

## Violence Behind Bars: Analysing Human Rights Issues in Custodial Settings

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### ABSTRACT

*“Jails and prisons are designed to break human beings, to convert the population into specimens in a zoo - obedient to our keepers, but dangerous to each other.”<sup>1</sup>*

*-Angela Davis*

Custodial violence is becoming one of the most serious human rights violations in India. Today, such aggression against the body affects not just criminals, but also economically, socially, and educationally disadvantaged members of society. Unfortunately, this has become commonplace and is now part of the routine. These actions only produce temporary discomfort in the minds of the public, forcing the government to deal with a widespread public outcry.

In general, human rights are those that are fundamental to who we are as people and without which we cannot exist. One of the biggest democracies in the world, India, has always respected human rights. The Indian government's commitment to upholding human rights both domestically and internationally is demonstrated by the inclusion of the concept of these rights in the Constitution and its subsequent recognition of them through its ratification of the International Covenant on Economic, Social, and Cultural Rights. Whether in South Africa, Palestine, or elsewhere, the Indian government has always taken the lead in advocating for human rights whenever they are violated.

The present study is an attempt to answer the research question that whether custodial violence in India is an unavoidable consequence of the and the protections provided by international and national instruments, and, lastly, to evaluate the judiciary's function in respect to protection of human rights in custodial violence.

**Keywords:** Custodial violence, Human Rights, Criminal Justice, India

### 1. INTRODUCTION

Initially, man had an isolated, impoverished, brutish, and brief existence. Man desired to transcend his natural state, hence state and sovereignty were founded.<sup>2</sup> Establishing a sovereign is crucial for maintaining law and order and upholding the rule of law, which promotes good governance, social peace, and fairness.<sup>3</sup> The police agency plays a crucial role in maintaining law and order in the state.<sup>4</sup> However, some police officers abuse their authority and commit crimes against those they are responsible for protecting under the law.<sup>5</sup>

Custodial violence remains a serious concern in modern India. Torture, custodial deaths, and sexual abuse by law enforcement officers continue to be documented nationwide. Inadequate monitoring and accountability exacerbate the issue. These violations not only violate human rights, but also harm public trust in law enforcement.<sup>6</sup> Throughout history, repressive methods such as torture, abuse, and extrajudicial killings have been employed to suppress dissent and control populations. Legal measures and awareness efforts have been implemented to reduce custodial violence. More extensive efforts are needed to completely eliminate this threat and hold those responsible accountable.

<sup>1</sup> See Angela Davis, *Angela Davis: An Autobiography* (Random House 1974).

<sup>2</sup> Thomas Hobbes, *Leviathan* (1660).

<sup>3</sup> Nik Ahmad Kamal and Nik Mahmud, *Good Governance and the Rule of Law* (The First International Conference on Law, Business and Government 2013).

<sup>4</sup> Balbir Kumar, “Role of Information and Communication Technology in Indian Police” 1(2) *Gyan Jyoti E-Journal* (2012).

<sup>5</sup> Tom Barker, *Police Crisis: Crisis In Law Enforcement* (Charles C. Thomas Publisher, 3<sup>rd</sup> ed., 1996).

<sup>6</sup> Huma Khan and Mirza Juned Beg, “Rights of Women Prisoner in India” 40 (28) *Satraachee* 335-339 (2023).

Article 5 of the Universal Declaration of Human Rights, established December 10, 1948, states that no one shall be tortured or subjected to cruel, barbaric, or degrading treatment or punishment. In 1966, the International Covenant on Civil and Political Rights established a treaty responsibility for nations to ensure that no one is subjected to torture, cruel, brutal, or degrading treatment or punishment (Article 7). Individuals should not be subjected to medical or scientific experiments without their full permission.

The legal framework surrounding custodial violence in India is primarily governed by the Constitution and various legislations. The Constitution guarantees the right to life and personal liberty, which encompasses protection against custodial violence. Additionally, the Bharatiya Nagarik Suraksha Sanhita, 2023; Bharatiya Nyaya Sanhita, 2023; Bharatiya Sakshya Adhiniyam, 2023; The Model Prisons Act, 2023; Protection of Human Rights Act, 1993 and Indian Police Act, 1861, etc., establishes guidelines for arrests, detention, and interrogation procedures to prevent abuse in custody.

