed at deterring custodial torture, strengthening accountability, and facilitating independent verification of allegations against law enforcement personnel. The decision complements earlier constitutional safeguards by integrating technological accountability into modern policing and reinforces the commitment to ensuring that criminal investigations respect the dignity, liberty, and fundamental rights of every individual.

VII. Important Case Studies

Case Study 1: Sathankulam custodial deaths

Background

The Sathankulam custodial deaths represent one of the most disturbing instances of police brutality in contemporary India. On 19 June 2020, **P. Jayaraj** and his son **J. Bennix**, residents of Sathankulam in Tamil Nadu, were arrested by the local police for allegedly violating COVID-19 lockdown regulations by keeping their mobile accessories shop open beyond permitted hours. What began as a minor alleged violation escalated into a tragic incident that exposed the persistent problem of custodial violence in India.

According to eyewitness accounts, family members, and subsequent investigations, both men were subjected to severe physical assault while in police custody. They were allegedly tortured throughout the night, denied timely medical care, and produced before a Magistrate without proper examination of their physical condition. Jayaraj died on 22 June 2020, and Bennix died a day later from injuries allegedly sustained during custodial torture.

Human Rights Violations

The case involved multiple violations of constitutional and human rights:

- Violation of the right to life under Article 21.
- Violation of protection against arbitrary arrest under Article 22.
- Non-compliance with the *D.K. Basu* arrest guidelines.
- Custodial torture amounting to cruel, inhuman, and degrading treatment.

- Failure to ensure proper medical examination.
- Denial of dignity while in police custody.

The incident also contravened international standards under the ICCPR and the UN Convention against Torture (UNCAT).

Judicial and Institutional Response

The Madras High Court took suo motu cognizance and monitored the investigation after serious allegations of police misconduct. The investigation was subsequently transferred to the Central Bureau of Investigation. Several police officials were arrested and charged with offences including murder, destruction of evidence, and criminal conspiracy.

Socio-Legal Significance

The Sathankulam incident became a symbol of systemic custodial violence and renewed nationwide debate on police reforms, accountability, and the urgent need to implement the *D.K. Basu* guidelines in practice rather than merely in principle. It also demonstrated that even minor offences can result in grave human rights violations when investigative powers are exercised without accountability.

Case Study 2: Vikas Dubey encounter

Background

In July 2020, gangster Vikas Dubey became the subject of nationwide attention after eight police personnel were killed during an attempted arrest in Kanpur. Following the incident, Dubey fled across several states before being arrested in Ujjain, Madhya Pradesh.

While being transported back to Uttar Pradesh, police claimed that the vehicle carrying him overturned during heavy rain. According to the police version, Dubey attempted to escape after snatching a firearm and was subsequently shot dead in an encounter.

Human Rights Issues

Although Dubey was accused of numerous serious offences, the incident raised fundamental constitutional questions:

- Right to life under Article 21.
- Right to fair investigation and fair trial.
- Presumption of innocence until conviction.
- Use of excessive force by law enforcement.
- Accountability in encounter killings.

The incident generated widespread public debate regarding "instant justice" and whether constitutional due process can be bypassed for notorious offenders.

Judicial Response

The Supreme Court appointed an inquiry commission headed by former Supreme Court Judge B. S. Chauhan to examine the encounter and broader issues relating to police encounters.

The Commission recommended improved accountability mechanisms, mandatory forensic investigation, use of body cameras, and strict adherence to the guidelines governing encounter deaths.

Socio-Legal Significance

The Vikas Dubey encounter illustrates the conflict between public demands for swift justice and constitutional guarantees of due process. The case highlights that the legitimacy of criminal justice depends not on eliminating accused persons but on securing convictions through lawful investigation and fair trial.

Case Study 3: 2020 Delhi riots investigation

Background

Communal violence erupted in North-East Delhi during February 2020, resulting in the deaths of over fifty people and injuries to hundreds of others. The riots caused extensive destruction of property and displacement of residents.

Subsequent police investigations led to numerous arrests under the Indian Penal Code, the Unlawful Activities (Prevention) Act (UAPA), and other criminal laws. Several activists, students, and community leaders alleged that investigations were selective and politically motivated.