## 2. MEANING AND KEY CONCEPTS

Custodial Violence denotes the “*commission of a crime against the accused while they are under the custody of a public official.*”<sup>7</sup> Misconduct by public personnel in law enforcement is a serious issue.<sup>8</sup> Such actions undermine public trust in the legal system and obstruct justice delivery. In India, police brutality is often seen as a function of law enforcement, rather than a major issue.<sup>9</sup> The public often tolerates police abuse. This act of violence performed by police officers poses a threat not only to the rule of law and an individual’s human rights, but it also threatens the fundamental foundation of democracy in a country where the Constitution is supreme. The police, as an extension of the government, have an obligation to uphold the law. Illegal torture of detainees contradicts law enforcement agencies’ efforts to maintain law and order. After all, under India’s democratic system, no one is above the law.<sup>10</sup>

## 3. PRISONER MISTREATMENT: AN EXPLORATION OF HUMAN RIGHTS VIOLATIONS

Torture and ill-treatment are common forms of bad conduct in today’s world. To expedite the investigation and gain confessions, investigating authorities may use inhumane methods. Victims may be forced to do things that contradict their beliefs, religion, or self-esteem when the situation worsens. Victims are subjected to harsh interrogations and humane treatment to obtain false confessions. Maltreatment during questioning or against prisoners is a violation of human rights.<sup>11</sup>

Custodial violence is a widespread problem in India, manifesting itself in a variety of distressing ways. Police often use harsh tactics, such as slapping or beating someone, to preserve law and order. Prison violence is a leading cause of death, exacerbated by overcrowding, starvation, unsanitary conditions, and poor medical care.<sup>12</sup> The term “*custodial violence*” refers to multiple sorts of maltreatment. This includes:

- Death in detention, often known as custodial death.
- Arrest without cause and unlawful detention, often known as groundless arrest and illegal detention.
- Harassment and unwarranted violence.
- Rape while in captivity, often known as Custodial Rape.

Torture is defined as any demonstration in which extreme physical or mental suffering is intentionally endured in order to obtain information from the subject or a third party, to reject the subject for a demonstration that the subject or a third party has committed or is believed to have committed, to undermine or constrain the subject or to put pressure on a third party, or under any other circumstance in light of the separation of any kind, where the suffering or enduring is caused by or at the prompting of, or with assent or endorsement of a public authority or another individual acting in an authority limit.<sup>13</sup> It does not include suffering or experiences that arise solely, naturally, or coincidentally, as legitimate consents. Human poise should be condemned for undermining the principles outlined in the UN Charter and ignoring the fundamental rights and liberties enshrined in the Universal Declaration of Human Rights as well as other international agreements pertaining to human rights.<sup>14</sup> Because of how they were obtained and the fact that they are not a trustworthy source of evidence, the “products” of torture, or confessions, are typically not admissible in court. The following types of torture are practiced in custody:

<sup>7</sup> Law Commission, Custodial Crimes (Law Com No 152, 1994).

<sup>8</sup> National Human Rights Commission, Annual Report 39 (2016).

<sup>9</sup> Alden D’ Souza, “Judicial Approach and Reformation in The Law Regarding Custodial Violence in India” II(II) *Indian Journal of Integrated Research in Law* 1305-1313 (2022).

<sup>10</sup> Ujjwal Singh, “Custodial Violence in Modern India” 1 (1) *ILE JLP* 14-20 (2023).

<sup>11</sup> Huma Khan and Mirza Juned Beg, “Doctrine of Police State and its impact on Democratic Norms: A Human Rights Concern” III (IV) *Indian Journal of Integrated Research in Law* (2023).

<sup>12</sup> R.S. Saini, “Custodial Torture In Law And Practice With Reference To India” 36 *Journal of Indian Law Institute* 167, 166-192 (1994).

<sup>13</sup> See Mirza Juned Beg and Samrah Fatima, “National Regime for Protection of Child from Sexual Abuse: An Analytical Study of Present Rules and Laws” XXIV *Journal of Philosophy* 50-54 (2023).

<sup>14</sup> Mirza Juned Beg and Sufiyan Khan, “Human Rights of Refugee & Migrant Women: National & International Perspectives” XXV 3(IV) *Journal of Education* 63-66 (2022).

- Barbaric or Inhumane Treatment
- Third degree method
- Torture and death in police custody
- Alleged suicide in custody

For a while now, the human brain has been capable of creating brand-new, horrifying ways to reject assertive criminals and anyone else who was unlucky enough to be in the wrong place at the wrong time. There are following techniques of torture which includes, Physical torture; Psychological torture; Medical torture; Pharmacological torture; Beatings and kicks; Torsion and overstretching; Standing for a long time; Squatting for a long time; Electric shocks; Burning and scalding; Hunger, thirst and lack of sleep; Rape and sexual violence; Isolation; Stabs and lacerations; Psychiatric abuse and Refusal of adequate medical care, etc.

India is the strongest advocate for human rights in the Third World and has made the most sincere attempts to defend and advance human rights worldwide. the influence of the Universal Declaration of Human Rights on the composition of Part III and Part IV of the Indian Constitution's Human Rights Chapters. However, the reality is that there is a significant gap between theory and practice. Preaching does not always translate into practice, including in India. Denying fundamental freedoms and human rights by states leads to social and political turmoil. It promotes violence and conflict inside and between civilizations and nations. Police atrocities are a typical element of the Indian landscape. Human rights breaches include torture of arrestees, disappearance of suspects in police custody, deaths in fake encounters, and long-term detention without trial. There is widespread violence against women, female bondage and prostitution, trafficking, child prostitution, infanticide, discrimination against indigenous people and scheduled castes and tribes, and exploitation of indentured, bonded, and child labor. Current laws, such as the Terrorist and Disruptive Activities Prevention Act, National Security Act, and Armed Forces Special Powers Act, require further review. Laws like these undermine human rights.<sup>15</sup>

The Indian government has routinely prohibited independent human rights organizations from examining torture allegations in the country. Amnesty International, Human Rights Watch-Asia, the International Red Cross, the British Parliamentary Human Rights Group, and UN Human Rights Rapporteurs are among the organizations that have urged India to grant access under the International Covenant on Civil and Political Rights. Moreover, it has continuously disputed many of the charges that it permits torture, and has unconvincingly maintained that all those found to have practiced torture have been promptly and adequately punished.

#### 4. EXPLORING CUSTODIAL ABUSE: AN ANALYSIS OF EXISTING LEGAL FRAMEWORK

Custodial violence, a blasphemy against India's criminal justice system, should be studied within its statutory framework. This paper examines the complex legal system governing custodial violence in India. This analysis examines the legal framework for custodial violence, including constitutional provisions, Indian legislation, international conventions, commission reports, NHRC guidelines, and judicial decisions<sup>16</sup>. This inquiry attempts to examine the legal structures in place to address violence against inmates, including their effectiveness and flaws.

The analysis will cover provisions from the Indian Constitution of 1950, Bharatiya Nyaya Sanhita, the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023. As we embark on this journey, we will analyze the constitutional framework that can prevent such transgressions. In addition, we analyze India's legal system to identify statutes that protect individuals from abuse while in custody. We examine international conventions such as the 1984 Convention against Torture, NHRC guidelines, Law Commission reports, and judicial precedents related to custodial abuse.

#### 5. CONSTITUTIONAL MEASURES PERTAINING TO CUSTODIAL VIOLENCE

The Indian Constitution envisions dignity for every individual in the country. The Preamble, Fundamental Rights, and Directive Principles of State Policy defend the human rights of all individuals. The preamble emphasizes the importance of social, economic, and political fairness, as well as individual dignity. Part III of the Indian Constitution includes Article 21, which guarantees the right to life and personal liberty. The interpretation in *Maneka Gandhi v. Union of India*<sup>17</sup>, enlarged Article 21 to encompass the right to live with dignity. In *Sunil Batra (II) v. Delhi Administration*<sup>18</sup>, court stated that handcuffs and irons violate human dignity. In *Kadra Pahadia v. State of Bihar*<sup>19</sup>, Apex court upheld the right to a prompt trial under Article 21. The right to life now encompasses the right to live with dignity, including the right to be free from torture by governmental officials. Article 14 assures equality for both accused and convicted individuals. Article 20(1)

<sup>15</sup> Jitendra Mishra, "Custodial Atrocities, Human Rights and the Judiciary" 47 (4) *Journal of the Indian Law Institute* 508-521 (2005).

<sup>16</sup> Mirza Juned Beg, "Right to Privacy is an Integral Part of Right to Life and Personal Liberty" XV *Legal Desire International Journal on Law* 2347-3525 (2018).