Human Rights Concerns

Various concerns were raised regarding investigative practices:

- Alleged arbitrary arrests.
- Prolonged pre-trial detention.
- Allegations of coercive interrogation.
- Limited access to legal representation.
- Selective prosecution.
- Claims of biased investigation based on political or religious identity.

Human rights organizations questioned whether investigative agencies had acted impartially and consistently with constitutional guarantees.

Judicial Developments

Several High Courts and the Supreme Court considered bail applications, procedural challenges, and issues concerning prolonged incarceration. Courts repeatedly emphasized that criminal investigations must remain impartial and cannot be influenced by political considerations.

Socio-Legal Significance

The Delhi riots investigations illustrate the importance of impartial policing during communal conflict. Public confidence in the criminal justice system depends upon investigations that are independent, evidence-based, and free from political or communal bias.

Case Study 4: Bhima Koregaon case

Background

The Bhima Koregaon case originated after violence near Pune on 1 January 2018 during commemorative events marking the Battle of Bhima Koregaon. Investigative agencies subsequently arrested several lawyers, academics, writers, and human rights activists under the Unlawful Activities (Prevention) Act (UAPA), alleging links with banned organizations.

Many accused remained in custody for prolonged periods without commencement of trial.

Human Rights Issues

The case generated extensive debate concerning:

- Prolonged pre-trial detention.
- Right to speedy trial.
- Access to legal counsel.
- Fair investigation.
- Digital evidence and allegations of electronic evidence manipulation.

- Presumption of innocence.

Independent forensic analyses commissioned in related proceedings raised concerns regarding the integrity of certain electronic evidence, further intensifying debate over investigative practices.

Judicial Response

Various bail petitions reached the Supreme Court and High Courts. While courts differed on individual applications, they consistently recognized the need to balance national security with constitutional liberties. The case also renewed discussion regarding the stringent bail provisions under the UAPA.

Socio-Legal Significance

The Bhima Koregaon proceedings demonstrate the challenges of balancing national security investigations with protection of civil liberties. The case underscores that anti-terror investigations must remain subject to constitutional safeguards, judicial scrutiny, and evidentiary integrity.

Case Study 5: Hathras case

Background

In September 2020, a 19-year-old Dalit woman from Hathras, Uttar Pradesh, sustained severe injuries following an alleged gang rape. She later died while receiving treatment in Delhi.

The incident attracted nationwide attention not only because of the alleged sexual assault but also due to the manner in which the investigation was conducted.

During the night, local authorities cremated the victim's body without the consent or presence of her family, citing law-and-order concerns. The family's allegations regarding police conduct led to widespread criticism.

Human Rights Violations

The case involved several alleged violations:

- Violation of the victim's dignity after death.
- Failure to adequately protect the victim's family.
- Alleged procedural irregularities during investigation.
- Concerns regarding caste discrimination.
- Restrictions on media and public access.
- Questions regarding witness protection.

The incident raised constitutional issues concerning Articles 14, 21, and 17, together with the rights guaranteed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Judicial Response

The Allahabad High Court took suo motu cognizance of the late-night cremation and questioned State authorities regarding the manner in which the victim's dignity and the family's rights had been handled. The investigation was later transferred to the Central Bureau of Investigation.

Socio-Legal Significance

The Hathras case demonstrates how gender, caste, and socio-economic status intersect with criminal investigation. It illustrates that protecting human rights during investigation requires sensitivity towards vulnerable communities and respect for dignity at every stage of the criminal justice process.

Comparative Analysis of the Five Case Studies

Case	Primary Human Rights Issue	Constitutional Rights Affected	Key Lesson
8Sathankulam Custodial Deaths	Custodial torture and deaths	Articles 21 & 22	Strict implementation of <i>D.K. Basu</i> guidelines and independent investigation are essential.
Vikas Dubey Encounter	Extra-judicial killing	Article 21	Due process cannot be replaced by encounter justice, regardless of the gravity of allegations.
Delhi Riots Investigation	Alleged biased investigation	Articles 14, 21 & 22	Investigations must remain impartial, evidence-based, and free from political or communal influence.
Bhima Koregaon Case	Prolonged detent in and investigative fairness	Articles 21 & 22	National security investigations must still respect due process, evidentiary integrity, and the right to a speedy trial.
Hathras Case	Dignity, caste discrimination, and procedural lapses	Articles 14, 17 & 21	Victim dignity, equality, and sensitive investigation are integral to a rights-based criminal justice system.