<sup>17</sup> AIR 1978 SC 597.

<sup>18</sup> AIR 1980 SC 1579.

<sup>19</sup> AIR 1997 SC 3750.

forbids conviction under ex post facto laws.

Article 20(2) prohibits double jeopardy. Article 20(3) bans both self-incrimination and torture.

Furthermore, Articles 22(1) and 22(2) seek to prevent misuse of power during arrest. According to Article 22(1), the accused shall be notified of the circumstances for their arrest and have the right to consult with a legal practitioner. In *A.K. Gopalan v. State of Madras*<sup>20</sup>, the court ruled that the right to counsel is a statutory safeguard that cannot be weakened through legislation.

The Indian Constitution lacks precise and enforceable provisions that address custodial violence and torture. Article 21 guarantees the right to life, personal liberty, and human dignity, but does not specifically address custodial assault or torture. Article 20(3) protects against self-incrimination, but does not include all forms of torture and ill-treatment during questioning or incarceration. Article 22 establishes procedural safeguards for arrest and imprisonment, but does not address preventing custodial assault or providing remedies for victims. To eliminate custodial abuse, ensure accountability, and provide appropriate remedies for victims, comprehensive legal measures must be implemented under the Indian Constitution.<sup>21</sup>

Statutory provisions aim to protect accused individuals' rights and prevent torture, in addition to constitutional provisions. These safeguards shield the accused and prevent custodial violence.

### **Bharatiya Nagarik Suraksha Sanhita, 2023**

The Bharatiya Nagarik Suraksha Sanhita prohibits arbitrary arrest and imprisonment, and provides compensation for victims of custodial mistreatment.

### **Bharatiya Nyaya Sanhita, 2023**

Section 196 of the BNS penalizes public servants who knowingly disregard the law and cause injury to others with up to one year in prison, a fine, or both. Section 199 penalizes public servants who manufacture fake documents to damage others.

Section 256 of the BNS (Section 220 of IPC) penalizes those in positions of power who willfully violate the law with up to 7 years in prison and/or fines. In *D. K. Basu v. State of West Bengal*<sup>22</sup> and *Ashok K. Jauhari v. State of West Bengal*<sup>23</sup>, the court clarified that this clause protects against police misuse of authority. Detaining someone on suspicion of an offense is illegal, even if done by legitimate authorities. This action constitutes a criminal offense under Section 256, indicating malice.<sup>24</sup>

Sections 118 of the BNS (Section 330 & 331 of IPC) penalize custodial violence, including intentional damage committed to obtain confessions or information. This provision protects the right against self-incrimination under Article 20(3) of the Constitution.<sup>25</sup> In *Public Prosecutor v. Sheikh Ibrahim*<sup>26</sup>, the Andhra Pradesh High Court condemned police officials of torturing a suspect to death for information. Similarly, in *Kashmeri Devi v. Delhi Administration*<sup>27</sup>, the court denounced custodial violence and its impact on public trust in law enforcement.

Section 125(8) of the BNS addresses unjust detention and improper constraint. Wrongful confinement, which restricts someone from moving beyond a specified border, is punishable by up to one year in prison or a fine which may extend to five thousand rupees, or with both.<sup>28</sup> This Section punishes unjust confinement for extracting a confession or information with up to three years in jail. Provision 64 (2) protects victims of crimes such as custodial rape. It applies to any woman in the custody of specific officials who may be charged under this provision. Sections 68 of the BNS apply to offenses such as having sexual relations with a woman in custody by a public employee, jail or remand home superintendent, or hospital staff member who has contact with an inmate.

In *Sheela Barse v. State of Maharashtra*<sup>12</sup>, this case provides guidelines specially for arrested women and also regarding the rights of arrested person. The court state that it is duty of magistrate to inform their rights to all arrested person.

Excessive or disproportionate use of lethal force by police personnel can result in avoidable deaths and abuses of individuals' rights. Misuse includes justifying extrajudicial executions or encounters, which undermines the rule of law and public trust. The lack of accountability measures encourages officers to engage in misbehavior. Additionally, deficiencies in the BNS relating custodial violence require stricter punishments and clearer definitions to prevent evasion of accountability. Prosecuting cases of custodial violence is hindered by insufficient evidence gathering and underreporting due to inadequate

<sup>20</sup> AIR 1950 SC 27.

<sup>21</sup> A.G. Noorani, "Access to Prisons and Custodial Torture" 40 *Economic and Political Weekly* 4497, 4497-4498 (2005).

<sup>22</sup> (1997) 6 SCC 642.

<sup>23</sup> AIR 1997 SC 610.

<sup>24</sup> *Afzalaur Rahman v. Emperor*, AIR 1943 FC 18.

<sup>25</sup> *Nandani Satpathy v. P.L. Dani*, AIR 1978 SC 1025

<sup>26</sup> AIR 1964 AP 548.

<sup>27</sup> AIR 1988 SC 1323.

<sup>28</sup> Section 125 (2) of BNS.

surveillance. Clear and consistent application of lethal force provisions is crucial to prevent abuses of human rights and unnecessary deaths. To address these concerns, legal reforms, greater training and oversight for law enforcement, and improved monitoring and reporting mechanisms are necessary to ensure accountability and justice for victims.

### **Bharatiya Sakshya Adhiniyam, 2023**

Confession is when a person accused of a crime admits or implies they committed it. Sections 15-24 of the Bharatiya Sakshya Adhiniyam, 2023 outline the provisions for confession. Section 22 states that a confession acquired by a person in a position of authority by duress or threats to protect the accused is not relevant in a criminal proceeding. Section 23 makes admissions to police personnel inadmissible as evidence. The law tries to prevent authorities from using coercion and torture to extract confessions.

### **The Model Prisons Act, 2023**

It focuses on gang violence, security evaluations, and rehabilitation of prisoners. The legislation includes measures for isolating convicts who pose a threat to themselves, establishing grievance redressal systems, and forming a Prison Development Board for oversight. The statute specifies gender-specific accommodations, incorporates technologies such as video conferencing and electronic surveillance, and establishes several sorts of jails. Legal assistance and benefits, such as parole and early release, are available to eligible prisoners. While the act acts as a guideline, it is not legally binding on the states. The major goal is to reintegrate convicts into society and promote a humane prison environment.<sup>29</sup>

According to Indian law, a magistrate is responsible for investigating any death that happens while a person is in custody.<sup>30</sup> After filing a First Information Report (FIR), a police station or agency other than the accused is responsible for investigating the deceased. All deaths in prison must be reported to the National Human Rights Commission (NHRC). The police must provide the NHRC with both the post-mortem report and the results of the magistrate's inquiry. NHRC regulations require autopsies to be recorded on camera and reports to follow a template format.

If a police officer commits custodial violence against a Scheduled Caste or Scheduled Tribe, a case can be filed against them under Section 3 of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989. Section 3 of the SC ST Act punishes atrocities against Scheduled Castes and Scheduled Tribes. Section 3 (2) (vii) states that public personnel who commit atrocities risk a minimum term of one year in jail, which can be increased to the maximum punishment for the offense (201). Section 4 penalizes public servants who knowingly disregard their duties, with penalties ranging from six months to one year.<sup>31</sup>

### **Protection of Human Rights Act, 1993**

Parliament passed this Act in response to the call from both domestic and foreign citizens for legal protection of human rights. An effective and efficient approach to addressing this issue is required due to the evolving needs of society and the nature of crime, which delivers justice through increased accountability and transparency.<sup>32</sup>

### **The National Commission for Human Rights**

The National Human Rights Commission, New Delhi, 2000, has guidelines for pre-arrest, during arrest, and after arrest. It also offers assistance in enforcing these guidelines. All states were asked to abide by the National Human Rights Commission's recommendations.

### **Indian Police Act, 1861**

According to Sections 7 and 29, police officers who are negligent or unsuitable to fulfill their duties may face dismissal, punishment, or suspension. This occurs when police officers violate constitutional and legislative provisions.

## **6. GLOBAL STANDARDS FOR CUSTODIAL TREATMENT**

Several international declarations, conventions, and policies address the rights of prisoners and those detained. In 1945, India and 50 other states ratified the United States Charter on Human Rights, which established the United Nations. The United Nations has developed various technologies and refined their prototypes. To analyze custodial violence, major international works include the Universal Declaration of Human Rights (1948), the European Convention of Human Rights and Fundamental Freedom, and the Declaration on the Prevention of Torture. These instruments form an international human rights mechanism that addresses custodial violence.<sup>33</sup>

Universal Declaration of Human Rights, 1948, this document outlines the human rights specified in the draft and establishes

<sup>29</sup> Since, it is Entry 4, List II of the Indian Constitution, the Union Government has no authority in this matter.