These case studies collectively demonstrate that human rights violations during criminal investigations are not isolated incidents but reflect systemic challenges in policing, accountability, and implementation of constitutional safeguards. They also reinforce the need for structural reforms to ensure that the pursuit of justice is always consistent with the principles of dignity, fairness, equality, and the rule of law.

Patterns of Human Rights Violations During Criminal Investigation

1. Custodial Torture and Custodial Deaths

Custodial torture remains one of the most serious human rights violations during criminal investigations in India. Police often resort to physical assault, psychological abuse, sleep deprivation, threats, and other coercive methods to extract confessions or obtain information, despite constitutional and statutory safeguards prohibiting such practices. In many cases, torture results in permanent injuries or custodial deaths, violating Articles 20(3), 21, and 22 of the Constitution. Landmark decisions such as *D.K. Basu v. State of West Bengal* and *Nilabati Behera v. State of Orissa* recognize custodial torture as an assault on human dignity and emphasize the State's duty to ensure accountability and compensation.

2. Illegal Arrest and Arbitrary Detention

Arbitrary arrest and unlawful detention continue to be common investigative abuses. Individuals are sometimes detained without sufficient evidence, proper documentation, or compliance with legal procedures such as informing family members, providing grounds of arrest, or producing the accused before a Magistrate within 24 hours. Such practices undermine the constitutional guarantee of personal liberty under Articles 21 and 22 and violate the principles laid down by the Supreme Court in *Joginder Kumar v. State of Uttar Pradesh*, which held that arrest should be based on necessity rather than routine police discretion.

3. Coerced Confessions and Fabrication of Evidence

Investigators may rely on coercive interrogation, intimidation, or threats to obtain confessions instead of collecting scientific and forensic evidence. In some instances, false statements are recorded, witnesses are pressured, or documentary evidence is manipulated to strengthen the prosecution's case. These practices compromise the fairness of criminal investigations and increase the risk of wrongful convictions. The Bharatiya Sakshya Adhiniyam, 2023 continues the principle that confessions obtained through coercion or made to police officers are generally inadmissible, reinforcing the need for evidence-based investigations.

4. Encounter Killings and Excessive Use of Force

Encounter killings, often justified as acts of self-defence or attempts by accused persons to escape, have generated significant human rights concerns. While the police have the authority to use reasonable force when necessary, the use of lethal force without judicial scrutiny raises questions about the right to life under Article 21 and the rule of law. The *Vikas Dubey* encounter reignited the debate over whether public support for "instant justice" can justify departures from due process. Such incidents highlight the need for independent investigations and strict adherence to legal standards governing police use of force.

5. Denial of Legal Aid and Fair Procedure

Access to legal representation is a fundamental safeguard against arbitrary state action, yet many arrested persons—particularly those from economically weaker sections—are denied timely legal assistance during the investigation stage. Delays in providing legal aid increase the risk of coercive interrogation, involuntary statements, and procedural violations. Article 39A of the Constitution and judicial decisions recognize legal aid as an integral component of the right to a fair procedure under Article 21.

6. Discriminatory and Biased Investigations

Criminal investigations may be influenced by caste, religion, gender, ethnicity, or political considerations, resulting in selective arrests, unequal treatment, and biased collection of evidence. Marginalized communities, including Scheduled Castes, Scheduled Tribes, religious minorities, women, and migrant workers, are often more vulnerable to investigative abuse. Such discriminatory practices violate Articles 14, 15, and 21 of the Constitution and undermine public confidence in the impartiality of the criminal justice system.