<sup>30</sup> BNSS, s. 196.

<sup>31</sup> Section 3 (2) (vii) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

<sup>32</sup> See Udai Yashvir Singh and Smita Singh, "Right to Compensation for Wrongful Prosecution, Incarceration, and Conviction: A Necessity of the Contemporary Indian Socio-Legal Framework", 4(2) *IJLMH* 452-454 (2021).

<sup>33</sup> J.S. Bisht, "Custodial Torture: An Invasion to Right to Life" XXX (2&3) *Indian Bar Review* 343 (2003).



the framework for the International Bill of Human Rights.

Articles 1, 3, 5, 6, 7, 10, and 11 of the Universal Declaration establish fundamental rights that are vital to the United Nations charter.

- Article 1 states that all humans are born with equal dignity and rights.
- Article 3 states that everyone has the right to liberty, life, and security of person.
- Article 5: Everyone has the right to be free from torture, cruelty, inhumanity, ill-treatment, or punishment.
- Article 6: Everyone has the right to be recognized as a person before the law.
- Article 9 states that everyone has the right to be free of arbitrary arrest, detention, or exile.
- Article 10 states that everyone has the right to a fair, public, and impartial trial, as well as a guarantee for their defense.
- Article 11 states that everyone has the right to be treated as innocent until proven guilty, and that no punishment should be imposed for acts or omissions that do not constitute an offense at the time. Heavy penalties should only be imposed when an offense occurs.

The European Convention of Human Rights and Fundamental Freedoms, established in 1950, offers both international protection and mechanisms for monitoring and enforcement. According to Article 2 of the 1975 Declaration on Protection from Torture, any act of torture, inhumanity, ill-treatment, or punishment is an offense against human dignity and violates the Universal Declaration of Human Rights. Article 3 of the Declaration stated that no State permits torture, cruelty, ill-treatment of humans, inhumanity, or punishment. Torture, inhumanity, and cruelty may be justifiable in some circumstances, such as war, danger of war, political instability, or public emergency.

The American Convention on Human Rights (1969) and the International Covenant on Civil and Political Rights (ICCPR) (1966) remain applicable during emergencies. In 1975, the Fifth United Nations Congress in Geneva recommended adopting a Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, as well as developing an international code for law enforcement officials' conduct. As a result, on December 9, 1975, General Assembly resolution 3452 (XXX) was passed, establishing the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Standard Minimum Rules for the Treatment of Prisoners, 1955 stated that Standard Minimum Rules for Treatment of Prisoners were first adopted by the United Nations Congress in 1955 to address crime prevention and offender treatment. There is no discrimination based on sex, color, gender, religion, political opinion, national or social origin, property, birth, or rank among prisoners. Prison authorities prioritize respecting the religious beliefs of detainees.

## 7. CONCLUSION

Custodial violence and torment are regular occurrences that require regulation. In today's world, it is common practice for police, administration, and the general public to underestimate the importance of basic tasks. News about custodial anguish, whether it fades over time or a person is free from charges owing to political freedom. Custodial offenses violate human rights, and confessions are generally not legally enforceable. Policing and human rights are strongly intertwined. Policing is one way the state protects fundamental human rights such as life, liberty, and security. Effective law enforcement allows individuals to fully exercise their civil, political, social, and economic rights. However, ineffective and illegal police can violate fundamental rights. Human rights are often perceived as both protected by the law and threatened by law enforcement. Custodial atrocities, a global phenomenon, cannot be condoned in a democratic society based on the 'rule of law.' Legal responsibility to defend human rights and avoid crimes exist at both national and international levels.

Effective custodial violence management is crucial for the overall jail management program, enabling authorities to perform their duty despite hurdles. To combat custodial violence and protect human rights, comprehensive legal reforms and international cooperation are crucial, both in India and globally. The Indian Constitution protects fundamental rights like life, liberty, and self-incrimination, but does not explicitly address custodial violence. This highlights the need for tailored legislation to address custodial violence, ensure accountability, and provide effective remedies for victims. Despite existing legislation such as the BNSS and the BNS containing provisions aimed at preventing custodial violence, notable gaps and challenges remain, including inadequate enforcement mechanisms and the potential for abuse of legal provisions.