7. Delay in Investigation and Prolonged Pre-Trial Detention

Unreasonable delays in completing investigations frequently result in prolonged detention of accused persons without trial, affecting their liberty, livelihood, and reputation. Delayed investigations also weaken the quality of evidence and reduce the likelihood of a fair trial. The Supreme Court has consistently held that the right to a speedy investigation and trial forms an essential part of the right to life and personal liberty under Article 21.

8. Violation of Privacy and Human Dignity

Modern investigative techniques, including electronic surveillance, unauthorized disclosure of personal information, public parading of accused persons, and intrusive media exposure, can infringe the right to privacy and dignity. Investigative authorities must balance the need for effective policing with the constitutional obligation to respect individual rights. Following the recognition of privacy as a fundamental right, investigative practices must satisfy the tests of legality, necessity, and proportionality.

9. Non-Compliance with Judicial Guidelines

Despite clear directions issued by the Supreme Court in cases such as *D.K. Basu*, *Prakash Singh*, and *Paramvir Singh Saini*, many police stations continue to disregard mandatory safeguards relating to arrest memos, medical examinations, CCTV surveillance, maintenance of custody records, and communication with family members. The persistent failure to implement these judicial guidelines reflects institutional weaknesses and contributes significantly to recurring human rights violations during criminal investigations.

10. Institutional Impunity and Lack of Accountability

A recurring pattern underlying many human rights violations is the lack of effective accountability for police misconduct. Departmental inquiries are often delayed, independent oversight mechanisms remain weak, and convictions of police personnel in cases of custodial violence are rare. This culture of impunity discourages victims from seeking justice and perpetuates unlawful investigative practices. Strengthening independent Police Complaints Authorities, ensuring transparent investigations, and enforcing judicial directions are essential for restoring public confidence in the criminal justice system.

VIII. Findings

Strong legal safeguards but weak implementation: India has extensive constitutional protections under Articles 20, 21, and 22, along with statutory safeguards under the BNSS, 2023, yet compliance at the investigation stage remains inconsistent.

Custodial violence persists despite judicial guidelines: The recurring instances of torture, illegal detention, and custodial deaths indicate that landmark judgments such as D.K. Basu are not uniformly implemented.

Police accountability mechanisms remain inadequate: Departmental inquiries often lack independence, and convictions of police personnel for custodial violence are rare, fostering a culture of impunity.

Marginalized communities are disproportionately affected: Persons from economically weaker sections, Scheduled Castes, Scheduled Tribes, religious minorities, and other vulnerable groups face a greater risk of arbitrary arrest, coercive interrogation, and denial of legal safeguards.

The BNSS, 2023 introduces promising procedural reforms, but institutional change is essential: Measures such as digital documentation, videography, and greater use of forensic techniques can improve transparency. However, without independent oversight, regular human rights training, effective legal aid, and strict enforcement of judicial directions, these reforms alone are unlikely to eliminate human rights violations during criminal investigations.

IX. Conclusion

Criminal investigation is the first and one of the most important stages of the criminal justice system. It plays a vital role in ensuring that justice is delivered. However, it is also the stage where individuals are most vulnerable to violations of their fundamental rights. This study shows that although India has strong constitutional protections under Articles 20, 21, and 22 of the Constitution, along with legal safeguards provided under the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) and the Bharatiya Sakshya Adhiniyam, 2023 (BSA), human rights violations during criminal investigations continue to occur. Cases of custodial torture, illegal detention, forced confessions, encounter killings, denial of legal assistance, and unfair investigation practices demonstrate that there is still a wide gap between legal provisions and their actual implementation.

The study of important judicial decisions such as D.K. Basu v. State of West Bengal, Nilabati Behera v. State of Orissa, Joginder Kumar v. State of Uttar Pradesh, Prakash Singh v. Union of India, and Paramvir Singh Saini v. Baljit Singh shows that the judiciary has consistently worked to strengthen procedural safeguards and improve police accountability. However, continued reports of custodial violence and the low rate of action against officials responsible for such violations indicate that judicial guidelines alone are not sufficient. Effective implementation, independent monitoring, and strong political will are essential to bring meaningful change.

The introduction of the BNSS, 2023 is an important step towards improving the criminal investigation process. Its provisions relating to technology, digital records, videography, and forensic investigation have the potential to make investigations more transparent and reliable. However, these legal reforms will be effective only if they are supported by institutional reforms. These include establishing independent Police Complaints Authorities, ensuring strict compliance with arrest and detention procedures, promoting scientific methods of investigation, providing regular human rights training to police officers, guaranteeing legal aid from the earliest stage of custody, and taking strict action against officials who violate the law.

The research also finds that human rights violations during criminal investigations affect vulnerable sections of society more severely. People belonging to economically weaker sections, Scheduled Castes, Scheduled Tribes, religious minorities, women, migrant workers, and undertrial prisoners are more likely to face abuse and discrimination during the investigation process. This highlights the need for a criminal justice system that is more inclusive, fair, and sensitive to the needs of victims and marginalized communities.

The effectiveness of a criminal justice system should not be judged only by the number of convictions or the speed of investigations. It should also be measured by whether investigations are conducted fairly, transparently, and in accordance with constitutional values and human rights principles. Justice achieved through torture, coercion, or illegal procedures cannot be considered true justice in a democratic society. Therefore, India must move beyond having legal safeguards on paper and ensure that they are effectively implemented in practice. A rights-based approach to criminal investigation, supported by constitutional values, institutional accountability, and international human rights standards, is essential to protect individual dignity while ensuring effective law enforcement and the fair administration of justice.

References

Books

- [1] Jain, M. P. (2024). *Indian constitutional law* (9th ed.). LexisNexis.
- [2] Pillai, K. N. Chandrasekharan. (2023). *R. V. Kelkar's criminal procedure* (8th ed.). Eastern Book Company.
- [3] Ratanlal, & Dhirajlal. (2024). *The Bharatiya Nagarik Suraksha Sanhita, 2023*. LexisNexis.
- [4] Shukla, V. N. (2023). *Constitution of India* (14th ed.). Eastern Book Company.
- [5] Vibhute, K. I., & Kulshreshtha, V. D. (2021). *Criminal justice: A human rights perspective*. Eastern Book Company.

Journal Articles

- [6] Atchaya, P., & Gowreenath, C. A. (2025). *A study on constitutional safeguards against custodial violence in India*. *Indian Journal of Law and Legal Research*.
- [7] Balagopal, K. (1998). Custodial violence and democratic rights. *Economic and Political Weekly*.
- [8] Bandyopadhyay, A. (2025). A constitutional appraisal of the legal framework on custodial violence in India. *International Journal of Law Management & Humanities*.
- [9] Baxi, U. (1982). Human rights, accountability and the criminal justice system. *Journal of the Indian Law Institute*.
- [10] Dhanda, A. (2003). Criminal justice and human rights in India. *Indian Journal of Constitutional Law*.

- [11] Gupta, A. (2020). Making the invisible visible: Custodial violence and the civil liberties-democratic rights movement in India. *International Journal of Law, Crime and Justice*, 62, 100375.
- [12] Muralidhar, S. (2008). Human rights and criminal justice administration. *Journal of the Indian Law Institute*.
- [13] Sharma, T. (2025). Protection against custodial violence in India: A comparative analysis of the Code of Criminal Procedure, 1973 and Bharatiya Nagarik Suraksha Sanhita, 2023. *Indian Journal of Law and Legal Research*.
- [14] Surendranath, A. (2015). Police reforms and constitutional governance. *National Law School Journal*.

Government Reports

- [15] Law Commission of India. (2003). *177th report on law relating to arrest*. Government of India.
- [16] Law Commission of India. (2017). *273rd report: Implementation of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Government of India.
- [17] Law Commission of India. (2018). *277th report: Wrongful prosecution (Miscarriage of justice): Legal remedies*. Government of India.
- [18] Ministry of Home Affairs. (2003). *Committee on reforms of criminal justice system (Malimath Committee Report)*. Government of India.
- [19] Police Research and Development Bureau. (n.d.). *Model police manual*. Ministry of Home Affairs, Government of India.
- [20] Second Administrative Reforms Commission. (2007). *Public order (Fifth Report)*. Government of India.

International Documents

- [21] United Nations. (2015). *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)*. United Nations.